



An
Bord
Pleanála

Inspector's Report ABP-312357-22.

Development

Three bedroom two-storey dwellinghouse with rear roof rooflights, associated utilities and services including boundary walls, demolition of shed.

Location

Plot adjacent 14 Dublin Road, Bray, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/0926.

Applicant

Gwen and John Downing.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party

Appellants

Gwen and John Downing.

Observers

None.

Date of Site Inspection

13 March 2022.

Inspector

Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site defined is a plot of land occupied by a semi-detached house at a prominent junction at the entrance to Bray. The site is close to the motorway junction named Bray North and the adjacent road to the front of the site is heavily trafficked.
- 1.2. The subject site is occupied by the semi-detached house, a single storey shed to the side and some small pigeon lofts/domestic storage sheds which are along the southern boundary.
- 1.3. The site may be generally defined as wedge-shaped. The side boundaries are straight-line boundaries which separate the subject house from adjacent houses. The boundary with the public realm is almost an arc (curved at the south-west facing Bray Road and straight at the boundary with Corke Abbey Avenue to the south). The north-eastern boundary (one of the two straight line side boundaries) is shared with no. 15 Corke Abbey Avenue and is planted with a high privet hedge. The southern boundary is screened on both sides by a low boundary wall, planted to the rear with another evergreen hedge.
- 1.4. Photographs taken by me at the time of inspection are attached.

2.0 Proposed Development

- 2.1. The development subject of the planning application may be described as follows:
 - demolition of shed
 - construction of two-storey dwelling houses with attic level room
 - house to contain 3 no. bedrooms
 - overall height to ridge of pitch roof of 8150mm
 - overall floor area of 95m²
 - located in side/front garden of existing semi-detached house.
- 2.2. As part of the appeal a revised submission submitted comprises:
 - a reduction in size to 80 m²
 - a reduction to 2 no. bedrooms

- a reduction in height to 5.7 m
- a change in design to a contemporary style bungalow with dormer windows.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reason summarised below.

- Having regard to the 'A' zoning of the site and the provisions of section 8.2.3.4 relating to corner/site garden developments it is considered that the proposed development by reason of its siting, design and proximity to site boundaries would adversely impact on the residential amenity of the adjacent property no. 15 by reason of overbearing appearance, represents overdevelopment of the subject site and would detract from existing visual amenities and depreciate the value of property in the vicinity and set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points in the planner's report include:

- residential development may be permitted if the planning authority is satisfied that the development would be compatible with the overall policies and not have undesirable effects
- while subdivision of the site was not included in the public notices it appears that this is proposed as there is a 1.8 m high wall to the front and side of number 14
- the development is acceptable with respect to the existing house
- with respect to no. 15 a minimum separation distance of 5.9 m would be provided between the proposed dwelling and the shared boundary which is below the separation distance of 22 m set in the development plan

- having regard to the limited separation distance, the width of the house and its height the development would appear overbearing on the residential amenity of the adjacent house
- A first-floor level of the proposed house would directly look to the front garden of no. 15 and due to the limited separation distance of 5.9 m there would be a degree of overlooking which would detract from the residential amenity of no. 15
- the proposed development would be visually incongruous and detract from the streetscape being located to the front of the existing dwelling and having regard to the established building line
- due to the design of the proposed house and limited separation it would lead to an overdevelopment of the site
- while the principle of residential development at the site may be considered, the development is currently proposed is unacceptable.

3.2.2. Other Technical Reports

Drainage Planning – requirements relating to surface water which shall divert to a soakway on site or an alternative SuDS measure and use of permeable material for the proposed parking.

Transportation Division – standard requirements.

3.3. **Prescribed Bodies**

Irish Water - standard requirements.

3.4. **Third Party Observations**

None.

4.0 Planning History

5.0 Policy Context

5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is within an area zoned 'A' the objective of which is to 'protect and/or improve residential amenity'.

Section 8.2.3.4 (v) sets out criteria for the development of additional accommodation in existing built-up areas and specifically in relation to corner/side garden sites. In considering these applications the following are amongst the parameters which will be taken into account:

- size, design, layout, relationship with the existing dwelling and immediately adjacent properties
- the impact on amenities of neighbouring residents
- building lines to be followed where appropriate
- parking
- other standards.

5.2. Natural Heritage Designations

The nearest European site is Ballyman Glen SAC which is 1.9km away. The site is also connected hydrologically to other European sites including Site Codes 000210, 004024, 004172 and 003000.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant offers a revised submission which is described in terms of the reduction in size, number of bedrooms, height and design of the proposed development.

The appellant describes the revised design as a contemporary bungalow with dormer windows.

Further comments in the appeal are:

- the presence of a hedge around the site would almost protect against any adverse impact on the existing amenities
- the new development would not significantly overlook the adjacent house and there would be less of an impact and overburden on that house
- the general area would not be adversely impacted.

6.2. Planning Authority Response

The planning authority states that the proposal is materially different and should be submitted as a new application for a full assessment. However, concerns remain regarding the impact of the proposal on the adjoining property including concerns regarding the visual impact of the dormer windows on visual amenity which would require a new assessment.

6.3. Observations

None.

7.0 Assessment

- 7.1. In the foregoing I have had regard to both the original and revised designs of the proposed dwelling house as submitted with the planning application and appeal.
- 7.2. I consider that both proposals comply with the development plan in relation to internal space standards, open space and parking. These are not substantive issues in this appeal, and I do not propose to give them further consideration.
- 7.3. I note the submission of Irish Water and the comments of the Drainage Planning Section of the planning authority and on the basis of these reports I conclude that the site can be suitably serviced.
- 7.4. Therefore, the substantive matters in this appeal relate to:
 - the impact on the adjacent properties

- the streetscape/visual amenity impacts

both of which matters are set out as criteria of relevance under the development plan in terms of the development of corner/side garden sites in built-up areas.

- 7.5. I consider that in terms of the impact on the residential amenity of no. 15, the revised submission involving a dwelling house of dormer form and substantially lower height would have less impact than the original design submitted. The proposed revised design nevertheless does contain rear velux windows facing onto the front of no. 15 and I consider that there would be a degree of overlooking or a perception of overlooking the very least. The proposed dwelling house would be positioned at a similar location to the original proposal resulting in a separation to the shared boundary of approximately 6 m. While I accept the submission that the impact on the residential amenities of no. 15 would be lessened, I consider that the juxtaposition of the proposed house with the existing adjacent house is fundamentally unacceptable having regard to the orientation and limited separation distance. I consider that the appeal submission does not overcome the issues raised in the decision of the planning authority, which I consider are reasonable. Permission should be refused by reason of the impact on the amenities of no. 15.
- 7.6. Amongst the criteria in the development plan with respect to the development of corner/side garden sites is that building lines be respected where possible. I consider that this is a fundamental requirement for this site having regard to its prominent nature and notwithstanding the presence of evergreen hedges. I do not consider that it is appropriate that a grant of permission for a dwellinghouse at this site should rely on the screening afforded by these hedges. The house would be likely to be in situ for a significant duration and the longevity of the hedgerows cannot be relied upon. Furthermore, I am not satisfied that the hedgerows would completely screen the subject dwellinghouse. I agree with planning authorities grant permission for development of this nature would set a precedent and, in my opinion, it would be a highly undesirable precedent.
- 7.7. In summary having regard to the visual and residential amenity impacts of the proposed development I consider that it is substantially at variance with the development plan parameters for the development of such sites. I note the comment in the planner's report that in principle the development of this site is acceptable.

The consideration of an appropriate design solution, if feasible, is a matter for the planning authority in the consideration of any future applications.

- 7.8. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development and the availability of public services, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would 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. I recommend that the decision of the planning authority to refuse permission be upheld for the reasons and considerations below.

9.0 Reasons and Considerations

It is considered that the proposed development fails to adhere to the criteria set down in section 8.2.3.4 (v) of the Dun Laoghaire Rathdown Development Plan 2016-2022 and would constitute a substandard and piecemeal form of development which would seriously injure the residential amenities of existing development by way of overlooking and would impact on the public realm by way of visual intrusion. The proposed development would not therefore be in accordance with the proper planning and sustainable development of the area

Mairead Kenny
Senior Planning Inspector

14 March 2022