



An
Bord
Pleanála

Inspector's Report ABP318762-23

Development	House, driveway, connection to services.
Location	52 Dale Road, Stillorgan, Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/389.
Applicant(s)	Philip O'Dwyer.
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party V Grant
Appellant(s)	Bláithín Liston & Craig Cinnamond
Observer(s)	None
Date of Site Inspection	17 th February 2024
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.257ha and comprises the side and part of the rear garden of 52 Dale Road, Stillorgan, County Dublin. The existing house on site is one of a pair of semidetached houses and the pattern of development in the area is one of semidetached houses with front and rear gardens. The existing house has front garden off-street parking, and the rear garden is triangular. The appellants' property (54 Dale Road) is immediately to the east of the application site.

2.0 Proposed Development

- 2.1. Construction of a detached two storey house, new driveway and connection to services at 52 Dale Road, Stillorgan, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the Chief Executives order.

- 3.3. Initially the planning authority sought further information in relation to;

1. proposed boundary treatments,
2. revised drawings particularly taking into account any changes arising from revised boundary treatments,
3. revised drawings clarifying the site dimensions (red line) and applicant's landholding (blue line),
4. details of expected overshadowing of adjoining properties,
5. proposals for disposal of surface water within the application site, and

6. the applicant should demonstrate that the driveway/hardstanding complies with planning authority standards.

3.4. The applicants responded to the request for further information and the planning authority commended as follows;

1. The applicant submitted details of boundary treatments including walls/fence that satisfied the planning authority.
2. The applicant submitted a set of revised plans, elevations and sections which the planning authority accepted as accurate.
3. A revised land ownership/site boundary drawings was submitted to the satisfaction of the planning authority.
4. The applicant submitted a shadow analysis which demonstrated that overshadowing would be at acceptable levels.
5. Revised drawings showing drainage arrangements were submitted, reviewed by the Drainage Department, and found to be acceptable.
6. The revised hardstanding/driveway proposals were acceptable.

3.4.1. Other Technical Reports

Transport Planning Department reported no objection subject to conditions.

Drainage Planning reported that the application was unclear as to the treatment of surface water within the site. Further information cleared up this point.

Uisce Eireann reported no objection subject to conditions.

4.0 Planning History

- 4.1. Permission for a house on the site was refused under **D21A/678** because the proposed house broke the building line and would give rise to detrimental visual impact on the area.
- 4.2. Permission was granted under D07A/1663 for a house on the site.
- 4.3. Permission was granted under D07A/386 for a house on the site.

5.0 Policy and Context

5.1. Development Plan

The application site is zoned A in the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 with the objective “to provide residential development and improve residential amenity while protecting existing residential amenities”.

5.2. Natural Heritage Designations

Not relevant.

5.3. EIA Screening

- 5.4. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellants live in/own the adjoining house to the east of the site at 54 Dale Road.
- Permission was granted previously on the site for a house, this permission lapsed. A second application for permission was refused. The pattern of development in the area is pairs of semi-detached houses – the proposed detached development conflicts with this pattern.
- The proposed house breaks the rear building line established by number 54 and will appear overbearing and overshadow the rear garden of numbers 52 and 54 Dale Road.
- The rear garden remaining to number 52 will be too restricted to support the required levels of residential amenity.

- The proposed development will overshadow the rear gardens of numbers 52 and 54 Dale Road.
- The drawings are inconsistent in their measurements and leave doubt as to what can be actually built.
- The existing boundary treatment should be retained where possible.

6.2. **Applicant Response**

- None

6.3. **Planning Authority Response**

- The Board is referred to the planner's report in this case.

6.4. **Observations**

- None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Introduction**

7.2. The main planning issues raised in this case are the pattern of development in the area, adherence to the building line, overlooking and overshadowing of numbers 52 and 54 Dale Road, adequacy of private open space for existing and proposed houses, inconsistencies in application drawings and boundary treatments.

7.3. **Pattern of Development.**

7.4. The appeal makes the point that pattern of development in the area comprises two storey houses and that construction of a single/free standing house will be incongruous on this setting. The appeal is correct on this point that the pattern of

development in the area of the site is set by two-storey semidetached houses. However, this fact of itself is not sufficient reason to refuse a properly designed additional house on a site where other criteria can be met. The County Development Plan itself makes the point (section 12.3.7.5) that “corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling in existing built-up areas” subject to certain criteria. In the present case a corner site in an area zoned for residential development of adequate size is to be developed in a manner which is compatible with the amenity of the area and the residential amenity of nearby houses.

7.5. I conclude on this point that the proposed development is acceptable.

7.6. Building line.

The appeal makes the point that the proposed development will break the rear building line established by the adjoining number 54 Dale Road.

7.7. It is the case that the new house will extend beyond the rear building line established by number 54 but I do not conclude on this basis that the proposed development is unacceptable. Development Plan policy supports the provision of additional housing units in zoned and serviced areas where more economical use can be made of existing infrastructure and community facilities. The present case is an acceptable additional house in this context.

7.8. Overlooking/overshadowing.

7.9. The appeal makes the point that the proposed development will overlook adjoining property.

7.10. There are two first floor windows proposed in the house. The one on the east facing the appellant’s property serves a first-floor landing. The one on the west faces the gable end of number 52 (the applicant’s property) and serves lavatory. Both are small windows without the capacity to seriously injure the amenity of adjoining property, nevertheless, the planning authority has required (see condition 2 in the planning authority’s decision to grant permission) that these windows be fitted with opaque glazing. I consider that this is a reasonable requirement, and it is repeated in the draft order set out below.

- 7.11. The appeal makes the point that the proposal development will unreasonably overshadow adjoining property. The planning authority requested additional information on this point and the applicant submitted three drawings illustrating a shadow impact.
- 7.12. In my view the important point to note is the orientation of number 54 relative to the proposed house. Number 54 is due east of the proposed house – therefore there can be no impacts on morning sunlight on the 54 Dale Road. When the sun is at its zenith to the south all three houses (number 52, the proposed house and number 54) will be in direct sunlight and no impact will arise. The main house at 54 Dale Road is set off the boundary with the application site by a single storey extension. There is a possibility that a slight shadow may fall on the roof of that extension, but this does not meet a threshold of serious injury to residential amenity of that property.
- 7.13. I am satisfied on that basis that the proposed development will not unacceptably overlook or overshadow adjoining property.
- 7.14. **Open Space**
- 7.15. Table 12.10 of the County Development Plan requires 48m² for 2 bed houses and 60m² for three bed houses. The proposed house has 2 bedrooms and 68m² of rear garden space. The existing house at 52 Dale Road will have 69m². I conclude on this basis that private open space provision meets the Development Plan standards for both units and is adequate to meet the private open space requirements of the existing and proposed house.
- 7.16. **Inconsistent Drawings.**
- 7.17. The appeal makes the point that there are inconsistencies in the lodged drawings. The planning authority raised this issue by way of a request for further information, received amended application drawings and considered them to be satisfactory.
- 7.18. Where discrepancies arise during or after construction of permitted development it is solely the responsibility of the planning authority to determine if unauthorised development has been undertaken. I consider that, taken as a whole, the application properly describes the proposed development sufficiently accurately to allow for a planning decision on appeal to the Board.

7.19. Boundary Treatment.

7.20. The appeal that makes the point that where possible the boundary treatment on site should be retained or replaced by a new boundary wall between the front garden of the new house and the front garden of number 54. The submitted plans show the existing hedge as part of the finished project. I consider that a condition providing for the protection of the hedge during construction works is reasonable in this context.

7.21. Appropriate Assessment Screening

7.22. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

The application site is zoned with the objective “to provide residential development and improve residential amenity while protecting existing residential amenities” in the Dun Laoghaire Rathdown County Development Plan 2022 – 2028. Having regard to the modest scale of the proposed house, its location in a built up area where public services and community facilities already exist and subject to the conditions set out below it is considered that the proposed development would not seriously injure the visual amenity of the area or the residential amenity of property in the vicinity, and that it would accord with the provisions of the County Development Plan and 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 as amended by the further plans and particulars submitted on the 7th day of November 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>The first-floor windows on the east and west elevations shall be glazed with obscure glass.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
4.	<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>
5.	<p>Details of 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>
6.	<p>The hedgerows along the eastern boundary with 54 Dale Road shall be retained and be protected from damage during construction works.</p> <p>Reason: In the interests of visual amenity.</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>
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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.

Hugh Mannion
Senior Planning Inspector

17th February 2024