



An
Bord
Pleanála

Inspector's Report ABP-316010-23

Development

The development will consist of:
Construction of 4no. detached dwelling houses (2 no. 3 bedroom two-storey dwellings and 2no. 4-bedroom three storey dwellings) to the side garden of the existing detached dwelling, Kilcoran House. 8 no. on curtilage car parking spaces (2 spaces per dwelling) and private amenity open space to each dwelling. New vehicular and pedestrian entrances off Knapton Road with new boundary walls and railings onto Knapton Road and partial removal of existing paid on street parking. Landscaping, tree planting and boundary treatments, SuDS surface water drainage, foul water and potable water connections. All ancillary works necessary to facilitate the development.

Location

Site to Side Garden of Kilcoran House, Knapton Road, Monkstown, Co Dublin, A96KF82.

Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D22A/0778.
Applicant	Brinnin Holdings Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Ann & Bill O' Rahilly. Simon & Derval Lavin
Observer(s)	None.
Date of Site Inspection	17/07/2023.
Inspector	Adam Kearney.

1.0 Site Location and Description

The site comprises a side garden to an existing 2 storey red brick residential dwelling (Kilcoran House) on Knapton Rd. The site has generous frontage onto Knapton Rd with a footpath and paid parallel parking. Existing Boundary treatment consists of a railing and mature planting. Mounttown Cottages are located to the rear. The site area is stated at 0.156 Hectares

2.0 Proposed Development

2.1. The development will consist of the construction of 4no. detached dwelling houses (2 no. 3 bedroom two-storey dwellings and 2no. 4-bedroom three storey dwellings) to the side garden of the existing detached dwelling, Kilcoran House. 8 no. on curtilage car parking spaces (2 spaces per dwelling) and private amenity open space to each dwelling. New vehicular and pedestrian entrances off Knapton Road with new boundary walls and railings onto Knapton Road and partial removal of existing paid on street parking. Landscaping, tree planting and boundary treatments, SuDS surface water drainage, foul water and potable water connections. All ancillary works necessary to facilitate the development.

3.0 Planning Authority Decision

By Order dated the 10th of February 2023 The Local Authority decided to Grant permission for the development subject to 16 conditions for the following reason.

Having regard to the Objective 'A' zoning of the site, and policies and objectives as set out in the 2022-2028 Dun Laoghaire-Rathdown County Development Plan, it is considered that the proposed development, subject to compliance with conditions, would not significantly detract from the amenities of the area. The proposed development is consistent with the provisions of the current Development Plan and is therefore considered to be in accordance with the proper planning and sustainable development of the area subject to condition(s).

3.1. **Planning Authority Reports**

3.1.1. Planning Reports main points

- The site is subject to zoning objective 'A', which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities.'
- The scale and design of House A and B are generally considered to be acceptable as they do not result in undesirable effects on the amenities of the existing neighbouring properties.
- considered that the proposed open space for Houses C and D are acceptable.
- development as proposed generally accords with the principles of Section 12.8.7.1 Separation Distances
- Concerns expressed around siting and detailing of dwellings C and D specifically around visual impact from the rear of Mountown Cottages, close proximity to proposed 2m front boundary rubble wall and potential for overlooking - FI requested.
- Local Authority satisfied following receipt of additional information.

3.1.2. **Other Technical Reports**

Drainage Planning Report recommended seeking further information re SUDS measures – No Objections following FI response.

Environmental Report – No Objections subject to condition with regard to construction waste, noise management, pest control etc.

Conservation Officer: noted that as site is not a Protected Structure nor is it located within an ACA, no report will be issued.

IW sought pre-connection Enquiry.

Transport Section – initially expressed concerns about front boundary treatment and sightlines – No Objections following FI response.

4.0 Planning History

D22A/0537- Permission and retention Permission GRANTED for the following works: Demolition of the ground floor extension to the rear and side of the existing two storey, with converted attic, detached house, the construction of a new single storey extension with rooflights to rear. Internal alterations and renovation of the existing dwelling, Alterations to the openings to the rear and side of the rear return, new entrance door and window to the side elevation at ground floor, new dormer window to the rear with roof lights to the front and rear of the main roof, Widening of the vehicular entrance off Knapton Road. Retention permission for the detached garage to the rear garden, Permission to change the use from garage to games room for ancillary use to the main dwelling, proposed works for the ancillary building to include removal of the existing roof and replacement with new roof with additional ridge and eaves height. New roof lights to the side, alterations to the openings to the front and side with rendered finish to all facades, and associated site works.

D10A/0495: Permission GRANTED for a residential development on the side garden site (910 sq.m). The development will consist of 2 no. part two storey, 3-bedroom, mono-pitched dwelling units (160 sq.m each) with frontage onto Knapton Road and associated site development, drainage, and landscape works. Each dwelling to be accessed by a private entrance drive from Knapton Road

On appeal, An Bord Pleanála granted permission subject to 11 no. conditions;
PL06D.239442

D04A/1532: Permission Refused by the Planning Authority and GRANTED by ABP for residential development on the side garden site (905 sq.m.) of Kilcorcan House. The development consists of two number part two storey, 3-bedroom dwelling units (each 140 sq.m.) with frontage onto Knapton Road and associated site development and landscape works. Each unit to be accessed by a private entrance drive from Knapton Road

5.0 Policy and Context

5.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.

NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.

NPO 35 aims to increase residential density in settlements through a range of measures including infill development and site-based regeneration.

5.2. Dun Laoghaire Rathdown County Development Plan 2022 – 2028

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A, which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities.'

Section 4.3.1.1 - Policy Objective PHP18: Residential Density

It is a Policy Objective to: Increase housing (houses and apartments supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher

residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Section 4.3.1.3 - Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Section 12.3.7.7 new infill development should respect the height and massing of existing residential units, and should retain the physical character of the area

Section 12.8.3.3 allows for the provision of open space to the side of the dwelling.

Section 12.8.7.1

'...In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.'

Policy Objective PHP19: Existing Housing Stock – Adaptation

'Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.'

5.3. **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.

5.4. **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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Appeal by Simon & Derval Larkin

Summary of salient points

- Proposal represents an Over Development of small irregular shaped site
- The design of the contemporary dwellings is incongruous with the established pattern of development.
- House C and D are too close to the road and will have little amenity space.
- Due to site size and location disruption will ensue from construction activity.

Appeal by Ann & Bill O' Rahilly

Summary of salient points

- The receiving environment consists of 10 no. protected structures.
- Knapton road is included in the 'A' zone application and is in material contravention of that objective.
- Refers to Local Authority decision to Refuse Ref D21A/0970 permission for a dwelling to the rear of 'The Corner House' Knapton Rd
- Design is obtrusive, bulky, visually unappealing, with lack of proper amenity space, inappropriate positioning.
- The overbearing would be excessive and lead to a loss of residential amenity.
- Concerned about future use of roof terraces.
- Traffic Hazard due to increased turning movement associated with 4 new entrances.

6.2. Applicant's Response

To appeal by Ann & Bill O' Rahilly

- Not aware of any heritage designation.
- Protected structures on many roads throughout the area.
- Development will improve residential amenity through development of under utilised zoned land.
- Planning file D21A/0970 not relevant or applicable to subject site.
- Rejects the assertion that dwelling C and D are too close to the road and cites nearby precedents.
- Dwellings C and D not excessively Overbearing.
- Traffic concerns were addressed to the satisfaction of Local Authority

To Appeal by Simon & Derval Lavin

- With regard to scale there is no plot ratio standard in the development plan
- Scheme has been sensitively designed having regard to all adjoining properties.
- Design of House C and D reflective of 21st century architecture
- Amenity space for House C and D is twice the 60 sq.m minimum standard required.
- With regard to construction disruption a construction management plan was submitted.

6.3. **Planning Authority Response**

No further response as no new matters raised in the appeals.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions/appeals of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised below adequately identify the key potential impacts and I will address each in turn.

- Principle of development
- Design & Layout
- Residential Amenity
- Traffic/Access/Construction Access

7.2. Principle of Development

Under the Dun Laoghaire Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A, which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities.'

The site is within a serviced metropolitan area where it is the national and local policy to encourage compact development on brownfield and infill sites.

There is also a precedent set for development on the site following the grant of planning Ref D04A/1532 (following an appeal) and D10A/0495, albeit the quantum of development under those applications was 2 no. dwellings:

7.3. Design & Layout

Dwellings A and B located at the northwestern end of the site are traditional two/three storey dwellings with brick facade and pitched roofs similar to Kilcoran House. Off street parking is provided at the front of both dwellings and there is ample private open space to the rear, in excess of minimum requirements.

Dwelling C and D are located at the narrow southeastern end of the site. The design approach here is to provide more contemporary two storey dwellings with flat roofs.

The latter two dwellings are located close to the road and close to the rear boundary due to the reduced depth of the site at this location. Amenity space and parking is provided to the side and the first floor has been setback to increase the separation between Mounttown Cottages. I am satisfied with the siting and the proximity to the boundaries and note that the replacement of the 2m granite wall with a low wall and metal railings is a better outcome for both the public realm and the future occupants in terms of passive surveillance for pedestrians and daylight for the dwellings.

I do not accept that the siting of dwelling C and D close to the road is an issue as the established pattern of development in the area offers variable setbacks in close proximity to the site.

Finally all dwellings provide living space in excess of minimum standards in terms of the floor areas/minimum room depths for bedrooms, living areas etc.

7.4. Residential Amenity

The Local Authority initially expressed concerns about the prospect for overlooking and overshadowing of the single storey Mounttown cottages. The revisions that were submitted by way of Further Information have gone some way toward easing those concerns by reducing the overall height of dwelling C and D, marginally increasing the setback, omitting bathroom fenestration and reducing the height of the opaque glazed area. I am satisfied that the residential amenity and daylight afforded to the residents of Mounttown Cottages will not be significantly impacted. It is also noteworthy that there are no appeals from residents of Mounttown cottages.

In terms of the residential amenity of future occupants of the four dwellings I am satisfied that the daylight afforded to each dwelling is of a sufficiently high quality and the external amenity space to the rear of Dwellings A and B and to the sides of Dwelling C and D are more than adequate.

7.5. Traffic/Access/Construction Access

The site benefits from significant road frontage and there is scope for individual entrances. The substitution of the 2m stone wall along the majority of the frontage and replacement with a low wall and railings will allow for enhanced sightlines and greater transparency between public realm and dwelling.

While I note the concerns expressed in the appeal about the proposed access arrangements, I am satisfied that the provision of parking for two cars and sufficient manoeuvrability space to forward exit from each of the four dwellings in this low-speed environment will not present a traffic hazard.

In terms of construction traffic and construction activity in general, the Local Authority have requested by way of condition a construction management plan and noise management plan to be agreed prior to commencement. I am satisfied that

adherence to both these plans will serve to negate any significant impact on the residential amenity of properties in the vicinity.

7.6. Conclusion

The final scheme as presented represents a high-quality design approach and an efficient use of serviced urban land. The provision of 4 no. dwellings will subject to adherence with conditions result in a compact residential development that will not impact on the residential amenity of properties in the vicinity and that accords with the proper planning and sustainable development of the area.

8.0 **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site. It is therefore possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

9.0 **Recommendation**

It is recommended that permission be granted subject to conditions, for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 17/01/2023 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>Each dwelling unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development.</p>
3.	<p>(a) Prior to commencement of the proposed development, the Applicant shall arrange (with DLRCC - Parking Control Section) for the removal of 'Pay and Display' parking bays (or parts of) on Knapton Road in order to prevent obstruction of the sightlines/visibility for vehicles exiting the accesses from the Site. Please note that these works shall be arranged at the Applicant's own expense and in accordance with the terms and conditions of the Planning Authority (Municipal Services Department) which may include a fee/charge for the loss of a 'Pay and Display' parking bays (or parts of).</p> <p>(b) The Applicant shall at their own expense dish and strengthen the footpath in front of the proposed new vehicular entrances off Knapton Road including any moving / adjustment of any manhole /chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority and where appropriate repair any damage arising from installing the entrances.</p>

	<p>(c) The proposed car parking areas shall be constructed so as to avoid the discharge of surface water onto the public road and footpath.</p> <p>(d) The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.</p> <p>(e) The proposed gates to all dwellings shall not be electronic or automatic in accordance with Section 12.4.8.1 Vehicular Entrances and Hardstanding Areas General Specifications of the current DLRCC County Development Plan 2022-2028.</p> <p>Reason: In the interest of orderly development and traffic safety.</p>
4.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to the commencement of development, the applicant, or any other person with an interest in the land to which the application relates, shall comply with requirements of Part V, Section 96 of the Planning and Development Act 2000, as amended, and in accordance with agreement to be reached with the County Council's Housing Department, unless the applicant shall have applied for and been granted an exemption certificate under Section 97 of the Planning & Development Act, 2000, as amended. In this regard, the Applicant shall submit a detailed submission to include, inter alia, existing and development use land values, construction, development and any attributable costs associated with the development.</p> <p>Reason: To comply with Part V of the Planning and Development Act, 2000, as amended.</p>

7.	<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. The contribution shall be paid prior to the 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 the Board 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 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>
8.	<p>A Noise Management Plan <u>and</u> a Construction Waste Management Plan shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development and residential amenities.</p>
9.	<p>Prior to commencement of development, a revised site plan shall be submitted for the written agreement of the Planning Authority (Environmental Enforcement), which shall show the designation of suitable areas and provision of individual storage compounds, to provide for a standard 3 bin system, for the 4 no. proposed houses.</p> <p>Reason: In the interest of orderly development.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 7.00 am to 7.00pm Monday to Friday inclusive, 8.00am to 2.00pm Saturdays and no works permitted on site on Sundays and Public holidays. Deviations from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been obtained from the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property In the vicinity.</p>
11.	<p>Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.</p> <p>Reason: To ensure the satisfactory completion of the development</p>

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

.Adam Kearney

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Planning Inspector

28th August 2023