



An
Bord
Pleanála

Inspector's Report ABP-313769-22

Development	Construction of end of terrace 2 storey 2 bedroom dwelling to include, off street parking to rear, demolition of existing garage, raise existing side boundary wall at side to 2100mm and all ancillary site works
Location	28 Glengara Park, Glenageary, Co. Dublin,
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/1119
Applicant(s)	David & Geraldine Lacey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Frank and Emily Coffey and Others
Observer(s)	None

Date of Site Inspection

18/10/2022

Inspector

Lorraine Dockery

1.0 **Site Location and Description**

- 1.1. The subject site, which has a stated area of 425 square metres, is located at Glengara Park, accessed from Eden Road Upper in Glenageary, Co. Dublin. It contains a two-storey, semi-detached house with a single storey garage to side. 'The Metals' public access runs along the rear boundary of the site.

2.0 **Proposed Development**

- 2.1. Permission is sought for construction of end of terrace, two- storey, two-bedroom dwelling to include, off street parking to rear. Proposal also includes for the demolition of the existing garage, raise existing side boundary wall at side to 2100mm and all ancillary site works.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority GRANTED permission, subject to 10 standard conditions
Further Information was requested in relation to design details; evidence of ownership; boundary treatment and procedural issues relating to public notice.

Clarification of Further Information was requested in relation to lack of clarity relating to some details; clarification of ownership details and drawings of eastern site boundary.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points of the planner's report include:

- Having regard to the zoning, the nature and scale of the proposed development considered that proposed development would not adversely impact on residential or visual amenities of the area and would be in accordance with proper planning and sustainable development of the area
- Recommends grant of permission

3.2.2. Other Technical Reports

Transportation Planning Division- no objections, subject to conditions

Drainage Division- no objections, subject to conditions

4.0 Prescribed Bodies

Irish Water

No objections, subject to conditions

Iarnrod Eireann

Observations noted

5.0 Planning History

ABP-311999-21

Permission GRANTED for new detached 2 storey 2 bedroom dwelling to include, off street parking, reconfiguration of vehicular entrances to existing dwelling and proposed dwelling, demolition of existing garage, raise existing side boundary walls to rear to 2100mm and all ancillary site works (April 2022).

6.0 Policy and Context

6.1. Development Plan

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

Zoning: The majority of the site is zoned 'Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. It is noted that a small portion of the site is shown as 'white'

on the Development Plan maps. Correspondence from the planning authority, attached to the Clarification of Further Information response, notes that this is a mapping anomaly, to be addressed as part of the 2028 Development Plan process.

6.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

6.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The main points of the appeal are:

- Policy: Non-compliance with requirements of operative CDP in relation to corner sites; contrary to zoning objective
- Visual Impacts: Visually incongruous and out of keeping with existing layout and pattern in area; creation of a terrace; visual disharmony; unsuitable site due to restricted size and shape; no direct external access to rear garden; overdevelopment
- Residential Impacts: depreciation of value; overshadowing; overbearing; change in outlook; detract from existing amenities; poor quality of private open space

- Traffic Impacts: safety concerns for children; entrance details; increased traffic movements; loss of on-street parking spaces; impact on stability of boundary wall due to construction works
- Other Matters: ownership; previous decision to refuse permission by PA still applicable; setting of precedent

7.2. **Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

7.3. **Observations**

None

7.4. **Further Responses**

A response was received from the first party which refutes all grounds of appeal. No new planning matters raised.

8.0 **Assessment**

- 8.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and the first party response, in addition to having visited the site. The primary issues, as I consider them, are (i) planning history and policy context (ii) impact on visual and residential amenities of the area arising from the proposed development (iii) traffic and transport matters and (iv) other matters.

Planning History and Policy Context

- 8.2. I highlight to the Board that a similar type development was recently granted permission on appeal under ABP-311999-21 on April 4th, 2022. The primary difference between this current appeal and that recently permitted on the site is a change of house type from detached (permitted) to end-of-terrace (proposed) with consequent increase in floor area and other minor alterations. Having regard to the

recent planning history on the site, I am of the opinion that the principle of a dwelling in the side garden area of this site has been accepted.

- 8.3. I note that the new County Development Plan 2022-2028 has been adopted since the previous grant of permission on the site. The zoning of the majority of the site remains as previously- 'Objective A' which seeks to 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. It is noted that a small element of the site is zoned 'white'. Correspondence from the planning authority, attached to the Clarification of Further Information response, notes that this is a mapping anomaly, to be addressed as part of the 2028 Development Plan process. This is considered acceptable. I consider the proposed development to be in accordance with the zoning objective for the site.
- 8.4. Section 12.3.7.5 'Corner/Side Garden Sites' of the operative County Development Plan sets a generally favourable policy towards development on corner/side garden sites, subject to compliance with normal planning criteria. I consider the proposal to be substantially in compliance with this section of the operative County Development Plan.

Visual Amenity

- 8.5. In terms of visual amenity, I am generally satisfied with the design approach put forward in this instance. I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the operative County Development Plan in this regard.

Residential Amenity

- 8.6. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. I note that there are no residential properties immediately to the east or west of the site. A roadway and

turning circle separate the proposed development from existing properties to the south. The proposed house would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established city area, where there are adequate public transport links, services, facilities and employment in close proximity. The principle of such a type of development has recently been accepted on the site. I have no information before me to believe that the proposal would lead to the setting of precedent for other similar developments in the vicinity. In any event each application is assessed on its own merits. In addition, I have no information before me to believe that the proposed development, if permitted would lead to the depreciation of property values in the vicinity.

- 8.7. I note the somewhat unusual shape of the site, however I am not unduly concerned in this regard. Adequate private open space is proposed for both the existing and proposed dwellings, to comply with Development Plan standards. I note that the proposed dwelling complies with the operative Development Plan in terms in internal standards.

Traffic and Transport Matters

- 8.8. I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. Given the limited scale of the proposed development (one single dwelling), I would not anticipate it to lead to the generation of significant volumes of traffic. In-curtilage parking is proposed. The proposal is substantially in compliance with Development Plan standards in this regard and the Transportation Division of the planning authority have no objections to the proposal, subject to conditions. Matters relating to boundary details and access gates can be adequately dealt with by means of condition.
- 8.9. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

Other Matters

- 8.10. Matters relating to boundaries and legal ownership are considered to be a legal matters outside the remit of this planning appeal. I can only undertake my assessment based on the information before me. I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.
- 8.11. In terms of any possible impacts on the granite rubble stone wall that back onto 'The Metals' and to ensure the protection of its structural integrity and that of the existing boundary walls around the site, I recommend that a Construction Method Statement be submitted to the planning authority for its written agreement, prior to the commencement of any works on site. This matter could be adequately dealt with by means of condition.

Conclusion

- 8.12. Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the County Development Plan, which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities', is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

9.0 Appropriate Assessment Screening

- 9.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites

arising from the proposed development, alone or in combination effects, can be reasonably excluded.

10.0 Recommendation

10.1. I recommend permission be GRANTED subject to conditions.

11.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Dun Laoghaire Rathdown County Development Plan 2022-2028, and to the standards for the development of corner/side gardens set out in section 12.3.7.5 of that Plan, it is considered that, subject to compliance with conditions below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on 02/03/2022 and Clarification of Further Information received by the planning authority on the 19/04/2022, 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>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Method Statement for any works to the granite rubble stone wall that backs onto 'The Metals' in order to ensure the structural integrity of the existing boundary walls around the site</p> <p>Reason: In order to protect architectural character and in the interest of visual amenity</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>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.</p> <p>Reason: In the interest of public health and surface water management.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p>

	Reason: In the interests of public health
8.	<p>The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters</p> <p>Reason: In the interests of public safety</p>
9.	<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 including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<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>

Lorraine Dockery
Senior Planning Inspector

25th October 2022