



An
Bord
Pleanála

Inspector's Report ABP-315304-22

Development

Demolition of shed to side and construction of an end-of-terrace, two-storey dwelling with new vehicular entrance and associated gates, railing, landscaping and siteworks.

Location

1 Fitzgerald Park, Dun Laoghaire, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0717

Applicant(s)

Katie Guardianelli

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Richard Boyd Barrett on behalf of Mountown Residents

Observer(s)

None

Date of Site Inspection

25/04/2023

Inspector

Lorraine Dockery

1.0 **Site Location and Description**

1.1. The subject site, which has a stated area of 163 square metres, is located at the end of the cul-de-sac in Fitzgerald Park, Co. Dublin. The overall site contains a two-storey, end-of-terrace house. This is an established residential area.

2.0 **Proposed Development**

2.1. Permission is sought for the demolition of an existing shed to side and construction of an end-of-terrace two-storey dwelling with new vehicular entrance and associated site development works.

2.2. The proposed dwelling has a stated floor area of 74m².

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission GRANTED, subject to 13 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Reflects decision of planning authority; recommends a grant of permission

3.2.2. Other Technical Reports

Transportation Planning Division- Refusal recommended as considered that vehicular entrance would endanger public safety by reason of a traffic hazard or obstruction of road users

Drainage Division- Further Information requested in relation to surface water run-off

4.0 **Prescribed Bodies**

None

5.0 Planning History

D22A/0563

Permission GRANTED for new vehicular entrance and associated gates and site works

D19A/0624

Permission REFUSED on for demolition of existing garage and construction of detached dwelling; construction of single storey extension to rear of existing dwelling and associated site works. The reason for refusal related to inadequate private open space provision and deficient in car parking.

Enf 38222

Enforcement file relating to alleged non-compliance with Condition 2(c) of D22A/0563 in relation to mud, dirt carried onto or placed on public roadway

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:

- Any development will dramatically alter the nature of this quiet cul-de-sac and immediate community; impacts on proper planning and sustainable development of the area
- Proposal represents over-development and would have serious impacts on residents
- No construction management plan submitted
- Previously permitted vehicular access and gates are directly related to this development; consider this to be project splitting

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**

None

7.4. Further Responses

A response was received on behalf of the first party which refutes the 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 further responses received, in addition to having visited the site. The primary issues, as I consider them, are (i) impact on visual and residential amenities arising from the proposed development and (ii) traffic and transport matters.
- 8.2. 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.
- 8.3. 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. The proposal is also considered to be in accordance with national policy with regards the densification of appropriate urban infill sites.

Visual Amenity

- 8.4. 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

8.5. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. 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, 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. 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.

Traffic and Transport Matters

8.6. I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. I highlight to the Board that permission has recently been granted for a vehicular entrance and gates on this site (D22A/0563), to serve the existing dwelling on site. 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 refusal of permission, the planning authority considered that the matter could be dealt with by means of condition. I am also of the opinion that any transportation matters could be adequately dealt with by means of condition.

8.7. The appellants state that a Construction Management Plan was not submitted with the application. Given the overall scale of development proposed, this is not mandatory requirement of the County Development Plan. Notwithstanding this, matters relating to construction practices, noise, hours of operation and the like could be included in any such plan. I recommend that this matters be dealt with by means of condition, if the Board is disposed towards a grant of permission.

8.8. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

Conclusion

8.9. 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.	<p>The development shall be carried out 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>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>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>
4.	<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>
5.	<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>

	Reason: In the interest of public health and surface water management.
6.	<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>
7.	<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>
8.	<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 and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<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>

	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
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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.

Lorraine Dockery
Senior Planning Inspector

26th April 2023