



An  
Bord  
Pleanála

## Inspector's Report ABP-320025-24

<b>Development</b>	Subdivision of the existing site and construction of a new two-storey dwelling, together with all associated site works.
<b>Location</b>	20 Springfield Park, Foxrock, Dublin 18, D18 W7Y0
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24A/0221
<b>Applicant(s)</b>	Gillian Bowes and Matthew Rogan
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Date of Site Inspection</b>	29 <sup>th</sup> August 2024
<b>Inspector</b>	Sarah O'Mahony

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## **1.0 Site Location and Description**

- 1.1. The 0.0264ha site comprises a single storey hipped roof semi-detached dwelling situated in a mature housing estate. The estate is situated between Foxrock Golf Club to the west and the N11 national road to the northeast. Loreto College Foxrock is also situated 50m to the northwest. All adjoining land is in residential use.
- 1.2. The dwelling is situated on a triangular corner site and therefore has a large area of private open space to the front and side with separate pedestrian and vehicular entrances. There is a smaller area of private open space to the rear.
- 1.3. Boundaries comprise blockwork walls and dense suburban hedges. Much of the side garden where the new dwelling is proposed comprises a lawn with dense and tall shrubs.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development that comprises the following:
  - Subdivision of the site of an existing semi-detached dwelling,
  - Construction of a detached 2-bed, 119m<sup>2</sup> dormer dwelling, and
  - Alterations to vehicular access comprising closure of the existing vehicular entrance and creation of two new entrances in the location of the current pedestrian entrance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Reg. Ref. D24A/0221: Retention permission REFUSED by Dún Laoghaire-Rathdown County Council (the Planning Authority) on 29<sup>th</sup> May 2024 for one reason which can be summarised as follows:
  - Visually obtrusive and excessively dominant to streetscape and front of building lines,
  - Out of character with the existing pattern of development in the area,

- Would injure local visual and residential amenities and set an undesirable precedent,
- Contrary to 'A' zoning on the site and sections 12.3.7.5 and 12.3.7.7 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

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

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

- The Planners report recommendation to refuse retention permission is consistent with the notification of decision which issued.
- Notes differences between a previous refused proposal and this revised design but considers the layout and design are inappropriate for the established character of the area.
- Provision of private open space is acceptable and the floorplan complies with local and national guidance. The design does not give rise to undue overlooking and separation distances are acceptable.
- Concern regarding the visual impact and overbearing design of new dwelling from front gardens of existing and adjacent dwellings. Dwelling design and layout does not adequately respond to the configuration of the site.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

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

- Transportation Planning: No objection subject to three standard conditions regarding dishing footpaths and construction management.
- Environmental Enforcement: No objection subject to conditions regarding construction management.
- Drainage Planning: No objection subject to conditions requiring adherence to engineering standards.

### 3.3. Prescribed Bodies

Irish Water: No objection subject to standard conditions regarding adherence to IW codes and practices.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

4.1.1. The following history relates to the appeal site.

4.1.2. Reg. Ref. D23A/0624: Planning permission refused for the subdivision of an existing residential site and construction a two-storey dwelling as well as alterations to the vehicular access. The refusal was for one reason relating to a visually obtrusive and dominant design forward of the building line and out of character of the area which would injure amenities, depreciate property value and set an undesirable precedent. The refusal reason also outlined how the development did not comply with aspects of the development plan relating to corner/side garden development and infill development.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the County Plan). The site is zoned A where the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities.

5.1.2. Policy Objective PHP19: 'Existing Housing Stock – Adaptation' states the following: *It is a policy Objective to:*

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*

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

5.1.3. Chapter 12 of the County Plan provides development management standards and therein section 12.3.7.5 relates specifically to subdividing corner residential sites while section 12.3.7.7 relates to infill development.

## 5.2. **Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities**

5.2.1. The guidelines provide high level guidance for new residential development and includes Strategic Planning Policy Requirements (SPPRs) regarding separation distances, provision of open space, car parking and cycle parking.

## 5.3. **Natural Heritage Designations**

5.3.1. The site is situated 3km southwest of South Dublin Bay and River Tolka Estuary Special Protection Area as well as South Dublin Bay Special Area of Conservation and proposed Natural Heritage Area.

## 5.4. **EIA Screening**

5.4.1. See completed Forms 1 and 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. Environmental Impact Assessment, therefore, is not required.

## 6.0 **The Appeal**

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

6.1.1. The following is a summary of the main issues raised in grounds of appeal:

- The appeal focuses on how the design of the dwelling was revised to address a previous refusal and why the Applicant considers the current reason for refusal is not relevant to the design and layout.

- It breaks the refusal reason into headings including building line, view from adjacent property, character of the area and roof profile etc and provides commentary on how those aspects do not apply as follows:
  - The proposed structure will be less than 1m in front of the building line of which is followed by only 6 of the existing 8 dwellings in that row.
  - The proposed dwelling was designed to ensure no overlooking or overshadowing. There is already a 2.5m high hedge between the site and adjacent dwelling which will block the majority of views and the Occupants of that dwelling are happy with the design.
  - The corner site units are different to the other dwellings in the housing estate and it is a unique site.
  - Some of the existing dwellings in the estate have converted attics, dormers and tall ridge lines.
  - Boundary treatments will match those already in place.
  - A hipped roof was not technically feasible for the small footprint building to accommodate 2 bedrooms. Other dwellings in the estate have gabled roofs.
  - Landscaping will further screen views of the proposal.
- That the revised design comprises a much smaller dwelling but not considered properly by the Local Authority in this second application and highlights that no submissions or observations were made to either application.
- That the new vehicular entrance arrangements will be safer and that there is a social and financial need to construct the dwelling at that location.

## **6.2. Planning Authority Response**

- The grounds of appeal do not raise any new matter justifying any change to the decision.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. 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 principle of providing an infill residential unit is acceptable on the site in accordance with Policy Objective PHP19 and the 'A' zoning objective for the area as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. I consider therefore that the main issues in this appeal are as follows:

- Design
- Layout, building line and visual impact,
- Compliance with the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

### **7.2. Design**

- 7.2.1. The new dwelling will be 5.895m in height which is minimally taller than the existing dwelling which is 5.614m, however, when a comparison is made of the ridge heights, the differential is even less as the ridge level of the new dwelling will be 83.585mOD while the existing is 83.470mOD. It will be a contemporary dormer bungalow with nap render elevations and dark zinc dormer windows. Roof tiles will match the existing dwelling.
- 7.2.2. The dormer design and orientation of windows is such that no overlooking or overshadowing is likely to occur to any neighbouring properties and I also note that the internal floorplan complies with minimum residential standards as required.
- 7.2.3. I note the existing dwellings in the housing estate are primarily bungalows but that there is a good degree of variation in roof shapes, front elevations and materials and finishes. Many have rooflights and/or dormer windows to the front and I note a number have also been renovated with more modern fenestration, extensions and materials changing the character of the original early 20<sup>th</sup> century dwellings. I therefore consider the principle of the design is acceptable for the site. Section 7.3 however assesses its position on the site and impact relative to adjoining properties.



### **7.3. Layout, Building Line and Visual Impact**

- 7.3.1. The front elevation of the proposed dwelling will be situated parallel to the footpath and road but, as it is a corner site with a large front garden unique to the majority of nearby dwellings in the same estate, it is also to the front of the established building line. Existing vegetation is proposed to be removed along the northwest boundary to accommodate the works and replaced with new planting however the boundary wall itself will be retained. The vehicular entrance will be closed and the pedestrian entrance revised to accommodate two separate new vehicular entrances. This will move the entrances further from the junction to the west and thereby improve sightlines and traffic safety.
- 7.3.2. The existing southern boundary will remain in place as will a mature eucalyptus tree on the site which is outside of the works area. A new eastern boundary will be provided to subdivide the existing site, the finish of which is not specified on drawings but the appeal documentation includes a sample image of tongue and groove timber laid horizontally to form a tall fence. Adequate usable private open space of over 100m<sup>2</sup> will be provided to both properties.
- 7.3.3. I consider the main visual receptors affected by the proposal would be occupants of the existing dwelling on the site and that adjacent to it to the south, occupants of dwellings closeby and users of the shared public access road.
- 7.3.4. Within the housing estate there is a line of dwellings to the east/northeast where the front building line generally aligns with the northernmost corner of the existing dwelling (corner of the front and side elevations). I note there is some minimal variation of depth in this building line but consider it to be clearly set out and legible.
- 7.3.5. The Applicant states in the appeal that the new dwelling will be less than 1m in front of the building line however from the drawings and inspection of the site I consider the front elevation will be 4-5m in front. In this regard I note that the new dwelling will be taller and in front of the existing dwelling however the overall scale and massing proposed is not out of character with the existing pattern of development and therefore the main concern relates to its positioning.
- 7.3.6. There is a second building line to the southeast which is 90degrees from the first as the pattern of dwellings turns a corner. The proposed dwelling will however be behind this building line and will give primacy to the established building line.

Similarly, as the form of the land in the area generally slopes from southeast up to northwest, the dwellings to the north of the proposed dwelling have ridge heights above the proposed one. The proposed roofing material is the same brown roof tiles and therefore, together with retention of the existing boundary and mature tree, I consider there will be no visual impact to views from the south.

7.3.7. I have reviewed the drawings and 3D images received with the application and believe them to be a fair representation of the proposal which would not be intrusive or overtly dominant. Even if all vegetation was removed from the site, I still consider the proposed dwelling is of a scale and design which is appropriate for the site and would not impact the visual or residential amenity of the streetscape as it would not be overbearing and would integrate well with the existing pattern of development. I do not consider there is a requirement to revised the roof shape from a gable to a hipped form.

7.3.8. The landscaping scheme proposed by the Applicant would help to embed the development into the streetscape and provide screening and therefore I recommend a condition is included to require its implementation.

#### **7.4. Dún Laoghaire-Rathdown County Development Plan 2022-2028.**

7.4.1. Section 12.3.7.5 of the County Plan refers to infill development on corner and side garden sites. It sets out parameters such as size, design, layout, relationship with existing dwellings, impact on amenities, accommodation standards, building lines, car parking, access, open space and visual harmony.

7.4.2. Section 12.3.7.7 refers to infill sites and requires such developments to respect the existing character and pattern of development by retaining physical features such as boundaries and trees etc.

7.4.3. Having regard to the assessment of the design and layout above in Sections 7.2 and 7.3 I consider that the proposed development complies with the requirements of the County Plan.

### **8.0 AA Screening**

8.1.1. Having regard to the limited scale and nature of the works proposed and to the existing surface water network in place serving the established urban area, 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.

## 9.0 Recommendation

- 9.1.1. I recommend that planning permission be granted, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including Policy Objective PHP19 and the 'A' zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development complies with local design guidance and does not seriously injure the visual or residential amenity of the area. The development is, therefore, 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, 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 landscaping scheme shown on drawing number 23-022-P002, as submitted to the planning authority on the 05<sup>th</sup> day of April, 2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>Reason: In the interest of residential and visual amenity.</p>
3.	<p>The new eastern boundary subdividing the site between the existing and proposed dwellings shall be 1.8-2m in height and of sound and</p>

	<p>solid construction. If a masonry wall is provided it shall be capped and rendered on both sides.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
6.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and 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, 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. 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 An Bord Pleanála 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, as amended, 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>

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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Sarah O'Mahony  
Planning Inspector

30<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-320025-24		
<b>Proposed Development Summary</b>	Subdivide residential site, construct infill dormer dwelling, alter vehicular entrances.		
<b>Development Address</b>	20 Springfield Park, Foxrock, Dublin 18, D18 W7Y0		
<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>	<b>X</b>
		<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>			
<b>No</b>	<b>X</b>		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>No</b>			
<b>Yes</b>	<b>X</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.	Subthreshold development of construction of 1 dwelling
			<b>Conclusion</b>
			Proceed to Q. 4

		Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Subthreshold development of 0.0264 hectares of urban development.	
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<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>	X	<b>Screening Determination required</b>

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320025-24	
<b>Proposed Development Summary</b>	Subdivide residential site, construct infill dormer dwelling, alter vehicular entrances.	
<b>Development Address</b>	20 Springfield Park, Foxrock, Dublin 18, D18 W7Y0	
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>

<p><b>Nature of the Development.</b></p> <p>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 development comprises a residential unit in residential area so is not exceptional in the context of the existing environment.</p> <p>A short term construction phase and permanent operational phase will generate different waste streams, emissions and pollutants but none are considered significant due to the limited scale of the proposal.</p>	<p>No</p>
<p><b>Size of the Development</b></p> <p>Is the size of the proposed 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>The existing dwelling is 141m<sup>2</sup> which is similar in scale to nearby dwellings. The proposed dwelling will be 119m<sup>2</sup> which is not exceptional in the context of the existing environment.</p> <p>I am not aware of any other plans or projects in the area which would lead to significant cumulative impacts when considered in tandem with the proposed development.</p>	<p>No</p>
<p><b>Location of the Development</b></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, or protected species?</p>	<p>No.</p>	<p>No</p>



Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?		
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:** Sarah O'Mahony

**Date:** 30<sup>th</sup> September 2024

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)