



An  
Bord  
Pleanála

## Inspector's Report ABP-313819-22

### Development

Provision of a two-storey, three-bedroom dwelling house circa 127 m<sup>2</sup> net internal area (circa 147 m<sup>2</sup> gross external area) to include new vehicle access, car parking, new service & drainage connections & other associated site works, on site comprising 0.0251 hectares (circa 251 m<sup>2</sup>) at side garden site of existing house.

### Location

1, New Park Road, Glebe, Blackrock, Co Dublin

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D22A/0217

### Applicant(s)

Timothy & Corinne Carthy

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

**Appellant(s)**

Timothy & Corinne Carthy

**Observer(s)**

Hugh and Clare Finlay

Jane Barrett and Andrew Cullen

**Date of Site Inspection**

25<sup>th</sup> November 2022

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of circa 251 m<sup>2</sup>, comprises the side garden site of an existing house at 1 New Park Road, Glebe, Blackrock, Co. Dublin. This is a corner site located at the junction of Holly Park Avenue and The Old Courtyard. The overall site currently contains a two-storey, semi-detached house. Permission was recently granted by the planning authority for a dwelling to side.

## 2.0 Proposed Development

- 2.1. Permission is sought for construction of one no. two-storey, three-bedroom dwelling house, with stated floor area of circa 127 m<sup>2</sup> (net internal)(circa 147 m<sup>2</sup> gross external area) to include new vehicle access, car parking, new service & drainage connections & other associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority REFUSED permission for the following reason:

1. Having regard to the overall scale, form and siting of the proposed dwelling, the restricted size of the site and the lack of appropriate separation distances, the proposed will adversely impact the residential amenity of properties within the surrounds and is considered to constitute an overdevelopment of the application site. The proposal is also considered to result in overlooking of properties to the north and east of the site. The proposal is contrary to Section 12.3.7.5 (Corner/Side Garden Sites) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and is therefore not in accordance with the zoning Objective 'A' that applies to the lands, which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. It is considered therefore, that the proposed development would seriously injure the residential and visual amenities, would depreciate the value of property in the vicinity, would help set an undesirable

precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The main points of the planner's report include:

- Generally satisfied that the principle of the proposed development is acceptable at this location
- Significant concerns with respect to the impact of the proposal on the residential amenity of properties within the vicinity given the restricted site size of the application site.
- Recommends refusal of permission for reason similar to that refused above

### 3.2.2. Other Technical Reports

Drainage Division- no objections, subject to conditions

## 4.0 **Prescribed Bodies**

None

## 5.0 **Planning History**

D22A/0257

Permission GRANTED for new two-storey dwelling to side of existing dwelling (1 New Park Road), to include new vehicle access, parking and all ancillary site works (June 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 site is zoned 'Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Section 12.3.7.5 Corner/Side Garden Sites

#### 6.1. 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.

#### 6.2. 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:

- Refutes reason for refusal

- Includes alternative design option
- Meets all required internal and external development management standards
- Does not consider it to be over-development of site- suitable development at this location
- Currently over-sized and under-utilised garden

## 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**

Two observations were received- from (i) Jane Barrett and Andrew Cullen and (ii) Hugh and Clare Finlay. The concerns raised in observations may be summarised as follows:

Impacts on residential amenity- loss of privacy; overlooking; construction concerns; setting of undesirable precedent; depreciation of property; overdevelopment

Impacts on visual amenity- design; not sympathetic to existing houses

Traffic/transportation- congestion and anti-social parking

Policy- contrary to Development Plan

## 7.4. **Further Responses**

None

## 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 subsequent response, the observations received, in addition to having visited the site. The primary issues, as I consider them, are (i) policy context (ii) impact on visual and residential amenities of the area

arising from the proposed development (ii) traffic and transport matters and (iv) other matters.

#### Policy Context

- 8.2. I highlight to the Board that a similar type development was recently granted permission to the side of the existing dwelling by the planning authority (D22A/0257) in June 2022.
- 8.3. The site, which forms part of the rear garden area of the existing dwelling, is zoned 'Objective A' which seeks to 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. 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. It is similar in design and scale to that permitted to the side of the existing dwelling. Notwithstanding the recently permitted dwelling to the side of the existing dwelling on site, 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. I highlight to the Board that a revised proposal has been submitted with the appeal documentation which seeks to address the concerns of the planning authority in relation to overlooking of adjoining properties and impacts on residential amenity. 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. An access roadway and dense planting separate the proposed development from existing properties to the north. 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.

- 8.7. In terms of impacts on daylight and sunlight, I note the submission of a Shadow Study. I am conscious that in designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dun Laoghaire Rathdown County Development Plan to assist in identifying where potential issues/impacts may arise. I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development, to the existing pattern and scale of development within the area and to the overall scale of the development proposed. I consider that the potential impact on existing residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.
- 8.8. Concerns raised in relation to noise, disturbance and dust impacts during the construction phase can be adequately dealt with by means of condition. Any such impacts would be temporary in duration.
- 8.9. 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 overall 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.



- 8.10. 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 substantially complies with the operative Development Plan in terms in internal standards.

#### Traffic and Transport Matters

- 8.11. 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.
- 8.12. 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.

#### Conclusion

- 8.13. 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 the drawings received by An Bord Pleanála on 30/05/2022, 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><b>Reason:</b> In the interest of clarity</p>
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><b>Reason:</b> In the interest of visual amenity.</p>
3.	<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.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<b>Reason:</b> In order to safeguard the amenities of property in the vicinity.
4.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.  <b>Reason:</b> In the interests of visual and residential amenity.
5.	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.  <b>Reason:</b> In the interest of public health and surface water management.
6.	Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.  <b>Reason:</b> In the interests of public health
7.	The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters  <b>Reason:</b> In the interests of public safety
8.	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.  <b>Reason:</b> In the interests of public safety and residential amenity.
9.	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

	<p>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><b>Reason:</b> 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>
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Lorraine Dockery  
Senior Planning Inspector

28<sup>th</sup> November 2022