



An
Bord
Pleanála

Inspector's Report

ABP-313905-22

Development	Construction of a two-storey garage to rear of house, accessed off Milltown Bridge Road, including all associated site works.
Location	90 Whitebeam Road, Dublin 14, D14 NN56
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22b/0196
Applicant(s)	Patrick and Caroline Levins
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	George Cross
Observer(s)	None
Date of Site Inspection	28 th July 2023
Inspector	Susan Clarke

1.0 Site Location and Description

1.1. The rectangular shaped site, which has a stated area of 0.1ha, is located on the junction of Whitebeam Road and Milltown Bridge Road and contains a two-storey detached dwelling with a single storey garage to the side. There is a vehicular access point to the front (Whitebeam Road) and side/rear (Milltown Bridge Road). This is an established residential area.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a two-storey garage to the rear of the existing house, to be accessed off Milltown Bridge Road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission GRANTED, subject to seven standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The main points of the Planner's Report include:

- The proposed development would not adversely impact on the area's residential amenity by reason of overshadowing, overlooking, or overbearing appearance. In addition, the proposal would not significantly detract from the character of the area and would be in accordance with the proper planning and sustainable development of the area.
- Recommends grant of permission.

3.2.2. Other Technical Reports

Drainage Division - No objections, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. One Third-Party Observation from Geroge Cross was received by the Local Authority opposing the development. The key points raised are similar to those raised in the Third-Party Appeal, which are summarised in Section 6.0 below.

4.0 Planning History

- 4.1.1. **DLRCC Reg. Ref. D03A/1190; ABP Reg. Ref. 206177:** Planning permission granted in 2004 for an extension to and refurbishment of existing dwelling, maintain existing single storey residential block that will be re-converted into a garage, alterations to the vehicular access onto Whitebeam Road involving relocation of entrance gates, new vehicular entrance to Milltown Bridge Road and associated site works.
- 4.1.2. **DLRCC Reg. Ref. D04A/1066; ABP Reg. Ref. 209948:** Planning permission granted in 2004 for amendments to previously approved Planning Permission Reg. Ref. D03A/1190 and An Bord Pleanála Ref. PL.06D.206177 involving proposed new first floor bedroom over ground floor living room to eastern elevation and proposed new single storey conservatory to southern elevation with all associated alterations.
- 4.1.3. **DRLCC Reg. Ref. D06A/0101:** Retention permission granted in 2006 for alterations previously approved development Planning Register Reference D04A/1066 and an Bord Pleanála Reference PL06D/209948. The alterations comprise pedestrian entrance gate at front entrance, alterations at rear entrance gate, additional floor area at ground and first floor at rear of house and alterations to roof.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan, 2022-2028

- 5.1.1. The Dun Laoghaire Rathdown County Development Plan, 2022-2028 is the operative Development Plan for the area.

5.1.2. The site is located in an area zoned 'A', which has a stated objective "*to provide residential development and improve residential amenity while protecting the existing residential amenities*".

5.1.3. Section 12.3.7.4 of the Development Plan relates to Detached Habitable Rooms:

This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house. Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.

5.2. Natural Heritage Designations

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

5.3. EIA Screening

5.4. Having regard to the nature and scale of the development proposed, the site location within an established suburban 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third-Party Appeal was submitted to An Bord Pleanála on 27th June 2022 by George Cross opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- The Local Authority failed to consider the points raised in the Observation made by the Appellant in the assessment of the case.
- Due to the lack of visibility, entering and exiting vehicles from the site will create unnecessary hazardous situations for drivers, pedestrians and cyclist. It is noted that traffic volumes in the area are increasing on a daily basis.
- The permitted vehicular access on Milltown Bridge Road was supposed to be used to store a boat on the site. A 'change of use' permission should be required for the land on which it is proposed to build the garage.
- There is no requirement for a further garage on the site.
- The garage is a standalone structure, not an extension as stated by the Local Authority.
- Should the Board decide to grant permission for the development, it is suggested that it be subject to three conditions: (i) that the entrance gates should be splayed back from the pathway/road, (ii) the garage should be limited to a single storey, as otherwise it will be visibly obtrusive and out of keeping with the surroundings, and (iii) the garage should not be used for commercial purposes to ensure that the neighbourhood will not be subjected to any unnecessary noise or activity.

6.2. Applicant Response

6.2.1. The Applicant submitted a response to the Board on 20th July 2022. The key points can be summarised as follows:

- The proposal will not alter the existing state and use of the existing vehicular access, which has been used continuously over the past 16 years.
- The Appellant's opinion on the need for the development is not a planning matter.
- The entrance gates are in accordance with previous granted planning permission. No alterations are proposed to same.
- All buildings in the vicinity are two-storey beneath pitched roofs.
- The structure is set down into the surrounding ground level and the upper storey is substantially contained in the roof.
- The proposal has a very low roof profile.
- Existing planting provides a high level of privacy such that the garage really cannot be viewed from any other location other than Milltown Bridge Road.
- There is no valid reason to limit the proposal to a single storey.
- No objection to conditioning the use of the garage not for commercial use or vehicle repairs.

6.3. **Planning Authority Response**

- 6.3.1. The Local Authority advised the Board on 14th July 2022 that it considers that the grounds of appeal raise no new matters.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal submission and the report of the Planning Authority, in addition to having visited the site.

The primary planning issues, as I consider them, are (i) principle of the proposal, (ii) traffic safety, and (iii) visual impact/residential amenity.

With respect to the Appellant's assertions regarding the Local Authority's failure to reference the points raised in his earlier Observation, it is reasonable to note that the proposed development subject to appeal is now before the Board de novo.

7.1.1. Principal of the Development

The provision of a garage is considered acceptable in principle, subject to an assessment under relevant Development Plan criteria, and is considered to be in accordance with the zoning objective of the area. The Applicant has no objection to the Appellant's request that the use of garage be addressed by condition attached to any grant of permission, generally restricting its use for purposes incidental to the enjoyment of the dwelling house on site. I concur that this suggestion would ensure the residential amenity of the area is protected. A change of use permission is not required in this instance as the primary use of the site would remain as residential (i.e. the garage is incidental to the dwelling).

I concur with Applicant that the 'need' for the proposed development, which is ancillary to the enjoyment of the house, is not a planning matter.

7.1.2. Traffic Safety

The Appellant argues that the proposed development represents a traffic safety hazard on Milltown Bridge Road, which is experiencing increasing traffic volumes. As highlighted by the Applicant, planning permission has already been secured for the vehicular access point and no alterations are proposed to same. While I acknowledge that traffic volumes may increase at peak times during the day as suggested by the Appellant, I note from my site visit, which was conducted in the late afternoon, that traffic volumes are generally very low. The proposed development will not result in an intensification of use on the site and as such there is no increase in traffic movements to and from the property anticipated. Having regard to the volume of traffic utilising the entrance and the sightlines available, I do not consider that the proposal represents a traffic safety hazard. As such, I do not recommend that any alterations to the entrance gate, should permission be granted for the proposed development.

7.1.3. Visual Impact/Residential Amenity

The Appellant recommends that the garage be reduced in scale to a single storey structure to ensure it is in keeping with the area. However, as highlighted by the Applicant, all the properties immediately surrounding the site are two storey in height. I do not have issue with the extent or scale of the proposed garage and consider that it would integrate well with the existing dwelling and other properties in the vicinity. Given its overall height, design and proximity to nearby dwellings, I consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance, overlooking or overshadowing and I do not consider it to be visually incongruous or dominant in this context. As is evident from the attached photographs, the site is well screened by existing vegetation and boundary treatments. As such, I am satisfied in this regard and contend that the proposal will not negatively impact the area's residential amenity.

7.2. Conclusion

Having regard to all of the above, I am satisfied that the proposed development is in accordance with the provisions of the operative Development Plan, 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.

8.0 Appropriate Assessment Screening

- 8.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced suburban 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.

9.0 Recommendation

- 9.1. I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area as per the Dun Laoghaire Rathdown County Development Plan 2022-2028, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity nor would it represent a traffic safety hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, 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 garage shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from</p>

	<p>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 residential amenities of property in the vicinity.</p>
4.	<p>Drainage arrangements, including the 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.</p>
5.	<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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan Clarke
Senior Planning Inspector

31st July 2023