



An
Bord
Pleanála

Inspector's Report ABP-310386-21

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| Development | The demolition of an existing bungalow and the construction of a dormer bungalow and garage. |
| Location | 27 Wyckham Park, Ballinteer, Dublin 14. |
| Planning Authority | Dun Laoghaire-Rathdown County Council. |
| Planning Authority Reg. Ref. | D21A/0018 |
| Applicant(s) | Mr & Mrs B Cleary |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant | Deborah Lefroy |
| Observations | Colin & Orla Leahy Eamon O'Brien Michael Conroy Anthony & Carole Kenny |

Date of Site Inspection

15th September 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.1923 hectares comprises of an almost rectangular shaped site located behind existing houses/ associated gardens on Wyckham Park Road to the south, Ailesbury Lawn to the north and Pine Copse Road to the west. Access to the site is via a narrow laneway, circa 50 m, from Wyckham Park Road to the south. This extends from the public road to the boundary/ gates to the site.
- 1.2. The subject site contains a bungalow, located midway along the site, but closer to the northern boundary than that to the south. A large glass house is located to the south east of the house and smaller detached sheds are located to the north of the site. The site is generally flat.
- 1.3. Wyckham Park Road is characterised by two-storey semi-detached houses and Ailesbury Park, adjacent to the subject site, consists of detached bungalows. The site is approximately 115 m to the west of Ballinteer Road, 440 m to the south west of Dundrum Town Centre and 600 m to the south west of Dundrum Main Street.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The demolition of the existing bungalow with a stated floor area of 257 sq m.
 - The construction of a new dormer bungalow and garage with a stated floor area of 584 sq m.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the development subject to conditions, which are generally standard. The following conditions are noted:

Condition no. 2 requires the provision of opaque/ frosted glazing in the first-floor north elevation windows, and which shall be permanently fitted.

Condition no. 4 seeks to re-use/ recycle materials from the demolished structures, where possible.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning report reflects the decision to grant permission for the proposed development. Further information was sought in relation to:

- Justification for the demolition of the existing house and to detail why refurbishment/ extension of the house is not an option.
- Provide a full breakdown of the floor area of the proposed development.
- Submit revised plans and elevations that address concerns regarding overlooking of the private amenity space of no. 6 Ailesbury Lawn.

The applicant responded in full to each of these issues. The house was demonstrated to be in poor condition and the cost to refurbish the existing house was considered to be excessive. Full floor area details were provided and revisions were made to the design of the house to ensure that loss of privacy was addressed.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions in relation to surface water drainage.

Transportation Planning: No objection subject to conditions in relation to the provision of suitable SUDs measures for all hard standing areas, ensure that construction does not impact on traffic on Wyckham Park and to ensure that roads are kept clean from debris, dirt etc.

3.2.3. Prescribed Bodies

None.

3.2.4. Objections/ Observations

A single letter of objection to the proposed development was received and the following issues were raised in summary:

- The two-storey nature of the proposed house would give rise to overlooking of the adjacent no. 11A Wyckham Park Road, the objectors home.
- Outlines issues in relation to overlooking from alterations to other houses in the area.
- Prefer that the house was not granted permission but would accept the provision of opaque glazing in the upper storey rear elevation windows.

Includes a number of photographs of views from their house and also a photograph of no. 4 Ailesbury Lawns – where opaque glazing was installed.

4.0 Planning History

None.

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'.

- Section 8.2 refers to 'Development Management'.
- Section 8.2.3 refers to 'Residential Development' and 8.2.3.2 – 'Qualitative Standards'.
- Section 8.2.3.4 refers to 'Additional Accommodation in Existing Built-up Area' and the following is relevant:

(vii) Infill

'New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

- Section 8.2.8.4 refers to 'Private Open Space – Quantity'.
- Section 8.2.4.9 refers to 'Vehicular Entrance and Hardstanding Areas'.
- Section 8.3.8.4 (ii) refers to 'Separation Distances'.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Deborah Lefroy, has appealed the decision of Dun Laoghaire-Rathdown County Council to grant permission for a replacement house on this site.

The issues raised in the appeal include:

- Considers that the Planning Authority have ignored her original objection to the development and is concerned that the development would result in her loss of privacy.
- The Planning Authority have ignored the precedent of the provision of opaque glazing to address issues of overlooking/ loss of privacy.
- The elevations/ sections do not include main dimensions, so it is difficult to assess the impact of the development on her property.
- Concern about shadows cast on her house and no daylight/ sunlight analysis has been provided. The house is located to the west of her property.
- Outlines a number of errors in the submitted plans and documentation.
- Refers to environmental concerns including noise, dust and potential damage to adjacent properties during the construction of this development.
- The proposed basement may affect the water table and her garden, having regard to the high-water table in the area.
- The proposed development would impact on existing houses in the area.
- The development would have a negative impact on the setting of Ailesbury Lawn.

Copy of her original objection to the Planning Authority and photographs have been included in support of the appeal.

6.2. First Party Response

The applicant has engaged the services of Brock McClure – Planning & Development Consultants to prepare a response to the appeal.

- The existing house is at the end of its functional life and is not fit for modern use.
- The existing house is not a protected structure and does not make a significant architectural contribution to the streetscape of the area.
- The proposed house would meet modern standards and would be significantly improved in terms of energy performance.
- The proposed house has been carefully sited to ensure that it does not negatively impact on existing houses in the area.
- The Planning Authority fully assessed the proposed development and considered it to be acceptable.
- Loss of privacy is not an issue as a separation of 22.5 m is provided between the eastern elevation of the proposed house and the appellants boundary and the separation at first floor window level is 32 metres.
- The proposed house is 8.8 m in height and would not cast a significant shadow on a property that is 22.5 m away.
- Any errors do not affect the nature of the development or the ability to fully assess the proposed development.
- A detailed Construction Management Plan would be submitted to the Planning Authority prior to the commencement of development.
- It is not foreseen that the proposed development would have a negative impact on the properties or setting of Ailesbury Lawn.

Requests that the decision to grant permission as issued by the Planning Authority be upheld.

6.3. Observations

A number of observations were received, and the following issues were raised in summary:

- Welcome is made for the refurbishment and development of properties once they are in keeping with the existing form of development.
- The submitted public notices were misleading as the new house is a two-storey over basement unit and is more than three times the size of the original house and garage.
- Concern that the proposed development, and in particular the need for deep excavations, would have a negative impact on existing boundaries, gardens and houses.
- The height of the proposed house is an issue of concern.
- Insufficient consideration has been given to the impact from the development of the basement level.
- There would be a negative impact on privacy and amenity as a result of the proposed development.
- Potential loss of daylight/ sunlight to existing houses/ properties as a result of the proposed development.
- Considers that the development would contravene the A zoning that applies to the area/ subject site.
- The proposed development would be visually obtrusive on the existing setting/ character of the area. Particular reference is had to the impact on Ailesbury Lawn.
- Deficiencies in the submitted application and the assessment of the development by the Planning Authority.
- Requests that permission be refused for the proposed development.

Photographs and plans have been submitted in support of the observations.

6.4. Planning Authority Response

The Planning Authority report that the grounds of the appeal do not raise any new issues, so no additional comments are made.

7.0 Assessment

The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic
- Drainage and Water Supply
- Other Issues
- Appropriate Assessment Screening

7.1. Nature of the Development

- 7.1.1. The subject site is zoned A – residential development, and the development of a replacement detached house on this site is acceptable in principle.
- 7.1.2. The description of the proposed development was raised as a matter of concern in the appeal and in the letters of observation. The proposed house is described as a dormer bungalow in the public notices/ application form, and I am satisfied that the description is acceptable.
- 7.1.3. The design and layout of the house was revised in response to the further information request of the Planning Authority. These revisions were to ensure that the privacy of adjoining residents was protected, but the applicant revised other elements of the house. I consider that the revisions, submitted in response to the further information request, provide for a better quality of development and the assessment will in general be on the basis of these details received by the Planning Authority on the 15th of April 2021.

7.2. Design and Impact on the Character of the Area

- 7.2.1. The existing house, through its location, is not visible from the public streets surrounding/ adjoining the site. Any impact on the area would be on the properties directly adjoining the subject site. I do not accept that the proposed development would have a negative impact on the setting or on the character of the houses on

Ailesbury Lawn. Ailesbury Lawn consists of a mix of house types and a number of the existing houses here have been modified through extensions and other alterations to the original houses. The provision of a replacement house to the rear of these houses is not going to have a significant impact on the established character of the area.

- 7.2.2. I do not consider that the existing house on site is worthy of retention. The house is not listed on the record of protected structures and is not of any architectural significance worthy of its retention. I note the details provided in response to the further information request in relation to the justification for the demolition of the house and I agree that its replacement is appropriate as it ensures that a more suitable and sustainable house can be provided here.
- 7.2.3. The proposed development would provide for a very large house on this site, however the site area at just under 0.2 hectares allows for such a development. The limited access to the site would not allow for a small residential development as would often be proposed for such infill sites in the south Dublin area. The narrow access which is circa 50 m in length would restrict any intensification of use on this site.
- 7.2.4. The surrounding area is characterised by a mix of single and two-storey houses. Dormers have been added to both single and two-storey houses, therefore dormer houses are not unusual in this area. The design of the house is acceptable, but its design and location would ensure that it remains unique. The proposed house would be finished in brick and this finish is considered to be acceptable for the proposed development.

7.3. Impact on Residential Amenity

- 7.3.1. The proposed house is a large, two-storey over basement detached unit, providing for five bedrooms. The basement provides for a games room, tv room and a plant room with a corridor connecting these rooms to the main stairs. A secondary flight of stairs from a lobby provides access to the kitchen. The ground floor includes a range of living and dining rooms in addition to the kitchen, a playroom, shower room and a utility room. Storage is provided throughout the house, though considering the scale of the house shortage of storage space is unlikely to be an issue. As stated, the house is located on a large site and a large area of private amenity space is

available to the future residents of this house. The proposed house would provide for a high quality of residential amenity and would certainly be an improvement over the existing house on site.

- 7.3.2. A detached garage is proposed to the south west of the site and this is acceptable. No negative impacts on adjoining sites are foreseen from this element of the development.
- 7.3.3. Concern was expressed about the impact on adjoining properties through overlooking leading to a loss of privacy and overshadowing/ loss of daylight and sunlight. Overlooking generally refers to the loss of privacy at first floor rear windows of houses and why a 22 m separation distance between opposing windows is specified as a suitable separation.
- 7.3.4. The revised house/ layout provides for a separation distance of approximately 21 m between the windows on the north east elevation and the boundary and the existing no. 11 A Wyckham Park is set back by approximately 11 m from its boundary. Overlooking would not be an issue of concern. Existing planting etc. would further increase the levels of privacy. The separation to the south west boundary is circa 12.7 m and again this is acceptable. The revisions to the windows in the north west first floor elevation ensure that overlooking would not be an issue from this side of the house. The only windows on this side of the house serve a store, stairwell, and en-suite and the fitting of obscured glazing would ensure no overlooking and would not impact on the amenity of the proposed house. The south east elevation has a separation of 14 m and again is acceptable. I am satisfied that the proposed development would not have a significant negative impact on the privacy of existing residents in the area.
- 7.3.5. As reported, the separation distances between the house and the adjacent boundaries are acceptable and are significant in the context of a development in an established urban area. I do not foresee that overshadowing/ loss of daylight/ sunlight would be significant. The positioning of the house on site ensures that such issues are considered in the design/ layout. The greater set-back to the eastern boundary than the western is appropriate as it ensures that late afternoon/ evening sun is not reduced. The properties to the north would not suffer from any increased loss of summer afternoon/ evening sunlight.

7.3.6. Traffic

7.3.7. The Dun Laoghaire-Rathdown Transportation Planning Section note that there are pinch points on the laneway to the house of 3.1 m when the standard access would be 3.7 m. However, the Transportation Planning Section report that the widening of this laneway is not possible as adjoining lands are not in the control of the application and they consider that because there is an existing house on site, a dispensation for the increase width should be given. The Transportation Planning Section reported no objection to the development subject to standard conditions in the event that permission is to be granted.

7.3.8. There is adequate room on site to park cars and as already reported, a garage is proposed as part of the development. Once again it has to be stated that this is a replacement development for an existing house, so the nature of the access and site does not change.

7.4. Drainage and Water Supply

7.4.1. I note the report of the Municipal Services Department – Drainage Planning Section and there is no objection to the proposed development subject to standard conditions.

7.5. Other Issues

7.5.1. Comment was made that the assessment of the Planning Authority was not sufficient. I have no objection to the reports, which includes the assessment, of the Planning Authority and all pertinent issues were identified and adequately considered.

7.5.2. Similarly, I have no objection to the quality/ extent of the information, including plans/ elevations etc., provided by the applicant. The originally submitted and the revised floor plans and elevations provide for sufficient measurements that allow for a full assessment of the proposed development.

7.5.3. Concern was raised about the impact of the basement level on adjoining properties. The basement is large but even at its nearest point to adjoining properties, it is four metres from the boundary. This is more than adequate to ensure that there would be no impact on these properties. The separation to the other boundaries at

between 12.7 m and 20 m would be more than adequate to ensure that the basement gives no rise for concern.

- 7.5.4. I accept that there would be noise, vibration and dust issues during the demolition and construction phase of the development, but such issues would occur even if only a modest extension were to be provided to this house. The applicant will be conditioned to provide a suitably detailed Construction Management Plan and Demolition & Waste Management Plan to the Planning Authority prior to the commencement of development.

7.6. Appropriate Assessment Screening

- 7.6.1. Having regard to the nature and limited scale of the proposed development and the location of the site in an established, serviced, suitably zoned urban area 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 an 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

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th of January 2021, as amended by the further plans and particulars submitted on the 15th of April 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 house shall be carried out in accordance with the floor plans and elevational drawings received by the Planning Authority on the 15th of April 2021.</p> <p>Reason: In the interest of clarity.</p> |
| 3. | <p>The first floor windows in the north west elevation shall be permanently glazed with obscure glass.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p> |
| 4. | <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 details shall include photomontages, colours, textures, and specifications.</p> <p>Reason: In the interest of visual amenity.</p> |
| 5. | <p>Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.</p> |

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| | Reason: In the interest of public health. |
| 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>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 the “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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |
| 8. | <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, noise and dust management measures and details of how demolition/ construction/ delivery traffic is to be managed.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |

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| 9. | <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> |
| 10. | <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> |
| 11. | <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

23rd September 2021