



An
Bord
Pleanála

Inspector's Report

ABP-316281-23

Development	Construction of a single/double storey dwelling
Location	No. 1 Meadow Mount (lands to side of), Churchtown, Dublin 16, D16 WP71
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D22A/0950
Applicant(s)	Brendan Conway
Type of Application	Permission
Planning Authority Decision	Grant of permission subject to 10 no. conditions
Type of Appeal	Third Party
Appellant(s)	Maria Fletcher
Observer(s)	None
Date of Site Inspection	7 th June 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located in a well-established residential estate dating from the 1960s comprised of detached and semi-detached, single and two storey houses. The appeal site is located in Churchtown Upper approximately 1km west of Dundrum Shopping Centre and approximately 600m SE of Nutgrove Shopping Centre.
- 1.2. The site itself is located in the side (east) garden of No. 1 Meadow Mount and is bounded to the west by No. 1 Meadow Mount and to the north-east by 35 Meadow Grove and by Meadow Mount and Meadow Grove to the south and east respectively.
- 1.3. During the site visit on 7th June 2023 it was not possible to gain entry to the appeal site itself which is currently used as a garden area for No. 1 Meadow Mount.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a new part single storey and part two storey detached contemporary three bedroom flat roofed house measuring 180m² GFS with new vehicular and pedestrian entrances, new boundary fences, drainage connection and landscaping and ancillary works
- 2.2. From the drawings submitted to the Planning Authority following a Further Information request and which were received on 3rd March 2023, the ridge height of the proposed dwelling at +80.105 OD is below the ridge height of No. 1 Meadow Mount to the west (+82.48) and marginally higher than the ridge level of No. 35 Meadow Grove (+79.96) to the NE of the appeal site. The projecting element of the proposed dwelling has been reduced from 2m forwards of the established building line to a 1m projection as per the RFI requirement.

3.0 Planning Authority Decision

- 3.1. Decision

Planning permission for the proposed dwelling was granted on 28th March 2023 subject to 10 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file, in summary, had regard to the following planning issues:

- Residential use is permitted in principle under the A zoning objective which seeks *"to provide residential development and improve residential amenity while protecting the existing residential amenities,"* and that generally the provision of a new dwelling is acceptable in principle subject to Development Plan provisions.
- The Planner's Report following the receipt of Further Information is satisfied with the design, layout and level of internal space provision and of external private open space.
- With reference to potential overlooking of neighbouring properties, the Planner's Report notes that the selective use of obscure glazing in some windows and the distance from other windows to neighbouring properties and the viewing angle available from said windows is such that any overlooking that may occur would be incidental and minor in nature.
- The issues of overshadowing and overbearing impacts on neighbouring properties was assessed in the Planner's Report and were found to not have a significant adverse impact on the neighbouring properties.
- Parking and access proposals are also deemed to meet Development Plan standards in the Planner's Report.
- The Planner's Report did not feel that either Appropriate Assessment or Environmental Impact Assessment was necessary in connection with the proposed development.

3.2.2. Other Technical Reports

- The Transportation Department had no objections to the proposed development subject to conditions being applied.
- The Drainage Department had no objections to the proposed development subject to conditions being applied.

3.2.3. Prescribed Bodies

- Irish Water sought additional information regarding a connection agreement to serve the proposed development and this was contained in an RFI issued to the applicant.

3.2.4. Observations

- A submission was received within the five week period from Moira Fletcher (the Third Party in this appeal case) who lives opposite the appeal site on the south side of Meadow Mount road. The submission rests on similar ground as this current appeal which is summarised in Section 6.0 of this Inspector's Report below.
- A submission was also lodged by Yuyang Wang who lives in No. 35 Meadow Grove which borders the appeal site to the NE. This submission refers to: the previous refusals of permissions for a dwelling at this site providing a precedent for refusal in the case of the current application; loss of light and overshadowing; overlooking, negative visual impact associated with the proposed development; and that the proposed dwelling will put further pressure on existing drainage infrastructure which is already old and overloaded.

4.0 Planning History

4.1. On the Appeal Site

- Ref. ABP- 316256-23 + PA Ref. D22A/0950 - refers to a grant of permission by the Planning Authority for the construction of a new part single storey and part two storey detached contemporary three bedroom flat roofed house and associated works at the appeal site. This grant is the subject of a First Party appeal (and an invalid Third Party appeal by Moira Fletcher) at the current appeal site by the same applicant as the current First Party. This case has yet to be decided.

- Ref. ABP-313927-22 + PA Ref. D22A/0252 – relates to a current First Party appeal against a refusal of permission for a dwelling, new vehicular entrance, boundary treatment and associated site development works at the current appeal site by the same applicant as the current First Party. This case has yet to be decided.
- There are multiple previous applications at the current appeal site which are listed in the Planner’s Report but which are not directly relevant to this case.

4.2. In the Vicinity of the Site

- PA Ref. D20A/0719 refers to a grant of permission for an extension to No. 35 Meadow Grove which is adjacent to the appeal site..

5.0 Policy and Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted on the 9th and 10th of March 2022 and came into effect on the 21st April 2022. This is now the relevant statutory plan for the area.

The site is zoned Objective A for which the objective is to *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

Chapter 4

4.4.1 Quality Design & Placemaking

4.4.1.1 Policy Objective PHP35: Healthy Placemaking - It is a Policy Objective to:

- Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.
- Promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2013).

- Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Chapter 12 Development Management

12.3.7 Additional Accommodation in Existing Built-up Areas

12.3.7.5 Corner/Side Garden Sites

- Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents. M Accommodation standards for occupiers.
 - 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 proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
 - Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. 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.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit, and this will be encouraged by way of corner/ side and infill development. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority, subject to design and level of accommodation provided, there may be some relaxation in private open space and car parking standards for this type of proposal.

- 12.3.7.7 Infill In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11)
- 12.8.3.3 Private Open Space (i) Private Open Space for Houses: a minimum of 60m² is required for new three- bed dwellings.

5.2. Natural Heritage Designations

There are no designated sites located in the vicinity of the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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

The planning issues relevant to this appeal raised by the Third Party are, in summary, as follows:

- The proposed dwelling would not blend with the architectural context and would have an adverse impact on the visual amenity of the area.
- The appeal site is too small to accommodate the scale of development proposed.
- The proposed vehicular access is too close to the junction of two roads at this corner site and as such it represents a traffic hazard.
- The proposed drainage arrangements associated with the dwelling could exacerbate an already problem area which floods after heavy rain.
- There is potential for disruption and adverse impact on the residential amenity of the area due to construction works and associated construction traffic.
- The proposed development will overshadow No. 35 Meadow Grove and also reduce the value of properties in the vicinity of the proposed development.
- Multiple planning permissions for residential development have been refused on this site due to the constrained nature of the site. The permitting of the present proposal would result in a substandard form of development for future residents.

6.2. Planning Authority Response

The Planning Authority response indicates that nothing contained in the Third Party appeal would justify a change to their positive decision in this case.

6.3. Applicant Response

The First Party response prepared by Extend Architects, makes the following relevant planning points:

- The design, proportions and volumes of the proposed house have been drawn up to harmonise with the existing architectural context and will provide a high standard of amenity for future residents.
- The design of the proposed dwelling is in accordance with the relevant sections of the Development Plan especially PHP35 which seeks to ensure that all new development are of high design quality and assist in sustainable placemaking.
- The appeal site measures 0.4ha and the development therefore represents a density of 40 no. dwelling per hectare which is in compliance with the Development Plan minimum density requirement of 50 no. dwellings per hectare near transport nodes or town centres given its suburban location.
- The vehicular entrance is 40m from the junction of Meadow Mount and Meadow Grove roads at the corner to the east of the appeal site and 2 no. onsite parking spaces are proposed. There is no traffic hazard associated with either the proposed entrance or with on-street parking by visitors to the proposed dwelling.
- The proposed drainage proposals are in compliance with the Greater Dublin Drainage Guidelines.
- The claim that neighbouring properties would be devalued should the dwelling on the appeal site is without substance.
- Overshadowing is not an issue at this location as any overshadowing is not significant in scale.

- The precedent of previous planning refusals of residential development at the appeal site are not relevant as the present design is substantially different to previous designs that were refused planning permission and has addressed previous reasons for refusal of residential development at this site.

6.4. Observations

None received.

6.5. Further Responses

Not applicable.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Given the residential zoning of the appeal site, the proposed dwelling is acceptable in principle subject to compliance with development standards set down in the Development Plan.

7.1.1. The primary planning issue therefore is whether or not the proposed residential development is compliant with the Development Plan Objective A zoning which seeks *“to provide residential development and improve residential amenity while protecting the existing residential amenities.”* The issues of design/visual impact, overshadowing/overlooking; traffic hazard; potential impact on residential amenity; and sundry other issues are addressed in the assessment below.

7.1.2. The issue of AA Screening is also addressed in this assessment.

7.2. Design/Visual Impact

7.2.1. I note the established suburban character of the area but I also note that the appeal site is not located in an Architectural Conservation Area nor is it located near or within the setting of a Protected Structure.

7.2.2. The design of the proposed dwelling is contemporary which I feel is the correct design philosophy to adopt in this situation. Just because the proposed dwelling is different in architectural style to the dwellings that comprise its context, does not

mean that an adverse visual impact will necessarily result. Any infill development on this site should not slavishly follow the predominant 1960s style of this housing estate, but should rather be clearly recognisable as a 21st century house making its own architectural statement rather than be a pastiche design which would undermine the integrity of the house itself and would fail to contribute a new layer of architectural history to the neighbourhood.

7.2.3. Accordingly, I am of the opinion that the design, layout, scale and massing of the proposed dwelling is appropriate to its context and does not have an adverse impact on the visual amenity of the area.

7.3. Overlooking/Overshadowing

7.3.1. Having visited the site and examined the drawings as revised by the Further Information submission received by the Planning Authority on 3rd March 2023, I am of the opinion that any overlooking that may occur due to the design and orientation of the proposed dwelling in relation to neighbouring properties would be incidental and not of a nature to constitute a situation where loss of privacy would occur.

7.3.2. The Further Information drawings indicate 2 no. obscure glazed windows on the rear elevation and one on the NE elevation which faces onto No. 35 Meadow Grove. This mitigation measure in my view fully addresses any potential overlooking issues associated with the proposed development.

7.3.3. Having examined the 'Shadow Analysis Report' submitted to the Planning Authority, I am of the opinion that there will result a slight degree of additional overshadowing should the Board be minded to grant permission for the proposed dwelling. This slight increase in overshadowing is minimal and would not be sufficient to cause a perceptible adverse impact on the occupants of No. 35 Meadow Grove which lies to the NE of the appeal site and which is the only neighbouring property with the potential to be overshadowed by the proposed development.

7.4. Traffic Hazard

7.4.1. Having regard to the Transportation Section of the Planning Authority and to the proposed location of the vehicular entrance, I am of the opinion that the proposed entrance is sufficiently distanced from the corner and junction of Meadow Mount and Meadow Grove so as not to represent a traffic hazard to the occupiers of the proposed dwelling or other neighbouring properties.

7.4.2. Reference is made by the appellant to the risk associated with on-street parking associated with the proposed residential development. The proposed development has 2 no. off-street car parking spaces which should be sufficient to cater for the occupants of the proposed dwelling. Visitors may indeed park on the road but it is a reasonably wide estate road and I noted on my site visit the low traffic volumes on the estate roads and the clear sightlines obtainable from the location of the proposed entrance to the appeal site.

7.4.3. Accordingly, I do not believe that the proposed development by virtue of its parking provision or the location of the proposed vehicular entrance would give rise to a traffic hazard.

7.5. Potential Impact on Residential Amenity

7.5.1. Having regard to the above, I do not see how the proposed development would have any discernable negative impact on adjoining properties or cause a reduction in value in same. I am therefore of the opinion that the proposed development would not have a negative impact on the residential amenity of the area.

7.6. Other Sundry Issues

7.6.1. The issue of overloading the drainage infrastructure has been addressed by the Drainage Section of the Planning Authority and I am satisfied with their findings and their recommendation of a grant of permission with conditions.

7.7. AA Screening

7.7.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, 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

I recommend that planning retention be granted for the proposed dwelling for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Dun Láoghaire Rathdown Development Plan 2022-2028, including the zoning objective for the site Objective A for which the objective is to *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and not, by virtue of overlooking or overshadowing lead to loss of privacy or amenity in neighbouring properties. Further, the location of the vehicular entrance to the site does not represent a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st December 2022 and, as amended by the plans and particulars received on the 3rd March 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>Details of the materials, colours and textures of all the external finishes of the proposed development 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>Details regarding the opaque windows and any other screening required shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of visual amenity and the protection of privacy.
4.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety</p>
5.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</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</p>

	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.

Bernard Dee
Planning Inspector

9th June 2023