



An
Bord
Pleanála

Inspector's Report ABP-309832-21

Development	Construction of a part two-storey/ part single storey, three bedroom, detached house. Removal of two trees and the provision of a new 3.5 m wide vehicular entrance to Ashfield Park. All associated site and landscaping works.
Location	Galini, Stone House, Dublin 4.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D20A/0852
Applicant(s)	Ted & Celine Marah
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Michael Reidy Julie Anderson

Date of Site Inspection

19th May 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises part of the private amenity space of 'Galini', no. 7 Stone House, Dublin 4, the site is located to the north western side of the existing house. Stone House is a short cul-de-sac of seven detached houses located to the north of a road which runs parallel to the N11 – Stillorgan Road. The immediate area is characterised by a mix of residential development, student accommodation in the former Montrose Hotel and the presence of the dual carriageway.
- 1.2. The site, with a stated area of 0.0553 hectares, slopes gently downwards on a south west to north east axis. The boundary of the site, addressing the public realm, consists of a high stone wall on the south western side/ parallel to the public road and a dash faced wall to the north western side. A very short cul-de-sac (less than 10 m) terminates adjacent to this dashed wall providing access to 19 and 20 Ashfield Park, there is no buffer between the cul-de-sac and the boundary wall. Access to Ashfield Park is to the north west of the site and a small, landscaped area is located to the north west of the site, between the public road, the Ashfield Park road and the access to 19 and 20 Ashfield Park.
- 1.3. The Stillorgan Road/ N11 is served by a number of bus routes providing for high capacity/ frequency services to and from the city centre and the greater south Dublin/ north east Wicklow area. University College Dublin, Belfield campus is located to the west of the site on the opposite side of the N11.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - Construction of a part single-storey/ part two-storey, three-bedroom house. The proposed house to have a stated floor area of 203.5 sq m.
 - Removal of two no. trees adjacent to new site entrance; the entrance to be 3.5 m wide and will provide access onto Ashfield Park.
 - All associated site works.

A copy of a pre-planning report by Bright Design Architects and a Civils Report prepared by PCA Consulting Engineers were submitted in support of the application.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. Conditions are generally standard, though the following are noted:

Condition no. 2 states:

‘The glazing within the 2 no. high level windows on the northern elevation shall be manufactured opaque and permanently maintained’.

Condition no.3 removed the Class 1 and 3 exempted development rights as provided under Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.

Condition no. 8 states:

‘The proposed vehicular entrance shall be positioned/ aligned with the roadway on Ashfield Park. Vehicles accessing the proposed dwelling shall not cross the existing footpath on Ashfield Park’.

Condition no. 9 states:

‘The proposed ‘automated timber gate’ as the new vehicular entrance shall be omitted and replaced with a ‘manual operated gate’.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Authority Case Officer’s report reflects the decision to grant permission for the development. Further information was sought in relation to the provision of a revised boundary with the adjoining no. 6 Stone House, additional details on the removal of trees on site – preferable to retain same and the provision of a revised method of surface water drainage. Revised boundary details were submitted, the trees require removal and the applicants are willing to accept a financial contribution for the provision of replacement trees, and a revised surface water drainage system including a soakaway has been proposed, which is acceptable to the Drainage Section.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: Following the receipt of further information in relation to surface water drainage, no objection to this development subject to conditions.

Transportation Planning Section: No objection subject to conditions.

Parks and Landscape Services: No objection subject to conditions on receipt of the further information response.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

3.2.4. Objections/ Observations

Two submissions were received opposing the development. The submission from Michael Reidy includes a petition with 32 signatures.

Issues raised include:

- The provision of the new entrance will create a security issue through the exposing of a boundary to potential unauthorised access.
- The existing boundary is not clearly defined, whilst this is acceptable at present, the development will change the status of this section of boundary.
- Request that a 1.8 m high wall be provided to ensure adequate protection from noise and nuisance.
- Request that the driveway be of a hard standing material rather than loose stones, which may create a noise nuisance.
- The impact of the development on the area is not considered in terms of Ashfield Park. No consultation was held with the residents here.
- The proposed house is out of character with the units in Ashfield Park.
- The opening up of the boundary wall to provide for an access to the site would impact on the character of the area.
- Loss of on-street car parking would impact on residential amenity.
- Concern about traffic safety, the cul-de-sac will become a through road in effect.

- The construction phase will give rise to nuisance and disruption to the residents of Ashfield Park.
- An alternative access could be provided onto the Stillorgan Road – slip road to the south west of the site.

Photographs were submitted in support of the objections.

Additional comments were made on receipt of the further information response.

4.0 Planning History

None on site.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development', 8.2.3.1 'Quality Residential Design' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas' with particular reference to 8.2.3.4(i) 'Extensions to Dwellings'.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Two separate appeals have been lodged against the decision of Dun Laoghaire-Rathdown County Council to grant permission for this development.

Julie Anderson, of 'Wavetree' Stone House, has raised the following issues:

- The proposed boundary treatment is not acceptable where it interfaces with her property. Requests that the boundary treatment along Section 01 should be continued to include Section 02. This can be provided without impacting on an existing hedge.
- Also request that the north east boundary be constructed of a solid block wall so as to improve the level of security and reduce potential noise impacts.
- Request that all windows on the north eastern first floor elevation be fitted with frosted glazing.
- Also request that a 2 m high temporary timber fence be provided along the north eastern boundary prior to the commencement of construction on site.
- Deliveries related to construction should be through the new entrance and not from the Stone House cul-de-sac.

The other appeal is from Michael Reidy/ Dr. Geraldine Sayers and the following comments are made:

- Consider that the Planning Authority did not adequately address the raised concerns.
- Note that the Transportation Planning Section had no objection to the new entrance. No consent was given for this access from the residents of Ashfield Park.
- Query over the legal right to remove part of the wall to provide for an access into Ashfield Park.
- An alternative access can be provided onto the Stillorgan Road – slip road to the south west of the site. Request that this be done by way of condition.

- The proposed development would remove on-street parking which has been in place for some time.
- Inadequate details have been provided in relation to the access/ proposed gate.
- The proposed development if permitted would result in a need to widen the appellants driveway and to provide for additional off-street car parking.

This appeal is supported with a number of photographs and a site layout plan.

6.2. Applicant's Response

6.2.1. The applicants have engaged the services of Hughes Planning & Development Consultants to prepare a response to the third-party appeals. The following points are made:

- The background to the development and site layout is provided in detail.
- The proposed development and house type is acceptable to the Planning Authority.

6.2.2. With regard to 'Wavetree':

- Consider revisions to the north east boundary to be unnecessary as the development will not have a significant impact on the residential amenity of the area. The existing hedgerow is of a suitable height/ density to ensure that security between the properties (subject site and 'Wavetree' to the north east.
- The windows to the north east elevation, first floor level, either serve bathrooms with opaque glazing or landing area/ staircase which do not require such glazing. Measures will be taken to ensure that privacy is provided for.

6.2.3. With regard to 20 Ashfield Park:

- Note the submitted petition but no addresses have been assigned to the names.
- A number of legal issues have been raised which are not planning issues.
- There is no statutory requirement to consult with neighbouring properties adjacent to a development site.
- The proposed site entrance/ access is considered to be the most suitable for this development site. The location of the entrance is clearly indicated on the submitted plans.

- The appellants have room for cars within their own property for at least two cars, with potential space for more. There is no parking constraints in the area that warrant the retention of the access to the subject site as a car parking area.
- Welcome a condition requiring the provision of a construction management plan in advance of construction commencing on site.

Request that the Board uphold the decision to grant permission.

6.3. Planning Authority Response

- 6.3.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Impact on the Visual Amenity of the Area
- Impact on Residential Amenity
- Car Parking and Drainage/ Water Supply
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of Development

- 7.2.1. The proposed development consists of the subdivision of the north western section of the existing private amenity space of 'Galini' Stone House, and the provision of a detached two-storey house. Vehicular/ pedestrian access is proposed from Ashfield Park to the north west of the site.
- 7.2.2. The site is zoned for residential development and the proposed development is therefore acceptable in principle. I note the details submitted by the applicants in response to the further information request as issued by the Planning Authority.

7.3. Impact on the Visual Amenity of the Area

- 7.3.1. The houses on the Stone House cul-de-sac are detached units on relatively large plots of land. To the north west is Ashfield Park, a cul-de-sac of two-storey semi-detached houses. The proposed development will provide for a two-storey contemporary designed house. This house will provide for three bedrooms at first floor level and habitable floor space at ground floor level.
- 7.3.2. The house will be provided with monopitch type roofs, resulting in a maximum roof height of 7.3 m. The front elevation facing south west appears as two separate units broken up with a 7.5 m high brick finished section which I assume contains a chimney and a substantial glazed area from almost ground level to roof level. The main door to the house is located on the north western side of a single storey section which is itself to the north eastern side of the proposed house.
- 7.3.3. The proposed house is considered to be visually acceptable and will integrate with the existing streetscape. The high boundary walls to the south west and north west screen most of the house from public view, but the design makes good use of the site and I consider the extent of the house at 15.6 m when viewed from the front to be appropriate as it takes into account the constraints of the site whilst providing a suitable presence when viewed from the public road. The driveway/ entrance from Ashfield Park is considered to be visually acceptable.
- 7.3.4. The loss of two mature trees is regretted, however I accept the justification for these. These trees are on private property and the provision of a contribution to provide for replacements on the small green area to the north west of the site is considered to be appropriate.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed house will provide for adequate room sizes and floor area to serve the future occupants of this house. A walk-in wardrobe at first floor level and utility at ground floor should meet most storage needs. In addition to a living room and a lounge, a study is provided at ground floor level.
- 7.4.2. The submitted Site Layout Plan – Drawing no. 17083 – 200, indicates that the proposed house will be served with 219 sq m of private amenity space. This is useable and will receive good daylight. The existing house will be left with 212 sq m and again this is acceptable.

- 7.4.3. There is no concern regarding the proposed development being overbearing on neighbouring properties as separation distances in excess of 22 m is provided between the proposed house and Wavetree to the north east. Approximately 6.7 m is provided between the proposed house and 'Galini' to the south east. The design of the house, a two storey unit but with mono-pitched roofs, ensures that overbearing is not an issue of concern.
- 7.4.4. Overshadowing leading to a loss of daylight is not foreseen, this is due to the layout and design of the house. Overlooking was raised in one of the appeals and I note the response made by the applicants in relation to this matter. The windows on the first floor north east elevation serve a landing and the staircase to the first floor with high level windows fitted with opaque glazing serving an ensuite and a bathroom. I do not foresee any significant overlooking from these windows, however some screening should be provided on that serving the landing as this is the most likely source of perceived overlooking. Something similar to vertical slats or else a deflect window could address this issue. The separation at this point to the boundary is 9.5 m, so minor revisions can address this matter.
- 7.4.5. Concern was also raised about the boundary along the north eastern side of the site. I agree with the appeal response that the proposed method of boundary treatment is acceptable. The post and rail fence will provide for a suitable boundary in this location and the existing hedgerow is also a suitable form of boundary treatment. I note the comments made regarding noise and the need for a solid block wall, considering the location of the appellants property in relation to the Stillorgan Road, the development of this site for domestic use is unlikely to give rise to significant levels of noise. There is also an argument to be made that the proposed development actually improves the level of security for the residents of Wavetree who raised this issue as a concern.

7.5. Car Parking and Drainage/ Water Supply

- 7.5.1. I note the issues raised in the appeal by the residents of no. 20 Ashfield Park. Proper planning seeks to maximise available infrastructure and the applicants have demonstrated such by proposing to construct the access to the house onto the end of a very short cul-de-sac. The provision of this very short stub of a cul-de-sac is unusual and may indicate an allowance for further development off it. In effect it only

serves no. 20 Ashfield Park, no other house requires access to it. I note the comments made regarding the potential loss of on-street parking and I dismiss such an argument. There is no indication that this road is anything other than public property and is not therefore for the sole benefit of any one person/ family. There is no shortage of parking in the area as the houses on Ashfield Park are provided with off-street parking. The number of cars that a family own, and the parking of same, is not a concern for the Planning of the Transportation Authority. I had no difficulty finding on-street parking on the day of the site visit and I do not foresee any such difficulties with the development of this site.

7.5.2. The Transportation Planning Section had no objection to this development subject to conditions. The automatic gate is to be omitted and replaced with a manually operated gate. I have no objection to the proposed entrance and car parking can be provided off-street for two cars. I have already commented on the location of this site adjacent to a bus corridor with very high frequency and capacity of service.

7.5.3. Further information was sought in relation to surface water drainage and the provision of a soakaway as part of the surface water drainage system is acceptable to the Drainage Department. Irish Water reported no objection to the development in terms of water supply and/ or foul drainage.

7.6. **Other Issues**

7.6.1. Concern was raised in one of the appeals about procedures in the Planning Authority, that is not a matter for the Board to consider. From the submitted information, the Planning Authority Case Officer did refer to the received letters of objection/ observation and comment was made on the raised issues in their report.

7.6.2. The legal right for the applicant to alter the boundary wall was also raised as an issue and again this is not an issue for the Board to consider. I will only add that there is no reason to believe that the applicant does not have the right to carry out these works.

7.6.3. An alternative location for the site entrance was proposed and I accept that this would work from an engineering point of view. This would result in a reduction in the area of open space to the south western side of the house and although the house would be provided with adequate open space, a large proportion would be located to the north east and would not receive appropriate levels of sunlight. The proposed

entrance is much more suitable from an amenity point of view and also in terms of road safety as the cul-de-sac in place only serves one house and is clearly designed to accommodate more than one unit.

- 7.6.4. Considering the size and layout of the site, I am uncertain as to why Class 1 and 3 exempted development rights under the Planning and Development Regulations 2001 as amended, were removed by way of condition no. 5. Such development is guided by the listed limitations and there is indication that the provision of additional development would impact on the residential amenity of adjoining properties or on the amenity of the future occupants of this house.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the modest nature and scale of the proposed development and the location of the site in a serviced urban area, zoned for residential development, and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the zoning of the site for residential purposes, to the location of the site in an established, serviced, urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14th of November 2020, as amended by the further plans and particulars submitted on the 10th of February 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The first-floor window serving the landing only, on the north east elevation shall be revised to include either screening or a deflected windows so as to ensure that overlooking of the property to the north east cannot occur.</p> <p>(b) Only a manually operated gate should be used for the vehicular access onto Ashfield Park. This gate shall be timber finished on the public road side.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These</p>

	<p>details shall include photomontages, colours, textures, and specifications and shall indicate the location of the timber cladding on the house.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water and the provision of a green roof shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Paul O'Brien
 Planning Inspector

31st May 2021