



An
Bord
Pleanála

Inspector's Report

ABP-314684-22

Development

Planning permission for a two & a half storey dwelling house, new site entrance, connections to foul, surface water drainage and water services, new front and side boundary walls with planting, amendment to existing house boundary and to include all associated works.

Location

No. 337A, Pearse Drive, Sallynoggin, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0492.

Applicant(s)

Brendan Thomas.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant(s)

Brendan Thomas.

Observer(s)

None.

Date of Site Inspection

7th day of December, 2022.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.018ha area and it relates to an unkempt garden area of No. 337A Pearse Drive which appears to be part in use for *ad hoc* storage, that is situated at the corner of Pearse Drive and Pearse Park, at a point where these roads intersect with Pearse Avenue, in an established residential area of circa late 1940s/early 1950s characterised by 2-storey mainly semi-detached and terrace groups in the Dublin city suburb of Sallynoggin, Co. Dublin.
- 1.2. The site itself is situated to the c460m to the north east of Rochestown Avenue, c307m to the west of the R118/Sallyglen Road and c2.4km to the south of Dun Laoghaire harbour as the bird would fly. No. 337A comprises of a later 2-storey terrace extension to No. 337 Pearse Drive, with No. 337 Pearse Drive originally forming part of a matching semi-detached pair.

2.0 Proposed Development

- 2.1. Planning permission is sought for a two and a half storey dwelling house, new site entrance, connections to foul, surface water drainage and water services, new front and side boundary walls with planting, amendment to existing house boundary together with all associated works and services.
- 2.2. According to the accompanying planning application form the gross floor area of the proposed dwelling would be 114m² and two car parking spaces to serve future occupants would be provided. In addition, it indicates that new connections to public mains drainage and water supply would be provided.
- 2.3. In addition, the accompanying documentation indicates that the proposed dwelling would comprise of a three bedroom two storey with habitable attic roof level dwelling unit with a height of c8.013m to the side of No. 337A Pearse Drive. The main finishes indicated consist of feature brick, render walls and tile/slate roof.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 29th day of August, 2022, the Planning Authority decided to **refuse** permission for the proposed development for the following stated reasons:

“1. The application site is a restricted site located to the side of No. 337A Pearse Drive. The proposed development, by reason of overall design, scale and layout, distances from site boundaries and lack of adequate private open space to serve the proposed dwelling, and resultant reduction in open space to serve the existing dwelling at 337A Pearse Drive, would represent overdevelopment of the site, and would result in overshadowing and visual overbearance impacts on the existing dwelling at 337A Pearse Drive. The proposed development would not comply with Section 12.3.7.7 Infill of the Dún Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its design, scale, bulk and layout, including its front building line to Pearse Drive, on this restricted site would be visually incongruous on the Pearse Drive and Pearse Green streetscape, and as viewed from adjoining properties. The proposed development would detract from the visual amenities of the area and would set a poor precedent for similar type development in the area. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. **Planning Reports:** The Planning Authority’s Planning Officer’s report formed the basis for the Planning Authority’s decision and the main concerns are raised therein reflect the two stated reasons for refusal set out above.

3.2.2. Other Technical Reports

Transportation: Further Information requested.

Drainage: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site

- **ABP Ref. No. PL06D.244540 (P.A. Ref. No. D14A/0823):** On appeal to the Board planning permission was **refused** for a development consisting of a two-storey domestic dwelling containing living room, kitchen, and utility room at ground floor level and two bedrooms and bathroom at first floor level. The stated reasons and considerations read:

“1. Having regard to the planning history of the site, to the pattern of development in the area and to the scale, bulk and design of the proposed development, it is considered that the proposed development when taken together with the existing extended house and the poor level of open space to serve the parent property, would constitute overdevelopment of the site and would seriously injure the residential amenities of the existing house. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board considered that the height and scale and visual impact of the incongruous building line on Pearse Green would seriously injure the visual and residential amenities of the area.”

Decision date: 10th day of June, 2015.

- **P.A. Ref. No. D05A/1595:** Permission was **granted** for a semi-detached dwelling, with this grant of permission extended under P.A. Ref. No. D05A/1595/E until the 10th day of August, 2014.

- **P.A. Ref. No. D95A/0305:** Permission was **granted** for a dwelling to the site adjoining 337 Pearse Drive.

5.0 Policy Context

5.1. National

- **Project Ireland 2040 - National Planning Framework (NPF).**

One of the national core principles to guide the delivery of future housing, at every level of governance, is to tailor the scale and nature of future housing provision to the size and type of settlement.

- **Housing for All - A New Housing Plan for Ireland, 2021:** This plan aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability.
2. Pathway to eradicating homelessness, increasing social housing delivery, and supporting inclusion.
3. Pathway to increasing new housing supply.
4. Pathway to addressing vacancy and efficient use of existing stock.

- **Climate Action Plan, 2021.**
- **National Development Plan, 2021 to 2030.**

5.1.1. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011.

- Design Manual for Urban Roads and Streets, 2019 .

5.2. Regional

5.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond.

5.3. Local

- 5.3.1. Since the Planning Authority issued its decision in respect of the subject proposed development, they have adopted a new development plan for their administrative area. The applicable plan for the determination of this application is therefore the Dún Laoghaire Rathdown County Development Plan, 2022-2028.
- 5.3.2. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: *"to protect and/or improve residential amenity"*.
- 5.3.3. The land use zoning 'A' objective applies to the adjoining and neighbouring properties to the north, north east and south west of the site
- 5.3.4. Chapter 2 sets out the Development Plans Core Strategy.
- 5.3.5. Chapter 12.3 of the Development Plan deals with the matter of Neighbourhood, People, Homes, and Place. It sets out: *"guidance on qualitative, quantitative, and development management criteria for sustainable neighbourhood infrastructure and residential developments"*; and states that: *"these requirements will form the basis for evaluating planning applications for residential development and their respective supporting neighbourhood infrastructure with a view to improving the quality of life in Dún Laoghaire-Rathdown"*.
- 5.3.6. Section 12.3.7.5 of the Development Plan deals with the matter of Corner/Side Garden Sites and sets out a number of parameters that the Planning Authority will have regard to when considering such applications. The parameters are:

- *Size, design, layout, relationship with existing dwelling and immediate adjacent properties.*
- *Impact on the amenities of neighbour residents.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed, where appropriate.*
- *Car Parking for existing and proposed dwellings provided on site.*
- *Side/gable and rear access/maintenance space.*
- *Adequate usable private open space for existing and proposed dwellings provided.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposal should more closely relate to adjacent dwellings. This parameter indicates that a modern design approach may be more appropriate in certain areas.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. This parameter sets out that existing boundary treatments should be retained/reinstated where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.*

5.3.7. Section 12.3.7.7 of the Development Plan deals with the matter of Infill in accordance with Policy Objective PHP19. It sets out that: “*new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area*”. It also sets out that reference be had to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11 of the Development Plan.

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within a designated Natura 2000 site. The nearest Natura 2000 site is situated c2.5km to the north, i.e., the Special Protection Area of South Dublin Bay and River Tolka Estuary (Site Code: 004024), at its nearest point.

5.5. EIA Screening

- 5.5.1. This proposal is for the construction of a dwelling, extensions to the side of an existing dwelling in a suburban serviced residential area. Such residential developments are not a class of development for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The First Party grounds of appeal can be summarised as follows:
- The proposed development would not detract from the character of the area.
 - The first reason given for refusal contradicts the Planning Officer's report in relation to their lack of any concern with regards to separation distance and private amenity space provision.
 - The proposed development would not result in any overshadowing of No. 337A Pearse Drive due to it being situated on the gable side of this property and due to the fenestration of this property being on the front and rear of it.
 - No overbearing would arise as the proposal seeks the continuation of an existing terrace.
 - The demolition of an existing wall to the rear of No. 337A Pearse Drive would be required and as such it would result in an increase in the private open space that already exists.
 - No. 337A Pearse Drive is a two-bedroom dwelling.
 - The proposed development would be in line with the single storey extensions of No.s 337 and 338 Pearse Drive which extend the full width of these properties.

Therefore, the proposed development cannot be considered to be visually incongruous as a result of breaking the front building line.

- The building line of Pearse Drive is not parallel to the road.
- It is not accepted that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity.
- Concerns are raised in relation to the procedural handling of the application and the inaccurate description of development given by the Planning Officer.
- Concerns are raised in relation to the pre-planning meeting that occurred in 2020 in relation to the development of the site and the lack of regard to it by the Planning Officer in their report.
- The Planning Authority's refusal has impacted them financially and emotionally.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Their Planning Officer's report comprehensively deals with the issues raised in the appeal and justifies their decision.
- Given the substantial exposure of this private amenity space to overlooking from the public realm and the front garden of No. 337A, it is not considered that the proposed 1.1m high block wall provides an adequate level of privacy.
- There is a lack of clarity in the information provided on the level of private open space and it would appear that the space that is proposed does not comply with Section 12.8.3.3(i) of the Development Plan.
- The 2-storey projecting element to the southwest of the proposed dwelling may have an overbearing impact on the adjacent property and would be out of character with the streetscape.
- The concerns in relation to the design and scale of the proposed development could not be overcome by further information.
- The proposed development by reason of its design, scale, bulk, and layout including its front building line to Pearse Drive, particularly at first and second floor

level on this restricted site would be visually incongruous on the streetscape as well as viewed from adjoining properties.

- Pre-planning meetings are without prejudice. Extract from this meeting, referenced PAC 30/20, is provided for the Boards information.
- It is noted that in error reference is made in the site description to the presence of a dormer at No. 337A Pearse Drive. This reference had no consequential impact on the determination of this application.
- The Board refused permission for a dwelling on this site in the past with the site being larger to the site area to which the proposed development relates, i.e. it has been reduced from 0.0365ha to 0.0245ha.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Having conducted an inspection of the site together with having read the file and had regard to all relevant local, regional, and national policies, I conclude that the key issues in this appeal case are:

- Principle of the Proposed Development/Planning History
- Design
- Residential Amenity Impact
- Other Matters Arising

7.1.1. In addition, the matter of '*Appropriate Assessment*' requires examination.

7.1.2. Prior to commencing my assessment, I note that the appellant raises procedural concerns in relation to the Planning Authority's determination of this application. On this particular matter, I note that the Board does not have an ombudsman role in such matters. For the purpose of clarity I note that the Boards remit in this appeal case is the *de novo* consideration of the planning merits of the proposed development in relation to the proper planning and sustainable development of the area only.

7.1.3. In addition, I note that the appellant also raises a number of other concerns in their appeal submission to the Board that are not planning matters and are of no relevance to the Boards deliberation of this case. As such my assessment below as stated will deal in turn with the aforementioned key issues only. With sundry dealt with under the broad heading of 'Other Matters Arising' at the end of my assessment below.

7.2. Principle of the Proposed Development/Planning History

7.2.1. As set out in Section 2 of this report by way of this application permission is sought for a two and a half storey dwelling on the side garden of No. 337A Pearse Drive together with all associated works and services.

7.2.2. With regards to the general principle of the proposed development, it is first of relevance to note that the subject site is zoned under the applicable Development Plan as Objective 'A' land. The stated land use zoning objective for such lands is to protect and-or improve residential amenity with residential development, subject to safeguards deemed to be acceptable.

7.2.3. In addition to this it is also of particular relevance that previously the Board refused permission under ABP Ref. No. PL06D.244540 (P.A. Ref. No. D14A/0823) on a slightly larger site area of the side garden of No. 337A Pearse Drive, i.e., 0.0365ha, a development consisting of the construction of a two-storey dwelling house.

7.2.4. The first given reason and considerations given by the Board in its Determination Order for appeal case ABP Ref. No. PL06D.244540 in summary considered that the proposed development, if permitted, would give rise to overdevelopment. With this consideration based mainly on the following factors: 1) the planning history of the site; 2) the pattern of development; and 3) the scale, bulk and design of the proposed development, when taken together with the already extended existing house and the substandard open space that would serve the host dwelling. It was further considered that the proposed development would give rise to serious injury to residential amenities of this existing dwelling. For these reasons, the Board considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.2.5. The second reason and consideration given by the Board in relation to the aforementioned appeal case considered that the height, scale and visual impact of the proposed development would give rise to a visually incongruous building line that

would seriously injure the visual as well as residential amenities of the area. On this basis it was considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.2.6. The appeal site area to which this appeal case relates to is given as 0.018ha in the planning application form.

7.2.7. Given the planning history of the site it is incumbent that any application for a dwelling house on this particular site demonstrates that the Boards refusal reasons and considerations for appeal case PL06D.244540 have been overcome. Alongside that it is demonstrated that the proposed development in its design and layout is consistent with all relevant local, regional, and national planning provisions.

7.2.8. Furthermore, it should also be noted that the surrounding suburban area is primarily residential in character and function. With the prevailing pattern of development in the immediate vicinity dominated by conventional 2-storey highly uniform in design and layout residential schemes. Alongside, with the host dwelling of No. 337A Pearse Drive occupying what was originally part of the side garden of No. 337 Pearse Drive, a semi-detached 2-storey dwelling that formed part of what was once a formally designed and laid out semi-detached pair that formed part of a larger highly coherent residential scheme of 2-storey semi-detached and terrace properties. The addition of No. 337A Pearse Drive effectively resulted in a terrace group of three two-storey dwellings.

7.2.9. Having inspected the site setting I am of the view that the legibility of the original scheme the host dwelling forms part of as appreciated from the public domain since its completion in circa the late 1940s/early 1950s has had its visual integrity diminished by way of *ad hoc* additions as well as alterations. These are mainly in the form of additions to the dwelling units it contains with these additions varying in their design, built forms through to materials. There are examples of additional infill 2-storey dwellings constructed at a later time on side/corner subdivisions. With No. 337A being an example of this where by a semi-detached property was extended to form a terrace of three 2-storey dwellings. With the now terrace group of three modified by way of single storey additions to the front as well as being extended to the rear.

7.2.10. At such a location, the side garden site could be considered to comprise a potential infill site situated within an established residential area where public services are

available, and that the development of appropriately designed infill housing are generally supported under local, regional, and national planning provisions. With this being subject to safeguards. Including that the site is appropriate for such a development and that the proposal is one that is designed to integrate as well as harmonise in a positive manner with the existing pattern of development that characterises this suburban location. Whilst at the same time qualitatively designed to ensure that a balance is reached between it and the protection of the established residential amenities of properties in its vicinity.

7.2.11. This approach is one that is advocated in '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.

7.2.12. On the basis of the above whilst I consider that the general principle of residential development on land that is residentially zoned is acceptable, notwithstanding, in this case as it has been concluded previously that a dwelling house at this location represented overdevelopment of the site as well as would have given rise to a number of substantive residential as well as amenity concerns that it is appropriate that the proposed development is considered on its merits against all relevant planning provisions.

7.3. Design

7.3.1. Like the previous proposal determined by the Board under ABP. Ref. No. PL06D.244540 planning permission is sought for a dwelling house with a stated 114m² floor area. Unlike the previous application, which related to a dwelling house with a two-storey built form, the applicant now seeks a two and a half storey dwelling house with a maximum height of 8.013m with the overall built form despite being broken into a modest part single storey, a more substantial two storey with a third-floor level being legible from the public realm as containing three distinct floor levels.

7.3.2. The drawings show that the front elevation would be forward of the two-storey front building line that characterises No. 337, 377A and 338 Pearse Drive, the modified original semi-detached group that it is proposed to attach to.

7.3.3. Unlike this group the proposed dwelling the proposed principal façade does not address Pearse Drive but rather Pearse Green with the elevation addressing Pearse Drive being separated from it and the corner of Pearse Green with a parking area and a modest pocket of what is indicated to be private open space.

- 7.3.4. In addition, the drawings show that access would also be achieved from Pearse Green.
- 7.3.5. Section 12.3.7.5 of the Development Plan which deals with the matter of Corner/Side Garden Sites and sets out a number of parameters that the Planning Authority will have regard to when considering such applications.
- 7.3.6. I have set out these parameters in detail under Section 5.4.7 of this report above and I raise a number of concerns in relation to the proposed developments compliance with them. These concerns are based on the fact that the subject site forms part of an already subdivided corner and side garden residential plot that originally formed part of the curtilage of No. 337 Pearse Drive. In this regard, under P.A. Ref. No. D05A/1595 permission was granted for the subdivision of the area to the immediate side of No. 337 Pearse Drive in order to accommodate the construction of an attached two storey dwelling. This permission was implemented, and the resulting dwelling is the host dwelling No. 337A Pearse Drive. The proposed further subdivision of the curtilage related to No. 337A Pearse Drive as put forward in the design and layout presented in this application is one where there would be no qualitative or quantitative rear private amenity space remaining for No. 337A Pearse Drive.
- 7.3.7. In terms of this proposal an irregular triangular shaped wedge of land to the rear of the proposed dwelling is proposed to be maintained for private amenity space use for the occupants of No. 337A Pearse Drive. This modest space, given its irregular dimensions, restricted size, the level of overlooking users of this space that would be experienced by occupants of No. 337 Pearse Drive using it through to the fact that its relationship with the proposed dwelling as well as other features, including the boundaries required to provide a level of visual screening is such that it would be a space that would be significantly overshadowed for most of the year.
- 7.3.8. Of further concern the Development Plan requires not just qualitative private open space amenity is provided for all dwelling types, with this including terrace properties like No. 337A Pearse Drive, but also it sets out a minimum quantitative standard under Section 12.8.3.3 and Table 12.10. This has not been demonstrated in the submitted plans provided for either the host dwelling of No. 337A Pearse Drive or the proposed dwelling unit.

- 7.3.9. This concern is further added to when regard is had to the planning history of No. 337 Pearse Drive and No. 337A Pearse Drive. An examination of which indicates that No. 337A Pearse Drive is a 3-bedroom dwelling which under the Development Plan requirements given that subdivision of its curtilage is proposed to accommodate an additional dwelling requires under Section 12.8.3.3 and Table 12.10 a minimum qualitative provision of 60m². With the drawings showing a non-qualitative private amenity open space provision of 48.1m².
- 7.3.10. On a side note it would appear that there is also an attic conversion at No. 337A Pearse Drive and this is served in part of a clear glazed window at third floor level of the side gable. No drawings have been provided to demonstrate whether the internal arrangement of No. 337A Pearse Drive may be one which contains 3-bedrooms plus.
- 7.3.11. I also note that the proposed dwelling house is indicated in the submitted drawings as containing three bedrooms.
- 7.3.12. Therefore it also requires a private amenity space provision of 60m². This quantitative area is not demonstrated. With the submitted drawings showing a provision of 57m² private amenity open space which is not only below the minimum quantitative provision it is also not a space that could reasonably be considered to be qualitative or private in its functional nature and character.
- 7.3.13. This is based on a number of factors including Section 12.8.3.3 of the Development Plan requires such spaces to be provided behind the front building with the proposed design addressing Pearse Green. Positioning the private amenity space provision for the proposed dwelling at a location that was formally designed to be part of the semi-private front garden spaces within this formally designed and laid out residential scheme is not consistent with the requirements of Section 12.8.3.3 of the Development Plan.
- 7.3.14. The placement of private amenity space in this context would need to balance and integrate in an appropriate manner with the pattern of development that characterises this area. As such the provision of private amenity space in a historical front garden area that is highly legible as such would be visually incongruous when considered against the pattern of development of the area and would give rise to a harmful precedent.

- 7.3.15. Of further concern, for this private open space to provide any qualitative amenity space for future occupants the 1.1m high boundaries surrounding it are insufficient to provide any meaningful visual screening for users of this space.
- 7.3.16. Moreover, the provision of robust screening around this space in order to achieve appropriate visual screening would give rise to further visual diminishment of the site's streetscape scene as well as further erode the hierarchy of buildings and spaces within this formally designed and laid out residential scheme. Particularly as appreciated from the public domain.
- 7.3.17. Furthermore, the provision of screening would also diminish views for vehicles accessing as well as egressing the two proposed car parking spaces that are placed immediately alongside it. With these positioned at the corner of Pearse Drive and Pearse Green and therefore at a point where any boundaries above the 1.1m would further diminish sightlines for vehicles accessing as well as egressing these off-street car parking spaces. With these being designed to not allow for vehicles to successfully manoeuvre on site so that all access and egress occurs onto the public domain in a forward gear. Thus, giving rise to additional hazards and road safety issues for road users including vulnerable road users.
- 7.3.18. Of further concern is the three storey appearance of the proposed dwelling which is described in the public notices as being two and a half storey in its built form. The streetscape scene and the visual setting is one where residential built forms are coherently two storey. This is apparent as viewed from the public domain despite a number of properties in the vicinity including later dormer windows at attic level. The provision of distinct third floor level, alongside elevational facades and roof structures that echo what is in part legible as a part three storey structure is in my view out of character with the terrace group it would form part of. It is also in my view out of character with the pattern of development in this residential scheme.
- 7.3.19. I also note that the dormer extensions to the rear of No. 337 and 338 Pearse Drive are at odds with the requirements set out in the Development Plan under Section 12.3.7.1 (iv) for this type of development and I consider result in additional overlooking and overshadowing of properties in their vicinity.

- 7.3.20. Therefore, I do not consider that these are positive precedents in considering a varying away from the characteristic two-storey built form within this residential scheme by way of an additional third floor level of accommodation in the proposed dwelling.
- 7.3.21. Moreover, the site occupies a prominent location due to its corner location at a point where Pearse Drive, Pearse Green and Pearse Avenue converge. Not only would the provision of a dwelling that arguably could be considered within this streetscape scene as having three distinct floor levels as viewed from the public domain.
- 7.3.22. In addition, the proposed dwellings built form would result in significant erosion of the original building line of No.s 337 and 338 which were two storey as observed from the public domain. With their front building line setback from the public domain in a manner that characterised the setbacks/semi-private domain of properties within this residential scheme. Particularly those within its visual setting.
- 7.3.23. Further the unbuilt nature of the side garden of No. 337 not only arose from the balance in the placement of semi-detached pairs at this location, but also it reflected that the setbacks that characterised adjoining and neighbouring properties aligning Pearse Drive was followed through onto Pearse Avenue and Pearse Green.
- 7.3.24. As such the side garden area and the side gable of the host's semi-detached pair contributed to the visual balance of the building to space relationship within this scheme.
- 7.3.25. The provision of an additional dwelling onto No. 337, No. 337A and No. 338 Pearse Park would in my view erode and interrupt this visual balance as appreciated from the public realm.
- 7.3.26. Particularly given that the proposed dwelling would give rise to a terrace group with a built form that failed to harmonise with the setback from the public domain as maintained on the opposite side of the Pearse Drive and Pearse Avenue junction but also would visually interrupt the maintenance of the front building line that is carried through along the northern side of Pearse Avenue to the side of No. 337 and Pearse Green.
- 7.3.27. Similarly, it would also visually interrupt the careful placement of buildings and spaces within the visual setting as observed and in relation to Pearse Green to the east.

- 7.3.28. I also raise a concern that whilst the rear elevation of the proposed two storey dwelling would give rise to passive surveillance of the public domain of the adjoining public domain of Pearse Green. Notwithstanding, it would in my view give rise to overlooking and the perception of the private amenity space area proposed to serve occupants of No. 337A Pearse Drive, the host dwelling.
- 7.3.29. Given the above concerns raised above, I consider that the proposed development would be contrary to the parameters of Section 12.3.7.5. This is based on the proposed development's design, layout, and relationship with No. 337A Pearse Drive. It is also based on the proposed development's relationship with No. 337, 337A and 338 Pearse Drive as a whole. With these properties being legible as distinctively two storey in their built form and whose coherent two storey front building line is one of the features of this formally designed and laid out residential scheme. In this regard I note that the relationship between their built form, their associated built features including boundaries and setbacks from the public domain through to the harmony in the layout of the open spaces and green spaces within the scheme. Including the semi-private and private open spaces. Through to the separation distances between the front and side building lines results in a highly uniform suburban setting whose building and space relationships have survived largely intact.
- 7.3.30. Also due to the adverse amenity impact that would arise from the proposed development in terms of undue overlooking of the private amenity space for No. 337A Pearse Drive; the lack of qualitative and quantitative private amenity space for occupants of No. 337 Pearse Drive; and, the proposed dwelling unit were it to be permitted.
- 7.3.31. Alongside the failure of the proposed development to meet the minimum required standards for private amenity space as required under the Development Plan.
- 7.3.32. In addition, I note that Section 12.3.7.7 of the Development Plan in relation to infill development indicates that it shall respect existing residential units and shall retain the physical character of the area including features. This proposal in my view given the concerns set out above does not demonstrate consistency with this Section of the Development Plan.
- 7.3.33. On the basis of the above considerations, it is my opinion that the proposed development, has not overcome the reasons of refusal by the Board to refuse a

dwelling house on this now more restricted in area site (Note: ABP. Ref. No. PL06D.244540).

7.3.34. The proposed development, if permitted, would result in a highly visible and discordant feature in its streetscape scene, would set an undesirable precedent for further unsympathetic developments, it would result in an unsatisfactory standard of residential amenity for both the existing as well as future occupants of the proposed and existing dwelling houses on site through to it would result in overdevelopment of this restricted in area irregular shaped site by reason of the inadequate provision of good quality private open space, poor design and layout.

7.3.35. I am therefore of the view that to permit the proposed development would be contrary not only to residential zoning of the site which seeks to balance and improve residential amenities but also the parameters set out under Section 12.3.7.5 and 12.3.7.7 of the Development. This is a sufficient reason in its own right to warrant the refusal of permission for the development sought under this application in the interests of the proper planning and sustainable development of the area.

7.4. Residential Amenity Impact

7.4.1. In addition to the residential amenity concerns raised above I raise a concern that the built form, the placement of the proposed dwelling and boundaries particularly in terms of their relationship with No. 337 Pearse Drive, which contains a single storey rear extension with a large window that would be significantly overshadowed by the proposed development. No shadow analysis has been provided to demonstrate the level of overshadowing that would arise from the proposed development in comparison to the existing situation. This adds to the residential amenity impact concerns already raised.

7.5. Other Matters Arising

7.5.1. Transportation

The proposed dwelling would be accessed off a new entrance onto a cul-de-sac where traffic speed and movements are limited. An additional house at this location would not give rise to an undue increase in traffic along this residential road. Notwithstanding, as previously raised as a concern is the substandard design and layout which includes the positioning of the private open space at a point where it is

located immediately alongside where access to the proposed car parking spaces is proposed.

This location is also on a bend with No. 337A Pearse Drive also benefitting from a separate entrance to No. 337 Pearse Drive.

With the 1.1m proposed boundary wall adjoining the proposed car parking spaces together with its positioning providing inadequate sightlines for vehicles access and egressing from them.

This 1.1m height boundary is considered to be 0.1m too high to ensure that no visual obstruction of the sightlines occurs for those accessing and egressing of the proposed spaces.

I also reiterate that there is no turning area proposed on site to ensure that vehicles using the proposed two car parking spaces could enter and exit the site in forward gear.

I also concur with the concerns raised by the Planning Authority's Planning Officer in their report in that the car parking spaces fail to meet the minimum depths of 5m and width of 3m per car parking spaces cumulative as required under 12.4.5 of the Development Plan. Meeting this combined requirement would further reduce the private amenity space provision on this restricted site.

Of further concern the host dwelling appears to have the provision for one off-street car parking despite the Development Plan requiring two for this type of dwelling at this location (Note: 12.4.5 and Table 12.5).

Moreover, the design as proposed results in No. 337A not retaining any front garden space in grass or landscaped.

This is a requirement under Section 12.4.8.3 of the Development Plan for both the existing and host dwelling.

Also, arguably this is not achieved in the design of the proposed dwelling either.

This requirement I note is in the interest of urban greening and SuDS. As such it is part of climate resilient measures sought for this type of development and ensuring that drainage is appropriately managed within the confines of the site.

I also observed during my inspection of the site that *ad hoc* on street car parking is an issue along the public footpaths of the site's immediate setting.

I therefore raise concern that the documentation provided does not demonstrate the required car parking provisions can be achieved in a manner that accords with the Development Plan for the existing and proposed dwelling.

Also, that the *ad hoc* parking together with any further overspilling of car parking would result in obstruction of the public domain by road users. With this issue also adding to concerns in relation to the manoeuvres of vehicles into and out of the proposed car parking spaces should any cars be parked in its vicinity and on the opposite side of the carriageway.

I note that the Planning Authority's Transportation Department concluded with a request for further information to address their concerns.

On the basis of the above, I am not satisfied that the documentation provided with this application satisfactorily demonstrates that the car parking provision meets the required standards and that the proposed development would not give rise to any significant road safety or traffic hazard issues.

I consider this issue to be a **new issue** in the context of this appeal. Notwithstanding, the substantive concerns raised already in this report in my view are sufficient in their own right to warrant refusal of the proposed development.

7.5.2. **Development Contributions**

Under the adopted Dun-Laoghaire Rathdown County Council scheme under Section 48 of the Planning and Development Act 2000 (as amended) the proposed development is not exempt from the payment of a Section 48 Development Contribution.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in a fully serviced built up suburban area, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be **refused**.

9.0 Reasons and Considerations

1. It is considered that the proposed house, by virtue of its design, mass and scale would be overly dominant, visually incongruous and would be at variance with the predominant pattern of development in the area. It is further considered that the proposed addition of a dwelling house to the side of No. 337A Pearse Drive, by virtue of its design, layout, form through to lack of integration with the building to space relationship that characterises development within this residential scheme, including the lack of integration and harmonisation with the building line and two storey built form that predominate as appreciated from the streetscape scene, would not integrate with the existing house, the built form it would form part of and it would be at visually at odds with the predominant pattern of development in the area.

The proposed development would, therefore, detract from the existing pattern of development in the area and be contrary to Section 12.3.5.7 and 12.3.7.7 of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, and would set an undesirable precedent for further such developments in the area that would in turn erode the visual amenities of this area.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the established pattern of development in the area, the restricted area of the site, the sites irregular shape and configuration, the site's relationship to adjoining properties, in particular the host dwelling of No. 337A Pearse Drive, and the scale of the development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for both the existing and future occupants of the proposed and existing dwelling houses on site and would result in overdevelopment of the site by reason of the

inadequate provision of good quality private open space, the resulting overshadowing as well as overlooking that would also arise.

The proposed development would, therefore, seriously injure the amenities, would be contrary to the residential zoning of the site and its setting under the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, which seeks to protect and/or improve residential amenity as well as would be contrary to the proper planning and sustainable development of the area.

Patricia Marie Young
Planning Inspector

31st day of January, 2023.