



An
Bord
Pleanála

Inspector's Report ABP-313927-22

Development

Construction of a new part two-storey and part single storey detached house with roof lights, new vehicular and pedestrian entrance, new boundary fences, drainage connections and landscaping and associated works.

Location

Side of No. 1 Meadowmount, Dublin 16

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0252

Applicant(s)

Brendan Conway

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Brendan Conway

Observer(s)

Moira Fletcher

Date of Site Inspection

22/11/2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 400 square metres, is located in the side garden of No. 1 Meadow Mount, Churchtown, Dublin 16 and is located at the junction of Meadow Mount and Meadow Grove. The overall site contains a two-storey, semi-detached house. The site, as outlined in red, is triangular in shape. This is an established residential area.

2.0 Proposed Development

- 2.1. Permission is sought for construction of a new part two-storey and part single storey detached house with roof lights, new vehicular and pedestrian entrance, new boundary fences, drainage connections and landscaping and associated works.
- 2.2. The proposed dwelling has a stated floor area of 180m².

3.0 Planning Authority Decision

3.1. Decision

The planning authority REFUSED permission for two no reasons as follows:

1. The proposed development would result in significant negative visual impacts on the adjacent dwelling to the north/north-west in terms of overbearing visual impact and overshadowing due to its height, scale and proximity to boundary. The proposal would seriously injure the amenities of the adjoining property. The proposed development would not be in accordance with section 12.3.7.5 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and therefore, not be in accordance with the proper planning and sustainable development of the area.
2. The proposed rear garden space is seriously deficient in terms of quantity and quality of useable private open space for the scale of dwelling proposed and is below the Development Plan standard in this regard. This would result in a sub-standard level of residential amenity for future occupants of the dwelling contrary to section 12.3.8 of the Dun Laoghaire –Rathdown County

Development Plan 2022-2028 and therefore, is not in accordance with 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:

- Due to the scale and height of the proposed first floor rear element in close proximity to the northern boundary, that as designed and positioned, the proposed new dwelling would result in undue overbearing impacts, overshadowing and undue overlooking on adjacent residential amenities to the north/north west.
- Proposed rear garden space is seriously deficient in terms of quantity and quality of useable open space- below Development Plan standards
- Recommends refusal of permission

3.2.2. Other Technical Reports

Transportation Planning Division- Further Information requested

Drainage Division- No objections, subject to conditions

4.0 **Prescribed Bodies**

Irish Water

Records indicate the presence of water infrastructure which may be impacted by the proposed development. In order to assess the feasibility of a connection to public water/waste water infrastructure further information is requested as follows: the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water/waste water infrastructure

5.0 Planning History

PL06D.217134 (D06A/0182)

Permission REFUSED on appeal for a dormer bungalow to side of existing dwelling, including new vehicular entrance and associated site works (October 2010). The reason for refusal related to the fact that the proposed development, by reason of its scale, layout, proximity to the existing dwelling and visually obtrusive effect on the streetscape, would be out of character with the pattern of development in the vicinity and would seriously injure the amenities of the area and of property in the vicinity.

PL06D.211966 (D05A/0213)

Permission REFUSED on appeal for a dormer bungalow to side of existing dwelling for reason similar to that above (August 2005).

PL06D.207231 (D04A/0202)

Permission REFUSED on appeal for a dormer bungalow to side of existing dwelling for reason similar to that above (Sept 2004).

6.0 Policy and Context

6.1. Development Plan

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

Zoning: '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

6.2. 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:

- Complies with requirements of operative County Development Plan in relation to corner/side garden sites, together with regional and national policy; compliance with zoning objective
- Increased efficiency of serviced land in accordance with Project 2040
- Appropriate response in relation private open space quality and quantity- 179m² provision
- Minimal impacts on residential amenity- Shadow Analysis submitted; windows at first floor level to rear/side to be comprised of obscure glazing; adequate separation distances proposed
- Examples identified of similar type development permitted

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**

An observation was received from Moira Fletcher, 2 Meadow Mount, which may be summarised as follows:

- Overlooking from first floor windows; invasion of privacy
- Impacts on appearance of roadway; removal of greenery; devaluation of property
- Scale/design of proposed dwelling would be out of character and seriously injure the amenities of the area; substandard amenity for future occupiers
- Traffic safety concerns; construction noise and traffic concerns
- Drainage concerns- sewage and water pressure

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 the observation, 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 arising from the proposed development (iii) traffic and transport matters and (iv) other matters.

8.2. I note that the appeal submission includes additional drawings which provide for the marginal increase of the site area. This allows for the marginal increase in private open space provision and separation distances from neighbouring properties. I shall base my assessment on this revised drawing (XT-516-003).

Planning History and Policy Context

8.3. I highlight to the Board that a number of applications for a dormer dwelling have been refused permission on this site in the years since 2004. I note however since the previous refusals of permission for an additional dwelling on the site, a significant volume of national guidance has been published, promoting the densification of

appropriate infill and under-utilised sites in urban areas close to employment and public transport links. I consider this to be one such under-utilised site and consider the proposal to be in compliance with national guidance in this regard. I am of the opinion that the principle of a dwelling in the side garden area of this site is acceptable. I also note that the planning authority do not raise concern in relation to the principle of a dwelling on this site.

- 8.4. The site 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.
- 8.5. 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

- 8.6. 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

- 8.7. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. The first reason for refusal which issued from the planning authority raised concerns in terms of overbearing visual impact and overshadowing due to its height, scale and proximity to boundary. The planning authority were also of the opinion that the proposal would seriously injure the amenities of the adjoining property. I consider that the property most likely to be impacted upon by the proposed development is No. 35 Meadow Grove. Having

examined the proposal, I am of the 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. Given the height and design of the proposed dwelling, in an area characterised by two-storey and single storey dwellings, I am of the opinion that 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. A Shadow Analysis has been submitted in this regard, which demonstrates that the proposed dwelling would have marginal impacts on daylight/sunlight to adjoining dwellings. In terms of overlooking, I note that all windows at first floor level to rear/side apart from one bedroom window (which is located furthest away from adjoining properties) would be permanently comprised of obscure glazing. 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.

- 8.8. 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.
- 8.9. 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. The planning authority have raised concern in this regard and the matter of private open space forms the second reason for refusal. I am of the opinion that good quality, private open space is provided to the rear and side of the proposed dwelling, in compliance with Development Plan standards. Adequate open space also remains to the existing dwelling 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

- 8.10. I note the concerns raised in the observation 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 while I note that the Transportation Division of the planning authority requested Further Information in relation to the proposed entrance, this matter did not constitute a reason for refusal. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. Matters relating to construction noise could also be adequately dealt with by means of condition.
- 8.11. 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

- 8.12. I note the concerns raised in the observation in relation to drainage. I note that the planning authority were not unduly concerned in relation to this matter and that the Drainage Division had no objections, subject to condition. I note the report of Irish Water and consider that this matter could be adequately dealt with by means of condition. I have no information before me to believe that the proposal would be prejudicial to public health.
- 8.13. Given the nature of existing planting on site, of limited value, I am not unduly concerned with its removal.

Conclusion

- 8.14. 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, would provide an adequate standard of residential amenity to future occupiers 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.	The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by Drawing No. XT-516-003 received by An Bord Pleanála on the 28 th day of June 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: 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>Reason: In the interest of visual amenity.</p>
3.	<p>All windows at first floor level to the rear and side, with the exception of the 'Master Bedroom' window shall be permanently comprised of obscure glazing and shall be unopenable</p> <p>Reason: In the interests of residential 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.</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> <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

28th November 2022