



An
Bord
Pleanála

Inspector's Report ABP 310014-21.

Development	Demolition of existing dwelling, construction of replacement single storey dwelling, single storey studio, associated site works, boundary treatment, landscaping, reconfiguration of driveway, parking for two cars and replacement entrance gate.
Location	Abingdon, 1A St. Alban's Park, Sandymount, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3845/20.
Applicant	Robert and Alanna Feely,
Type of Application	Permission
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Philip O'Reilly
Date of Site Inspection	18 th August, 2021
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 2,459 square metres and it is a back land site located to the rear of properties on Sydney Parade Avenue to the northwest, St Alban's Park to the northeast and Ailesbury Gardens to the southwest. Access is via a gated driveway off St Alban's Park between two houses. There is a single storey house on the house located at the centre of the site within roughly triangular shape. Dense hedgerows and walling are along the boundaries with the rear gardens of the adjoining properties.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing dwelling and for construction of replacement single storey dwelling, single storey studio, associated site works, boundary treatment, landscaping, reconfiguration of driveway, parking for two cars and replacement entrance gate.
- 2.2. The total stated floor area for the proposed house and studio is 440 square metres. The stated plot ratio is 0.2 and stated site coverage 20% and the according to the application submission.
- 2.3. A request for additional information was issued on 5th February 2021 to which a response was lodged by the applicant's agent on 4th March, 2021 includes a glint and glare study (for the solar surfaces) and modifications to the proposed development in respect of the site boundaries.
- 2.4. These modifications include replacement of the initially proposed wire fencing on the eastern boundary with hedgerow, tall bamboo screen planting (reaching a height of four metres) and evergreen and mature laurel planting on north, north western and western boundaries; increased screening on the western boundary where there is a 2-3 metres high boundary wall, erection of trellises along the lane/driveway on the inner sides of the walls, an increase in the height of the gable wall on the east side and replacement of all hedgerow on the eastern boundary which is stated be in poor condition with a new laurel hedge. Drawings and images have been included in the submission.

- 2.5. The studio is to be finished in charred Siberian larch or similar cladding, set back so that 1.5 metres minimum distance from the northwest side of the house is achieved and reduced in height by 400 mm.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 31st March, 2021, further to issue of a request for and consideration of a further information submission the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature.

3.2. Planning Authority Reports

- 3.2.1. The report of Irish Water indicates the presence of a 225 m diam. sewer within the site boundaries from which separation distances and a wayleave for access purposes for maintenance are required. A condition is recommended for inclusion if permission is granted.
- 3.2.2. The report of the Drainage Division indicates no objection subject to conditions to include requirements for separate foul and surface water systems within the site and final connection to the combined sewer, and, SUDS drainage arrangements for management of surface water.
- 3.2.3. The planning officer in noting that the application is for a replacement dwelling on the back land site, indicated satisfaction with the proposed development further to the consideration of the application and further information submissions the latter of which related mainly to boundary treatment, and visual impacts from adjacent properties.

3.3. Third Party Observations

- 3.3.1. The issues of concern raised in the observations lodged with the planning authority can be briefly outlined as follows: -

- Adverse visual impact, having regard to height, glazing, mass at roof level on which PV panels are proposed. (A sedum roof is warranted.) the finished floor level, footprint and proximity to boundaries and incompatibility with the surrounding established architectural character

Adverse impact on residential amenities of No 23 Sydney Parade Avenue having regard to the above.

- Overshadowing of rear garden at No 25 Sydney Parade Avenue.
- Overbearing impact – on adjoining properties including No 2 Ailesbury Gardens having regard to the extensive glazing and finished floor levels.
- Demolition of the existing is unwarranted and unjustified and unsustainable.
- The existing drainage network is antiquated and the area which is low lying is very prone to flooding. Additional development will exacerbate this problem and no further development should be permitted.
- The proposed boundary treatment, (wired fencing on top of the existing wall as a security fence is unsightly and unwarranted. It would impair the amenities of the property at No 15 Albans Park/and NO 1 St Alban's Park. It is contrary to section 16.2.2.4 of the CDP.

4.0 Planning History

P. A. Reg. Ref. 4287/17/PL 300930: The planning authority decision to refuse Permission for a detached two storey house (stated floor area 148.5 square metres) on subdivided site formed from the grounds of the existing house was upheld following appeal.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective:

“Z1: (Sustainable Residential Neighbourhoods.) *To protect, provide for and, improve residential amenities*”

- 5.1.2. According to section 5.5.8, demolition of an existing habitable house is generally discouraged on grounds of sustainability unless streetscape, environmental, and amenity considerations are satisfied and a net increase in number of dwelling units is proposed to provide efficient use of scarce urban land.
- 5.1.3. Development Management Standards for residential development are set out Chapter 16 with guidance and standards for residential quality in section 16.10.2 and guidance and criteria for back land development in section 16.10.8.
- 5.1.4. The site location comes within Zone 3 for Parking Standards and according to Table 16.1 the maximum requirement is 1.5 space per dwelling.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Phillip O'Reilly on his own behalf on 20th April, 2021 according to which

- The proposed demolition of a structurally sound house of good design compatible with the surrounding area and replacement with a bigger development in new materials is contrary to conservation and sustainable development. Construction of a new replacement using large quantities of glass, steel hardcore, cement, timber and other materials is unsustainable.
- The proposed design would have negative impact on the residential amenities of the surround twenty-five houses in the area: - the footprint and height of the highly visible proposed development are twice that of the existing house and the design. It occupies over half of the site and stretches across it from west to east and has massive glazing which overlooks adjoining properties. It extends far beyond the boundaries of the existing house to the backs of St Albans Park houses and in a northerly direction. It will adversely affect the houses on St. Alban's Park and on Sydney Parade on the opposite side.

- On nineteenth century maps the site is shown as a lake and has propensity for flooding in that it has flooded twenty-five times in the last one hundred years so the development would be on a floodplain. No further development should be permitted in the area.:
- There were no problems over boundaries dating back to the nineteenth century. A new boundary inside the existing boundaries with a wire on top of new wall is unnecessary and counter-productive and would destroy the one-hundred-year-old boundaries in stone and rubble on Sydney Parade and poured aggregate at St Alban's Park. The outlook from adjoining properties would be in effect, an "encagement".

6.2. Applicant Response

6.2.1. A submission was received from the applicant on 14th May, 2021 and it is submitted that the appeal has inaccuracies and is spurious. The contents of which are outlined below:

- The argument that the proposed development is not sustainable is rejected, the proposed development being higher than "passive house" standards and a net energy producer whereas the existing house is an inefficient high energy user. The option to upgrade it was considered but is a less sustainable option. A deep retrofit would not involve the same use of sustainable techniques as is proposed for the construction of the proposed new dwelling which will have minimal environmental impact. In demolishing the existing house, it is also the applicant's intention to minimise waste and to recycle and arrange for reuse and reclamation of as much for the fabric in the existing house as possible, some material within the proposed dwelling and such as the existing granite steps.
- There are false statements in the appeal which include the claim that the footprint and height are twice that of the existing in that one section of the roof will be slightly higher whereas the footprint will be similar to the existing and the claim that the site flooded at least twenty-five times in the last one hundred years. There is evidence to confirm that the site has been unaffected by the surrounding area which has been prone to some flooding. The current

proposal will involve removal of hard standing and incorporation of a green area and rainwater harvesting and attenuation system which is a huge improvement. In addition, the statement that another boundary is to be erected and as to the outlook from adjoining properties is refuted. In the further information submission, further to consultation with the planning authority and neighbours no fence/wire is to be erected.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues central to the determination of the decision can be considered under the subheadings below:

Demolition. Sustainable development.

Scale, mass and height and visual impact

Impact on adjoining residential properties.

Flooding risk

Traffic and Parking.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.2. Demolition and construction of replacement dwelling.

7.2.1. There is no dispute that the existing house is of a structurally sound, compatible with the surrounding area and fully habitable and viable but it is accepted that in terms of efficiency in terms of energy consumption and performance it is suboptimal although the Building Energy Rating at "C2" rating is reasonable. While demolition of habitable viable dwellings is to be discouraged having regard to the provisions of section 5.5.8 of the CDP on grounds of sustainability unless streetscape, environmental, and amenity considerations are satisfied it is considered that the proposed demolition can be accepted in this instance. A case has been made as to

the sustainable element of the proposed demolition in the construction materials and methods and, in the performance of the proposed new dwelling well in excess of the minimum standards to merit recognition as a “passive house”.

- 7.2.2. The existing dwelling is not of special architectural interest of other special merit, re-use of materials is proposed, as previously stated it is suboptimal but reasonable in terms of energy performance and it is claimed that a deep retrofit has been considered as an option which in conjunction with upgrades, extensions, and additions to provide for the applicant’s requirements would amount to a very considerable project. However, no quantitative comparison in terms of an environmental cost benefit analysis of the two options is available and it is acknowledged that the proposed development (and studio) is considerable in size at 440 square metres in total. As such, it is not evident that the proposal is the most sustainable option but a strong case has been made to support it.

7.3. Scale, mass and height and visual impact

- 7.3.1. The application site is a back land site in that it is surrounded along all of its sides by boundaries with the rear gardens of adjoining residential properties.
- 7.3.2. The footprint of the L shaped dwelling within the site is very different from that of the existing but it fits well to the site configuration at its northern end with sufficient separation distances from the site boundaries to the east and north-west at a minimum of 1650 mm along a blank east facing elevation along its full length.
- 7.3.3. While the dwelling and provides for considerable extensive internal accommodation the form and height (at five metres with a feature reaching an additional 0.5 metres) is such that it retains a low profile. As such, it is considered that the site has the capacity to accept the proposed dwelling having regard to the footprint, scale and form and the heights and also with regard to the selection of materials and finishes.
- 7.3.4. There is no objection to the proposed inclusion the detached studio structure which has a revised height of 3,580 mm and is finished in Charred Siberian Larch timber. It is a relatively sizeable structure with a full fit out to high standards. If permission is granted, it is recommended, for the purposes of clarity, that a condition be attached providing for restriction to use ancillary to the residential use of the dwelling.

7.4. Impact on adjoining residential properties.

- 7.4.1. As previously stated, the application site is surrounded on all sides by rear gardens of adjoining residential properties. The separation distances between the site boundaries and the the rear building lines of the dwellings to the east exceed eighteen metres the east side exceed eighteen metres whereas the separation distances between the site boundaries to the west and northwest to the rear building lines of the adjoining dwellings are in excess of thirty metres.
- 7.4.2. Given the distances and form, height, fenestration detail for the proposed replacement dwelling and for boundary treatments proposed, there is no scope for potential for overbearing impact or overlooking or overshadowing of these adjoining properties. It is also considered that any concerns as to glint or glare, from the solar panels or glazing, has been satisfactorily addressed in the further information submission.
- 7.4.3. With regard to boundary treatments, it is of note that the existing boundary walls and the dense evergreen hedge planting and shrubs provide for considerable screening. The further information submission has provided a very comprehensive planting scheme which is appropriate visually from the perspective of the amenities of the [proposed development and adjoining properties.
- 7.4.4. The additional trellis to be mounted on the inner face of the driveway and the replacement electronically operated gates, (which should open inwards only) although somewhat high at 2.2 metres are acceptable.

7.5. Flooding Risk.

- 7.5.1. Considerable concern has been indicated in the appeal over flooding risk it being contended that the low-lying land within the site has been subject to frequent flooding but this claim has been disputed. The application includes a flood risk assessment report which note minimal potential for coastal flooding to affect the site.

7.5.2. The site location comes within Zone 'B' having regard to *the Strategic Flood Risk Assessment*, (SFRA) for the CDP, in Volume 7 and it is noted that a finished floor level at 1.6AoD is provided for the dwelling. The area is served by a combined sewer and that there is an existing development on the site, which is to be removed in favour of a proposed development which is more favourable as it incorporates comprehensive SUDS drainage arrangements inclusive of significant rainwater harvesting measures, attenuation, and storage with hydro brake outflow.

7.5.3. The information and the proposed design and measure provided with the application are considered satisfactory with regard to preventive measures for storm water drainage, separate collection of foul and surface water, measures for management of surface water within the site as far as the final connection point into the public combined sewer serving the area.

7.6. Traffic and Parking.

7.7. The application in being for a replacement single dwelling unit with on-site parking served by the existing driveway and entrance should be immaterial in impact in that it would not generate additional turning movements onto and off St Alban's Park and the adjoining local road network. Subject to the entrance gate being inward opening or sliding only to minimise obstructions there are not concerns.

7.8. Environmental Impact Assessment Screening

7.8.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.9. Appropriate Assessment.

7.9.1. Having regard to and to the nature of the proposed development and the inner urban site location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that permission be granted based on the reasons and considerations and conditions which follow:

9.0 Reasons and Considerations

Having regard to the existing dwelling the removal of which is proposed, to the site configuration, to the proposed use of sustainable materials, to the high level of energy performance of the proposed replacement dwelling, to the footprint, mass, scale and height, to the boundary treatments proposed and, to proposed measures for the collection and management of disposal of surface water within the site, it is considered that, subject to the conditions set out below the proposed development would not be seriously injurious to the visual and residential amenities of adjoining properties, would not be prejudicial to public health, and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on 4th March, 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.

Reason: In the interest of clarity.

2. The studio shall be used for purposes incidental to the residential use of the main dwelling and shall not be sold, sublet or used for commercial purposes without a prior grant of planning permission.

Reason: In the interest of clarity and the residential amenities of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and clarity.

4. The following requirements shall be provided for and adhered to in the development: -

The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Provision for adequate separation distance from existing Irish Water infrastructure within the site in consultation with Irish Water.

Grant of a Wayleave over access and the entirety of the site for the carrying out of inspection and maintenance works to infrastructure under the control of Irish Water within the site.

Reason: In the interest of public health.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary which shall be submitted and agreed in writing with the planning authority and shall be implemented within the first planting season following construction of the replacement dwelling. It shall include:

- Full survey detail of all existing trees with proposal for removal retention and replacement and protection during the construction stage.
- A full works specification for hard and soft landscaping and a detailed planting scheme which includes water absorbing plants that contribute to absorption of surface water emanating within the site.
- Any plants which die, are removed or become seriously damaged or diseased, following the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity and orderly development.

6. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with, “*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

9. Prior to commencement of development, the developer shall lodge with the planning authority, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. 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.

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.

Jane Dennehy
Senior Planning Inspector
23rd August, 2021.