



An  
Bord  
Pleanála

## Inspector's Report ABP-318121-23

<b>Development</b>	Demolition of garage and construction of garage and home office and all associated works.
<b>Location</b>	23 Beaumont Drive, Churchtown, Dublin 14, D14 VY86
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D23A/0477
<b>Applicant(s)</b>	Judith & Marc Evars
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Judith & Marc Evers
<b>Observer(s) (3 no.)</b>	Maria Hogan and Alan Hogan David and Jane Jehanno Anne Williamson and Bobby Tyrrell.
<b>Date of Site Inspection</b>	30 <sup>th</sup> July 2024

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site is located on Beaumont Drive in Churchtown which is a mature residential area comprised of terraces of two storey dwellings. No. 23 is a two-storey end of terrace dwelling with a stated site area of 0.0211 ha. There is a laneway immediately to the north which provides vehicular access to single storey domestic garages with flat roofs located to the rear of a number of properties, including the appeal site. The garage on the appeal site is situated in the rear garden and is bound by the rear laneway on its northern and western boundaries.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of an existing single storey garage and the construction of a new part single and part two storey structure comprising a garage at ground floor and home office at first floor with access from the existing laneway serving the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 05<sup>th</sup> September 2023 the Planning Authority refused permission for one reason as follows:

Having regard to the Objective A zoning of the subject site, the massing, scale and form of the proposed demolition and the proposed structure at the back of the existing rear garden and associated access and boundary treatments, it is considered that the proposed resultant development would not be modest in floor area and scale relative to the main house and remaining rear garden area, and would adversely impact on the residential amenity of adjacent properties by reason of overbearing appearance. In addition, it is considered that the proposed resultant development would be visually obtrusive and incongruous in and around the site by reason of its form, height and scale, and that it would significantly detract from the character of the surrounding area, contrary to Section 12.3.7.4 of the Dun Laoghaire-Rathdown County

Development Plan 2022-2028. Consequently, the proposed development would not be in accordance with the relevant policy and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The local authority planning report can be summarised as follows:

- The proposal fails to comply with Development Plan section 12.3.7.4 in relation to floor area and scale which are not considered modest given the sites context in a terrace of dwellings with small gardens.
- The proposal would appear unduly dominant when viewed from adjoining sites and would increase overshadowing of adjoining gardens.
- There are concerns in relation to the impact of proposed windows on privacy.
- The proposal fails to integrate into the surrounding area and would have a significant visual impact due to its height and scale and overbearing impact.

#### **3.2.2. Other Technical Reports**

Drainage Planning: No objection subject to conditions.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

Four observations were received in relation to the planning application. The issues raised are comparable to the issues raised in the observations to the appeal.

## **4.0 Planning History**

Appeal Site:

D22A/1024: Permission refused on 17/02/2023 by Dun Laoghaire Rathdown County Council to demolish existing garage and construct two storey structure comprising garage at ground floor and home office at first floor. Reason for refusal related to scale of development and associated impacts on adjoining properties and surrounding area.

## **5.0 Policy Context**

### **5.1. Dun Laoghaire Rathdown County Development Plan 2022-2028**

The subject site is zoned A, with the associated land use objective to provide residential development and improve residential amenity while protecting existing residential amenities.

Section 12.3.7.4 provides guidance in relation to Detached Habitable Rooms stating such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area. The applicant will be required to demonstrate that neither the design nor the use of the proposed structure will detract from the residential amenity of adjoining property or the main house.

### **5.2. Natural Heritage Designations**

None.

### **5.3. EIA Screening**

- 5.3.1. The development does not constitute a project for the purposes of EIA. Refer to Appendix 1.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal submitted includes revised drawings relating to the proposal and a letter from DLR confirming that the lane is in the charge of the Council. The appeal can be summarised as follows:

- The need for the development relates to a lifelong care requirement.
- The design minimises any adverse impact on existing residential amenity.
- Precedent exists in the area for similar development.
- The proposed increase in floor area of 25 sq.m. above the existing structures footprint is modest.
- The revised proposal submitted with the appeal removes two windows from the north and northwest elevations to address concerns relating to overlooking and reduces the external height by 40cm to reduce the appearance of overbearing. The resulting development would be 4.47m high at parapet and 3.25m at the lower edge of the pitch alongside laneway and any shadow impact would be further reduced or eliminated.
- The development would improve surface water discharge as noted by the planning authority.
- The laneway is not a private laneway as confirmed in correspondence from the local authority.
- There is no objection to a condition restricting exemptions and requiring the use of pre-built modular construction to reduce construction disruption.

### **6.2. Planning Authority Response**

Response received can be summarised as follows:

- The Board is referred to the planner's report.
- The grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

### 6.3. **Observations**

Three observations received from the occupants of no's 15, 15A and 17 Beaumont Drive can be summarised as follows:

- The size and scale of the proposal is not in keeping with the scale of existing buildings and gardens.
- The development is not modest in scale and does not comply with the requirements of the Development Plan in relation to detached habitable rooms.
- Impacts on residential amenities of adjoining properties include loss of privacy due to overlooking, overbearing due to scale and proximity to neighbouring houses, overshadowing and loss of sunlight.
- Precedent examples provided are not relevant to the proposed development which will result in the creation of a precedent.
- Inadequate sewerage capacity.
- Concerns relating to the future intended use for residential purposes.
- Reduction on value of neighbouring property.

### 6.4. **Further Responses**

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, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Design
- Precedent

## 7.2. Design

- 7.2.1. The submitted drawings indicate that the footprint of the proposed structure is in line with that of the existing garage. The proposal is to demolish the existing flat roofed garage which has a stated floor area of 32 sq.m. and height of 2.95m and construct a two storey building with a hipped roof which has a ridge height of 5.3m and an eaves height of approx. 4.09m. There is a gradual slope in the rear garden such that the proposed finished floor level of the new garage will be approximately 0.4m below the floor level of the house on the appeal site. The ground floor is to be used as a garage with a floor area of 29 sq.m. and the first floor measuring 25 sq.m. is to be used as a home office and WC. At first floor a window is proposed on the south elevation with angled louvres to prevent overlooking. Windows with obscure glass are proposed on the north and east elevations. There is no reduction in rear garden space arising from the proposed development. The structure would be located c. 11m from the rear elevation of the closest dwellings to the north (No. 15 and 15A), 9m from the rear of the host property at No. 23 and 13m from the rear of No. 25 to the south east. The structure would have a rendered finish.
- 7.2.2. The Development Plan guidance contained in Section 12.3.7.4 relating to habitable rooms states that such structures should be modest in floor area and scale, relative to the main house and remaining rear garden area and that the design and use should not detract from the residential amenity of adjoining property.
- 7.2.3. The established pattern of development in the vicinity of the appeal site is of terraced two storey houses with modest sized rear gardens. I consider that the proposed outbuilding would conflict significantly with the form and scale of the existing pattern of development as a result of its proposed height, two storey design and its proximity of between 9m and 13m from the rear elevations of surrounding dwellings. I consider the proposed two storey structure would be overly dominant and out of scale with that of the existing dwelling and the established pattern of development and would be visually incongruous when viewed from the rear of existing dwellings surrounding the appeal site. I consider the proposal is not one which is ancillary to the existing dwelling in terms of its height and two storey design and would have a significant detrimental impact on the visual amenities of the area. As such, I consider the proposal does not accord with the specific guidance and recommendations relating to habitable rooms contained in Section 12.3.7.4 of the Development Plan.



- 7.2.4. A shadow analysis was submitted with the application and having reviewed same I do not consider the proposed development would be likely to result in significant additional overshadowing of adjoining properties.
- 7.2.5. In relation to overlooking, the proposal has potential to overlook no. 25 to the south, the rear elevation of which is approximately 13 m from the proposed first floor window. However, I note the proposal to include louvres on this window to prevent overlooking and also the use of obscure glazing on the windows on the northern boundary. I therefore do not have concerns that the development will result in excessive overlooking onto adjacent properties.
- 7.2.6. The applicant has submitted revised drawings with the appeal which indicate proposals to reduce the overall height of the structure by 40cm by reducing the finished floor level and omission of the porch and two windows from the first floor elevation. I do not consider these revisions address the concerns in relation to height and scale outlined above.
- 7.2.7. I note the applicants need for the structure as outlined in the appeal and recognise that the proposal would provide for additional space, and that the additional floor area above that of the existing footprint is not extensive. However I consider the development as proposed fails to respect the established form of development in the area resulting in negative impacts on surrounding residential amenities and as such fails to comply with Section 12.3.7.4 of the Development Plan in this regard.
- 7.2.8. Concerns have been raised by observers in relation to the potential future use of the structure for residential purposes. I am satisfied that any such departure from the permitted use would require planning permission and is outside the scope of this appeal.
- 7.2.9. The first party notes references in the planners report to the status of the laneway as a private laneway and reference to mews laneways and includes confirmation that the laneway is in the ownership of the local authority and considers policy relating to mews laneways is not applicable to the appeal site. I note that no issues were raised in relation to the access laneway and that the laneway serves the existing garage on site and I have no concerns in relation to this aspect of the development.

### **7.3. Precedent**

- 7.3.1. Within the general vicinity of the appeal site, there are no directly comparable existing two storey garages or habitable rooms to that of the subject proposal. The appeal submission includes details of applications which are considered to demonstrate precedent for the proposed development. I consider the precedents referred to are not relevant to the planning authority's reason for refusal or to the appeal site and I do not consider that these applications are appropriate precedents for the purposes of this case.

### **8.0 AA Screening**

- 8.1. I have considered the proposed development of the demolition of an existing garage and construction of a new garage and office in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 4.2 km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and the South Dublin Bay SAC (000210).

The proposed development comprises the demolition of an existing garage and construction of a new garage and office. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed garage and office and the serviced nature of the site.
- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

- 9.1. I recommend that permission be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the zoning objective for the site which seeks to “provide residential development and improve residential amenity while protecting existing residential amenities”, and Section 12.3.7.4 (Detached Habitable Rooms) of the Dun Laoghaire Rathdown Development Plan 2022 – 2028 which requires that habitable rooms should be modest in floor area and scale, and to the proposed height and two storey design, it is considered that the development would be out of scale and out of character in comparison with the existing dwelling and with the pattern of development in the vicinity of the appeal site and would appear visually incongruous when viewed from surrounding properties. The proposed development would therefore fail to accord with the A zoning objective pertaining to the site which seeks to protect, provide and improve residential amenities, would fail to comply with the provisions set out in Section 12.3.7.4 of the Development Plan 2022-2028 in respect of habitable rooms and would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.

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.

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Bernadette Quinn  
Planning Inspector

23<sup>rd</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318121-23			
<b>Proposed Development Summary</b>	Demolition of garage and construction of structure including garage and home office and all associated works			
<b>Development Address</b>	23 Beaumont Drive, Churchtown, Dublin 14, D14 VY86			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	X	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_