



Planning Appeal
South Dublin County Council
Planning Reference Number: SD22A/0094
42 Whitehall Road, Terenure, Dublin 12
June 2022
SONAA Architects

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1.0 Introduction

We, SONAA Architects, are instructed by our Client (the Applicant), Derek Glennon, 42 Whitehall Road, Terenure, Dublin D12 YR60, to submit this 1st Party Appeal to An Bord Pleanála.

By Order dated 26th May 2022, South Dublin County Council issued a Notification of Decision to Refuse Permission for Reg. Ref. SD22A/0094 for development comprising 1no. residential house and associated site development works, at Whitehall Road, Terenure, Dublin 12.

Having regard to Section 251 of the Planning & Development Act 2000 (as amended), an appeal against the decision of the Planning Authority can be made within 4 weeks beginning on the date of the Notification letter.

We confirm that in preparing this appeal, we have reviewed the Council's public planning file (SDCC Reg. Ref. SD22A/0094), including the available technical reports that gave rise to the Council's decision to refuse permission for this development.

This report sets out the Applicant's grounds of appeal against the reasons for refusal. This is supported by the technical and design responses prepared by SONAA Architects.

The Board is being asked to consider the application as lodged on 1st April 2022 de novo.

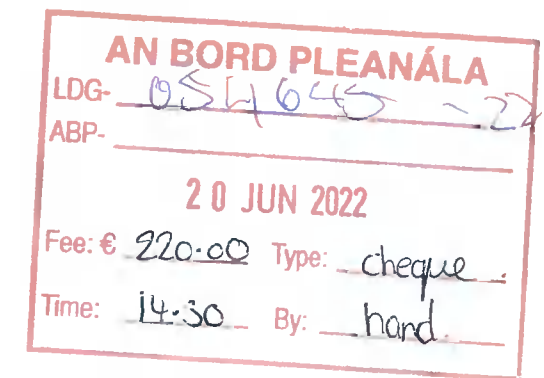
The Board will note that the Applicant was not afforded an opportunity to make a Further Information submission, which might have reasonably addressed the Planning Authority's concerns.

Consequently, and wholly without prejudice to the reasons, arguments and considerations set out in this appeal in favour of the proposed scheme as lodged to SDCC, the Appellant takes this opportunity to present a number of design modifications for An Bord Pleanála's further consideration.

For the avoidance of doubt, this report forms the 1st party appeal against the Council's decision. The Board will also have access to the planning application submitted to SDCC, which further supports our case that the decision should be overturned.

2.0 Appeal Fee

The appeal is accompanied by a sum of €220 (two hundred and twenty euro) made payable to An Bord Pleanála, as the correct statutory fee in this case.



3.0 Reasons For Refusal

3.1 Refusal Reason 1

"The design of the private open space to serve the proposed dwelling is 'L' shaped in design with only c.36sq.m. located behind the main rear building line. The geometry of the private open space is such that it will only provide a rear garden of some 2m depth and will project outwards from the side building line by only c.6m. The design of the private open space is such that it would not be considered to provide for adequate private amenity and therefore would be contrary to Section 11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022."

3.2 Refusal Reason 2

"As the rear building line of the proposed two storey dwelling will be offset be only c.2m from the boundary with the immediate neighbour to the west (No.46 Whitehall Road) this will have a significant adverse overbearing impact on the residential and visual amenity for this property and for its private open space. Having regard to this overbearing impact and unacceptable quality of private open space, the proposed development constitutes overdevelopment of a constrained site and would detract from the residential amenity of neighbouring properties, and would therefore contravene Council policy in relation to residential development as set out in Sections 11.3.1 Residential (iv) Dwelling Standards and Section 11.3.2 Residential Consolidation of South Dubin County Development Plan 2016-2022. As a result, the proposed development would seriously injure the amenities of property in the vicinity and would contravene the proper planning and sustainable development for the area."

3.3 Refusal Reason 3

"Due to insufficient information being submitted by the applicant the Planning Authority cannot be satisfied that the proposed development would not be prejudicial to public health and would not give rise to traffic hazard."

4.0 South Dublin County Development Plan 2016-2022 Relevant Sections

Further to the review of the Reasons for Refusal we would like to provide planning objective context citing relevant sections of the South Dublin County Development Plan 2016-2022.

SDCC Development Plan 2016-2022

"H13 Objective 3:

To ensure that private amenity spaces for houses are designed in accordance with the quantitative standards set out in **Chapter 11.0 Implementation** and the qualitative standards set out under the **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)** including the accompanying **Urban Design Manual – A Best Practice Guide (2009)**."

Chapter 11.0 Implementation

Section 11.3.1 Residential (iv) Dwelling Standards.

"The design and layout of individual dwellings should provide a high quality living environment for residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation.

All houses must be required to accord with or exceed the minimum floor area standards set out in Table 11.20. Dwellings should also be designed to provide adequate room sizes that create good quality and adaptable living spaces.

Development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in Table 11.20.

Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity."

Table 11.20: Minimum Space Standards for Houses

Type of Unit	Houses	Private Open Space
One Bedroom	50 sq.m	48 sq.m
Two Bedroom	80 sq.m	55 sq.m
Three Bedroom	92 sq.m	60 sq.m
Four Bedroom or more	110 sq.m	70 sq.m

1.6.4 Housing Capacity Summary

In January 2015, the remaining housing capacity of the 2010-2016 South Dublin County Development Plan was 34,294 units. The RPG housing allocations for South Dublin would require 39,649 additional housing units from January 2015 to the end of 2022. This results in a capacity **shortfall of 5,355 housing units**.

Capacity has been identified for a further 5,849 units, through **sustainable intensification; development on brownfield sites; on a number of smaller infill sites and on Local Area Plan and SDZ areas**.

11.3.2 Residential Consolidation

(i) Infill Sites

Development on infill sites should meet the following criteria:

Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.

A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.

Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

5.0
Grounds of Appeal

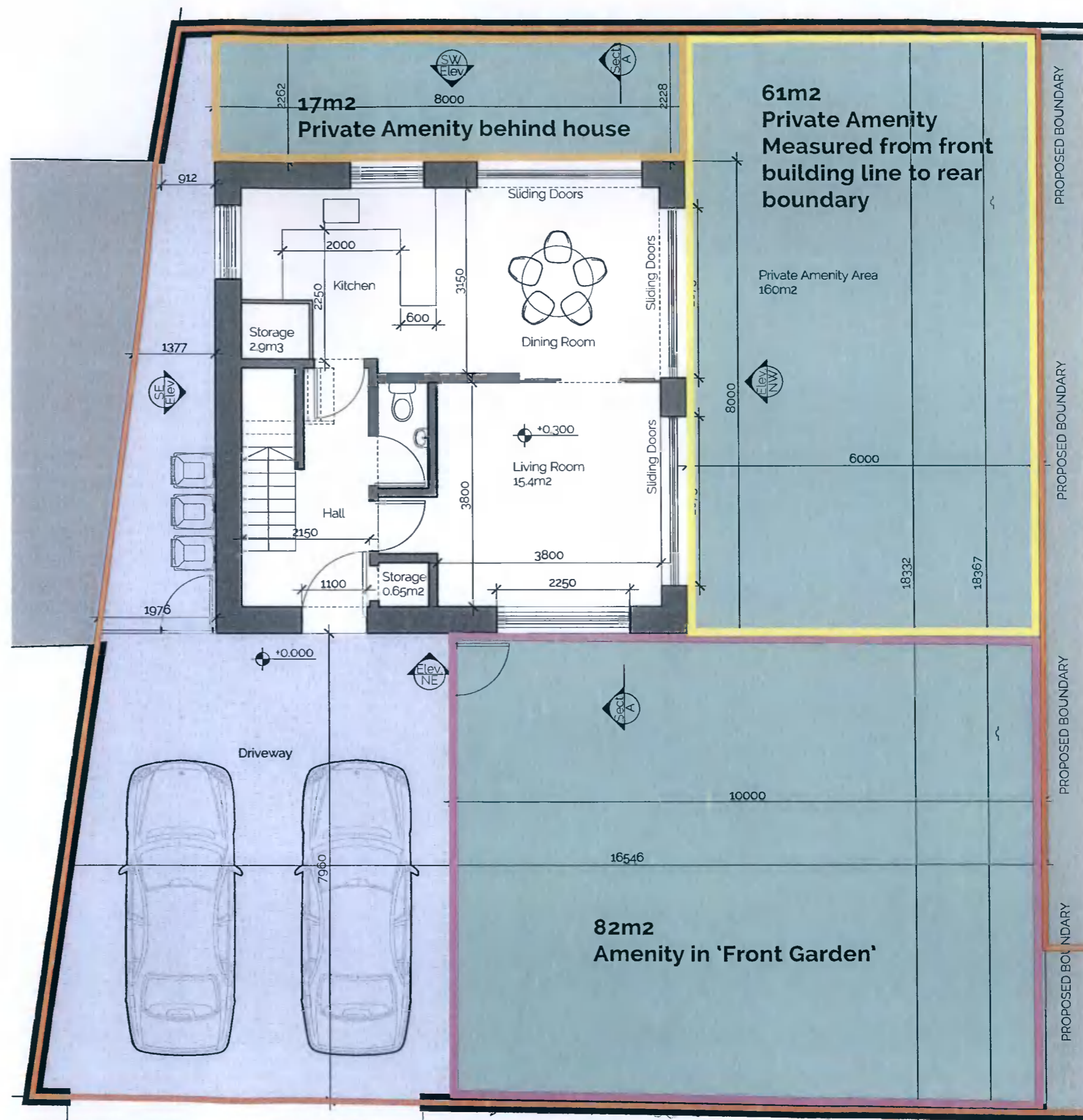
5.1 Grounds of Appeal: Refusal Reason 1

"The design of the private open space to serve the proposed dwelling is 'L' shaped in design with only c.36sq.m. located behind the main rear building line. The geometry of the private open space is such that it will only provide a rear garden of some 2m depth and will project outwards from the side building line by only c.6m. The design of the private open space is such that it would not be considered to provide for adequate private amenity and therefore would be contrary to Section 11.3.1 Residential (iv) Dwelling Standards of the SDCC Development Plan 2016-2022."

The South Dublin County Council Development Plan sets out the accepted definition of the Minimum Space Standards for Private Open Space (Private Amenity) as 60m² (3 bedroom house), to be located behind the front building line. By definition, this would also include side gardens, meeting the area requirements.

The diagram overlay of the Original Planning Application demonstrates the Private Amenity Area is above the minimum standards at 61m². The total garden, rear+side+front is 160m².

It should be noted that the existing 'rear garden' of 42 Whitehall Road offers high quality Private Amenity parallel to Whitehall Gardens. The 'front garden' of the proposed house offers the same quality space - and thus could be considered to be suitable 'Private Amenity'. If included, the Private Amenity would total 160m².



Original Planning Application Plan - Private Amenity Area Highlighted for Clarification