



An
Bord
Pleanála

Inspector's Report

ABP-317329-23

Development

New house of two storeys with an attic bedroom and a shared entrance, through the existing entrance, to the existing house. Minor modifications to the existing house comprising the demolition of the lobby to the side entrance, closing up the window to the master bedroom, and providing a new dormer window to the master bedroom.

Location

9 Bellevue Avenue, Glenageary, Co. Dublin, A96 X9H7

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D23A/0136

Applicant(s)

Therese Langan and Jean Kane.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party

Appellant(s)

Margaret Shannon.

Observer(s)

Andy Chaney and Pat Unger.

Date of Site Inspection

18th October 2023.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site is the residential property located at 9 Bellevue Avenue, which is on the corner with Sion Road, Glenageary, Co Dublin. The site currently accommodates a single storey dwelling and benefits from a large garden to the rear and the side, which extends along the boundary with Sion Road.
- 1.2. The immediate area is residential in nature characterised by detached and semi-detached properties with front and rear garden ground. The majority of properties benefit from off street car parking. The site is bounded to the north by Bellevue Avenue and the adjacent residential properties which rise to two storeys. The eastern boundary is marked by the property at 11 Bellevue Avenue which is a detached bungalow, as are the majority of the properties on this side of the street. To the south is 1 Sion Road, a detached bungalow. The western boundary is marked by Sion Road and the adjacent two storey home at 7 Bellevue Avenue. The majority of homes to the north and west on Bellevue Avenue are two storey. The majority of the homes on the south east side of Bellevue Avenue are single storey, as are the homes on Sion Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the development of a two storey detached home with roof accommodation within the side garden ground of 9 Bellevue Avenue. The development would involve the subdivision of the garden ground to create a new plot with vehicular access and off-street parking to the front. Alterations are also proposed to the existing dwelling to remove the entrance porch and the construct a rear dormer window extension.
- 2.2. The proposed dwelling would be positioned immediately on the boundary with Sion Road and would have a depth of 15.7m along this boundary, with a total height to ridge level of approximately 9.15m. Materials proposed include stock brick and natural slate.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Permission was issued on 17th May 2023 subject to 12 generally standard conditions. Conditions of note include:

- Condition 6: Restrictions on vehicle entrance widths and height of boundary treatment.
- Condition 7: Requirement to keep new access from Sion Road pedestrian only.

3.2. Planning Authority Reports

3.2.1. The Planner's Report was issued on 17th May 2023 and confirms that the development would be acceptable in terms of land use/zoning. The report sets out compliance with development standards in terms of housing quality and internal floorspace areas. The Planning Authority consider the height and positioning of the dwelling to be acceptable within the immediate context and do not consider that there would be any significant impacts on visual or residential amenity. Additionally, the report sets out that the development would be acceptable in transport and access terms. The report notes concern regarding the quantum of private open space, materials, windows, openings and rainwater goods overhanging the site boundary, boundary treatments, drainage, and clarity on the rear canopy. Further Information to address these issues was requested on the 24th April 2023. The applicant submitted the required information on the 26th April 2023, and the Planning Authority considered that this suitably addressed the issues raised, ultimately granting permission.

3.2.2. Other Technical Reports

3.2.3. **Drainage Planning (03.04.2023 and 08.05.2023):** The Drainage Planning Team requested Further Information regarding the disposal of surface water run off as well as a demonstration that the scheme has been designed in accordance the sustainable drainage and hardstanding policies of the CDP. On receipt of the Further Information, the Drainage Planning Team raised no objections subject to conditions.

3.2.4. **Transport Planning (19.04.2023):** No objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Nine observations are on file, submitted by the following:

- Margaret Shannon of 1 Sion Road, Glenageary, Co. Dublin, (the appellant).
- Andy Chaney of 4 Sion Road, Glenageary, Co. Dublin.
- Rosaleen Hick of 5 Sion Road, Glenageary, Co. Dublin.
- Aileen and Patrick Ungar of 21 Sion Road, Glenageary, Co. Dublin.
- Deirdre Hargaden of 21 Sion Road.
- Sharon McDonnell of 7 Sion Road, Glenageary, Co. Dublin.
- Aoife and Damian O'Connor of 5 Bellevue Avenue, Glenageary, Co. Dublin.
- Irene Sheehan of 7 Bellevue Avenue, Glenageary, Co. Dublin.
- Pamela and Adrian Cooper.

3.4.2. The observations made largely reflect the grounds of appeal which are set out in detail at Section 6.1 below. Observations made in addition to the grounds of appeal include:

- There are issues regarding the accuracy of the drawings and the heights noted.
- Transition in scale is inappropriate.
- Gable on the footpath is overbearing.
- There is a lack of contiguous elevations.
- There would be health and safety impacts on the footpath during construction.

4.0 Planning History

Subject Site

4.1.1. There is no planning history for the subject site that is of relevance to the appeal.

Adjacent Sites

4 Sion Road.

- 4.1.2. **Planning Authority Ref D21A/1080:** DLRCC granted permission in February 2022 for the conversion of the existing attic with a dormer window extension and associated works.

6 Sion Road

- 4.1.3. **Planning Authority Ref D23A/0601:** DLRCC granted permission in December 2023 for the conversion of the attic with dormer extension, as well as a rear extension, garden office, and associated works.

7 Sion Road

- 4.1.4. **Planning Authority Ref D16B/0119:** DLRCC granted permission in May 2016 for the construction of a single storey extension to rear and attic conversion with first floor dormer windows to rear.

11 Bellevue Avenue

- 4.1.5. **Planning Authority Ref D07A/0191:** DLRCC granted permission in May 2007 for a new storey over remodeled single storey to front, two new bay windows to front and side. Single storey kitchen extension to rear. Removal of existing roof and replace with new roof with dormer windows to rear and Velux windows to front to accommodate habitable room. Widening of existing vehicular entrance.

5.0 Policy Context

5.1. Development Plan

Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver

sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter are:

- PHP20: Protection of Existing Residential Amenity
- PHP25: Housing for All
- PHP35: Healthy Placemaking

5.1.3. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter are:

- T19: Car Parking Standards

5.1.4. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter are:

- 12.3.3.1: Residential Size and Mix
- 12.3.7.5: Corner/Side Garden Sites
- 12.3.8: Housing for All
- 12.4.5.1: Car Parking Standards
- 12.4.6: Cycle Parking
- 12.4.8: Vehicular Entrances and Hardstanding Areas
- 12.8.3.3 (i): Private Open Space for Houses
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

5.2.1. This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

5.3. National Policy

The National Planning Framework - Project Ireland 2040

- 5.3.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements. Objective 35 is to increase residential density in settlements and makes specific reference to infill development.

5.4. Natural Heritage Designations

- 5.4.1. None relevant.

5.5. EIA Screening

- 5.5.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal has been submitted by Hughes Planning of 85 Merrion Square, Dublin 2, for and on behalf of Margaret Shannon of Tigroney, 1 Sion Road, Glenageary, County Dublin. The grounds of appeal can be summarised as follows:
- The proposed development would be contrary to the zoning objective for the site which seeks to protect and improve residential amenities as the development would result in a loss of amenity.
 - The scale, massing, positioning, design, layout and form of the development is inconsistent with the streetscape and character of the area and would have adverse impacts on visual and residential amenity.

- The development is excessive in scale, poorly designed, and would have impacts in terms of being overbearing/visually intrusive, as well as resulting in overlooking, loss of privacy, and a loss of daylight/sunlight.
- The development would impact on the visibility of the building line on Bellevue Road/Sion Road and would hinder views down both streets.
- The development would sit forward of the building line and would dominate the streetscape.
- The development would fail to comply with section 12.3.7.1 and would injure the visual amenity of the area.
- There are insufficient setbacks from the boundaries and separation distances are insufficient, thereby compromising amenity.
- The access arrangements are insufficient and would create a traffic and pedestrian hazard. The access and parking arrangements are unusable, dangerous and inadequate. This would lead to more parking pressures on the street.
- The proposal includes rear access through two new gates in the side wall. The side wall would be lower than existing and would allow views into the proposed dwelling and garden and would negatively impact on the vista from Bellevue Avenue.
- The additional rear accesses are unnecessary and inappropriate. The gates would disrupt the pedestrian pathway, causing a pedestrian hazard or security risk. The new gates would also cause visual and noise disruption.
- If the Board are minded to grant permission then a condition should be applied omitting the rear/side access.
- The proposal would reduce property values.
- There are many precedents for refusal for similar development in the surrounding area.

6.2. Applicant Response

6.2.1. A response to the grounds of appeal has been prepared by Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, Co Dublin, for and on behalf of Therese Langan and Jean Kane of 9 Bellevue Avenue, Glenageary, Co Dublin, the applicants. The response can be summarised as follows:

- The proposal has been designed to accord with all relevant policies of the CDP and does not contravene policy or conflict with the zoning objective of the land.
- The proposal is compliant with policies to adapt existing housing stock, increase density, and the policy on Corner/Side Garden Sites at section 12.3.7.5 of the CDP.
- There are numerous examples of similar infill development in the locality.
- The site and area do not contain any protected views or structures, nor is the site in a conservation area or architectural conservation area that would warrant specific consideration of visual impact.
- The dwelling has been designed to match that on the opposing corner and it is appropriate to present as two storey to mark the corner and act as a bookend.
- There is precedent for dormers in the immediate area.
- The access issues raised are without basis and are not supported by the technical analysis of the Council's Transportation Team. There are multiple examples of similar access arrangements.
- Appropriate access conditions were imposed and could be reattached to a grant of permission.
- Separation distances are acceptable and will ensure no overlooking or visual impact. The scale of the proposal, its location, and the depth of the garden is such that there would be no significant overshadowing.
- The development is not regarded to impact on property values, and it is not considered that this is a planning matter. Well design infill can increase property values.

- There are multiple examples of similar precedent development all within 1.5km of the subject site.
- The level of submissions is noted however the volume of submissions is not a relevant factor in the assessment.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority direct the Board to the previous Planner's Report and do not consider that the appeal raises any new issues.

6.4. **Observations**

- 6.4.1. An observation has been received from Andy Chaney and Pat Unger of Nos.4 and 9 Sion Road, Glenageary, Co Dublin. This observation raises same points as the grounds of appeal referred to in section 6.1 above.

6.5. **Further Responses**

- 6.5.1. None.

7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Amenity
- Transport
- Appropriate Assessment

7.2. **Design and Amenity**

- 7.2.1. The core issue raised in the appeal is that the scale, massing, positioning, design, layout, and form of the development would be inconsistent with the streetscape and character of the area, and that it would have adverse impacts on visual and residential

amenity in terms of being overbearing and visually intrusive, as well as resulting in overlooking, loss of privacy, and a loss of daylight/sunlight. Concerns are raised that the development would impact on the visibility on Bellevue Road/Sion Road and would hinder views down either street by sitting forward of the building line and dominating the streetscape.

- 7.2.2. In terms of the proposed dormer window on the existing dwelling, this would be located in excess of 16m from the boundary with 1 Sion Road, the appellant's property. I consider that this distance is acceptable in amenity terms and note that the dormer would face onto the side elevation of 1 Sion Road, which is single storey with a planted boundary. As such, I do not consider that the dormer window extension would result in any significant overlooking, or loss of privacy. Due to being positioned north of Sion Road, there would be no impact in terms of daylight and sunlight. I consider the dormer window to be acceptable in design terms and note several similar dormer windows and permissions for dormer windows in the area, as such I do not consider that it would be a discordant feature.
- 7.2.3. The proposed dwellinghouse would be positioned immediately on the boundary with the footpath on Sion Road. The roof would reach a total height at ridge level of 9.15m when measured from the footpath on Sion Road. The dwelling would incorporate a single storey element to the rear, in addition to a dormer window on the front roof slope that would be positioned on the right hand side of the roof, adjacent to the Sion Road boundary.
- 7.2.4. In amenity terms, the rear wall of the main dwellinghouse would be positioned between 14.8m and 16m from the boundary with 1 Sion Road whilst the single storey element would be positioned 9.8m-10.9m from this boundary. It is important to note that this boundary separates the subject site from the front garden/parking area of 1 Sion Road. Given the separation distances involved, particularly regarding the two storey part of the proposed dwellinghouse, and the nature of the space bounding the site at 1 Sion Road, I am satisfied that there would be no adverse impacts in terms of overlooking or a loss of privacy. Due to the subject site's position to the north of no.1 Sion Road, I am satisfied that there would be no overshadowing impacts.

- 7.2.5. Section 12.3.7.5: Corner/Side Garden Sites of the CDP states that building lines should be followed where appropriate, and that side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- 7.2.6. The proposed dwelling would rise to two storeys and would sit fully proud of the established building line on Sion Road where this section of Sion Road and Bellevue Avenue are single storey in nature. The dwelling would be positioned on the boundary with Sion Road, with the gable elevation immediately adjoining the boundary wall. In visual terms, I consider that the gable would essentially read as the new site boundary.
- 7.2.7. I consider that the proposed dwelling would be overbearing and visually intrusive within the immediate area and that it would have an adverse impact on visual amenity. In my opinion, this is a result of proposing a two storey dwelling on a narrow and constrained corner site which results in the dwelling extending immediately to the boundary and stepping significantly forward of the established building line. These impacts are further intensified by the provision of a two storey dwelling where the immediate adjoining context is single storey. I consider that the provision of a gable as the side boundary increases the perception of bulk, which in turn is further exacerbated by the position of the dormer window so close to the side boundary, with the dwelling essentially reading as three storeys when viewed from the west.
- 7.2.8. I accept that there are examples of two storey infill/side garden development, however, these are on sites that are embedded within immediately adjoining two storey contexts and where they are much less visually prominent in comparison to the appeal site which sits on an exposed and prominent corner.
- 7.2.9. I am therefore satisfied that the proposed dwelling, by reason of its prominent location on a corner site and its excessive scale and massing, would significantly disrupt the consistent and established building line on Sion Road, forming a visually obtrusive, overbearing and incongruent feature in the streetscape, which would compromise openness and would be inconsistent with the established pattern and character of development.

7.3. **Transport**

- 7.3.1. The Transport related issues raised in the appeal relate to access arrangements being insufficient and thereby creating a traffic hazard. Additionally, the appellant considers

the parking arrangements to be unusable, dangerous, and inadequate, and that this would lead to more parking pressures on the street.

7.3.2. I note the change in levels from the roadway of Bellevue Avenue to the parking area proposed within the front garden. The proposed access width between the stone piers is just 2.9m, which I do not consider to be sufficient, particularly as cars parked on the site would not be able to access and egress the site in a forward gear. Whilst reversing is typical of off street domestic car parking, the manoeuvres involved together with the change in levels is such that I consider cars accessing and egressing the site with the proposed layout/access would lead to a traffic hazard. However, as noted by the Planning Authority, the access could be increased to 4m and the internal space within the front garden could be reconfigured to allow more room for manoeuvre, to ensure safe movements to/from and within the site. The amendments required to achieve this would be fairly minor with no impact on either visual or residential amenity and as such I am satisfied that this could be achieved by way of a condition, should the Board be minded to grant permission. With suitable off-street parking provided, I do not consider that the development would lead to increased parking pressures on the street.

7.3.3. Further concerns are raised that the proposed rear accesses are unnecessary and inappropriate. It is argued that the gates would disrupt the pedestrian pathway, causing a pedestrian hazard or security risk as well as causing visual and noise disruption. In my opinion, despite being double gates, the rear accesses are clearly pedestrian in nature, with a maximum width of just 1.5m. I do not consider that the gates would cause any kind of disturbance to amenity. Gates opening out over the public footpath would not be appropriate, however, I note that the drawings show the gates opening inwards to the site, which is acceptable and could be reinforced by way of a compliance condition if necessary.

7.4. Other Matters

7.4.1. The grounds of appeal state that the development would result in a reduction in property values in the area. I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

7.4.2. Issues raised regarding the health and safety of the public footpath during construction could be managed by condition should the Board be minded to grant permission.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as 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.

8.0 Recommendation

- 8.1. Having regard to the above, I recommend that planning permission should be refused for the reasons set out below.

9.0 Reasons and Considerations

- 9.1.1. The proposed dwelling, by reason of its prominent location on a corner site and its excessive scale and massing, would significantly disrupt the consistent and established building line on Sion Road, forming a visually obtrusive, overbearing and incongruent feature in the streetscape, which would compromise openness and would be inconsistent with the established pattern and character of development. The proposed development would be contrary to Section 12.3.7.5 of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and would seriously injure the visual amenity of the area and of property in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Terence McLellan
Senior Planning Inspector

18th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|---|---|---|
| An Bord Pleanála Case Reference | ABP-317329-23 | | |
| Proposed Development Summary | New house of two storeys with an attic bedroom and a shared entrance, through the existing entrance, to the existing house, Minor modifications to the existing house comprising the demolition of the lobby to the side entrance, closing up the window to the master bedroom and providing a new dormer window to the master bedroom. | | |
| Development Address | 9 Bellevue Avenue, Glenageary, Co. Dublin, A96 X9H7 | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | X | | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| No | | N/A | No EIAR or Preliminary Examination required |
| Yes | X | Class 10 (b) (i), threshold >500 dwellings. | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

| | | |
|------------|---|---|
| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

| | | |
|--|--|------------------------------|
| An Bord Pleanála Case Reference | ABP-317329-23 | |
| Proposed Development Summary | New house of two storeys with an attic bedroom and a shared entrance, through the existing entrance, to the existing house, Minor modifications to the existing house comprising the demolition of the lobby to the side entrance, closing up the window to the master bedroom and providing a new dormer window to the master bedroom. | |
| Development Address | 9 Bellevue Avenue, Glenageary, Co. Dublin, A96 X9H7 | |
| <p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> | | |
| | Examination | Yes/No/ Uncertain |
| <p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p> | <p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p> | No. |
| <p>Size of the Development Is the size of the proposed</p> | <p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p> | No. |

| | | |
|--|--|------------|
| <p>development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p> | <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p> | |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>The development would be located in a serviced residential area s and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p> | <p>No.</p> |
| <p>Conclusion</p> | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> | | |

Inspector: _____

Date: _____