



An
Bord
Pleanála

Inspector's Report ABP-313942-22

Development

The development will consist of: one no. detached two-storey, three bedroom mews house (c.180 sqm) with pedestrian and vehicular access from Pakenham Road, with one no. car parking space and all associated landscaping and drainage works

Location

Rear of Mervyn, The Hill, Monkstown, Blackrock, County Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/0989

Applicant(s)

Mr and Mrs Conor McGrath

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Concerned Residents of Pakenham Road

Observer(s)

None

Date of Site Inspection

25th November 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

1.1. The subject site, which has a stated area of 257 square metres, forms the rear garden area of a dwelling house that fronts onto The Hill, Monkstown, Blackrock, Co. Dublin. The subject site has frontage onto Pakenham Road and fronts onto two-storey, red brick terraced dwellings on the opposite side of Pakenham Road. This is an established residential area and houses of varying styles and designs are evident in the immediate vicinity.

2.0 Proposed Development

2.1. Permission is sought for construction of a detached, two-storey, three bedroom mews house (c.180m²) with pedestrian and vehicular access from Pakenham Road, with one no. car parking space and all associated landscaping and drainage works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority GRANTED permission, subject to 13 conditions

Further Information was requested in relation to drainage matters; sightlines; dwelling height; boundary wall treatment and discrepancies in information submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Proposed development would not adversely affect visual amenities of the area
- Having regard to the nature and location of the proposed development, and as clarified by way of Further Information, it is considered that proposed development would not adversely impact on the amenities, or residential amenities of the adjacent properties, subject to condition 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- Alterations recommended (FI report)

Drainage Division- no objections, subject to conditions (FI report)

Conservation Division- Satisfied, subject to condition (FI report)

4.0 Prescribed Bodies

Irish Water

No objections, subject to conditions

5.0 Planning History

D21A/0276

Permission REFUSED for new detached two-storey, three bedroom mews house and separate garage with pedestrian and vehicular access from Pakenham Road and all ancillary site works (May 2021). The reason for refusal related to the height, scale/bulk, design and layout of the proposed dwelling and its location in the Monkstown Architectural Conservation Area; impacts on its character and on visual and residential amenities; setting of undesirable precedent and contrary to proper planning and sustainable development of the area.

Adjoining Site

ABP-312572-22 (D21A/0964)

Permission GRANTED for the construction of a two-storey detached single family dwelling house of 183 sq. metre area, with access via pedestrian and vehicular gates on Pakenham Road

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'.

The site subject is located within the Monkstown Architectural Conservation Area (ACA)

Chapter 11: Heritage & Conservation

Policy Objective HER13: Architectural Conservation Areas where is it Council Policy to

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA)
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

Section 12.11.4 New Development within an ACA

Section 12.3.7.7 Infill

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 lodged on behalf of Concerned Residents of Pakenham Road (2, 3 and 4 Pakenham Villas) are:

- Policy/Principle: Inappropriateness in principle of such development reflected in planning history of the area; setting of precedent; non-compliance with requirements of operative County Development Plan in relation to backland development; should be regarded as material contravention of County Development Plan
- Visual Impacts/Impacts on ACA: Out of keeping with existing layout and pattern in area; building line concerns, overbearing impacts, impacts on character and setting of the ACA; impacts on historic stone wall; overdevelopment
- Residential Impacts: overlooking; loss of privacy; inadequate separation distances; insufficient rear garden depth; loss of mature trees and vegetation

- Traffic Impacts: inadequate parking facilities leading to increased pressure on existing spaces; creation of hazard/safety concerns; illegal parking; inadequate sightlines
- Other Matters: surface water drainage concerns

7.2. **Planning Authority Response**

None

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 built heritage/visual amenity of the Monkstown Architectural Conservation Area arising from the proposed works (iii) impacts on the residential amenities of the area arising from the proposed development (ii) 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-312572-22 on May 5th, 2022 on the immediately adjoining site. Having regard to the recent planning history on the adjoining site, which has similar context and characteristics, I am of the opinion that the principle of a dwelling in the rear garden area of these dwellings, fronting onto Pakenham Road, has been accepted by the Board.

- 8.3. The zoning of the site is 'Objective A' which seeks to 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential development is acceptable in principle under this zoning objective. I consider the proposed development to be in accordance with the zoning objective for the site.
- 8.4. Section 12.3.7.7 'Infill' of the operative County Development Plan sets a generally favourable policy towards development on such 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 and that the proposal does not represent a material contravention of the operative County Development Plan in this regard.

Built Heritage/Visual Amenity of Monkstown ACA

- 8.5. In terms of impacts on built heritage/visual amenity of Monkstown ACA, I note Development Plan policy in this regard, including Policy Objective HER13, together with section 12.11.4. I note that the subject property is not designated as a Protected Structure in the recently adopted County Development Plan. I am generally satisfied with the design approach put forward in this instance. 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. The proposal would not be excessively visually incongruous or dominant in this context nor would it detract from the built heritage, character or urban morphology of the ACA to such an extent as to warrant a refusal of permission. I am satisfied in this regard. 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 note the variety of housing styles and designs in the immediate vicinity. I note that the Conservation Division of the planning authority did not express concerns in this regard, subject to conditions. The planning authority were also satisfied in this regard. I am satisfied that the proposed development is in accordance with the operative County Development Plan in this regard.
- 8.6. Matters relating to proposed materials and finishes could be adequately dealt with by means of condition.

Residential Amenity

- 8.7. 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. 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 proposal is considered to be in accordance with national policy with regards the densification of appropriate infill sites. The principle of such a type of development has recently been accepted by An Bord Pleanála on the adjoining 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.
- 8.8. 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

- 8.9. 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. There will be no loss of on-street parking as a result of the proposed development. The proposal is substantially in compliance with Development Plan standards in this regard and the Transportation Division of the planning authority are satisfied that this matter can be adequately dealt with by means of condition. Issues raised in relation to illegal

parking in front of entrances are a matter for An Garda Siochana. 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 surface water drainage are noted. However, I note that the planning authority are generally satisfied in this regard, subject to condition. The Board were generally satisfied in relation to drainage matters on the adjoining site, permitted under ABP-312572-22. I have no information before to believe that the proposal would be prejudicial to public health. I am generally satisfied in this regard.
- 8.11. In terms of any possible impacts on the granite stone wall, I recommend that the new boundary wall along Pakenham Road re-use the existing stone, insofar as possible, which is to be removed from the existing stone boundary wall. 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, together with the recent planning history for a similar type development on the adjoining site, 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 infill sites set out in section 12.3.7.7 of that Plan, it is considered that, subject to compliance with conditions below, the proposed development 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.	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 03/05/2022, 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. Reason: In the interest of clarity
2.	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. Reason: In the interest of visual amenity.

3.	<p>The new boundary wall along Pakenham Road shall re-use the existing stone, insofar as possible, which is to be removed from the existing Pakenham Road stone boundary wall. The new boundary wall shall be suitably coursed and appropriately pointed. Any coping treatment shall match those in the vicinity to ensure compatibility with the built character of the Monkstown ACA</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> <p>Reason: In the interests of public health</p>
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