



**Planning & Development  
Consultants**

**M** 087 261 5871  
**T** 01 539 4960  
**E** info@bpsplanning.ie  
**W** www.bpsplanning.ie

Ballinacorney  
Greenan  
Wicklow  
A67W662

Planning Department,  
South Dublin County Council  
County Hall Tallaght,  
Dublin 24, D24 A3XC.

25 January 2023

Dear Sir/Madam,

*Third Party planning objection vs South Dublin County Council planning application, reg. ref. SD22A/0466, which comprises of a planning application for permission for development including: "Demolition of an existing single storey plus dormer three bedroom dwelling house and the construction of four two storey three bedroom semi-detached dwellings; Three separate vehicular accesses are to be created off Templeville Drive with one to the south and two to east of the site at 124, Templeville Drive, Templeogue, Dublin 6W.*

BPS Planning & Development Consultants LTD – a firm of Irish Planning Institute accredited town planning consultants – have been appointed by Mr & Mrs Anthony Holden of 122A Templeville Drive, Templeogue, Dublin 6W to object on their behalf to South Dublin County Council (hereafter "SDCC") planning application, reg. ref. SD22A/0466, which proposes the above-mentioned development at 124, Templeville Drive, Templeogue, Dublin 6W.

This planning application was submitted on the 21<sup>st</sup> of December 2022. The final date for the submission of objections is the **2<sup>nd</sup> of February 2023**. This objection is lodged on or prior to this deadline.

Our client's grounds for observation in respect of this planning application are set out in the attached Planning Observation Report. For the avoidance of doubt, the attached report, and this cover letter part of our client's grounds for observation in this case.

For the convenience of the planning authority, Section 4.0 of this objection report sets out the existing relationship between the Applicant site and our clients' property; Section 7.0 sets out those areas of the proposed development that BPS has identified that would impact negatively on our clients' property and on the area and on their residential and visual amenities; and Section 9.0 sets out our clients' recommendations following the BPS planning assessment.

For the purposes of validation please find attached:

1. Payment for the e20 observation fee vis the online portal.
2. A Planning Observation Report setting our client's ground for observation.

We can confirm that we act as agents for our client and all correspondence should be sent to this office. We trust that this is in order.

If you require any further details, please contact BPS at the address provided.

With best wishes,

*Brendan Buck*

**Brendan Buck MIPI  
Director  
BPS Planning Consultants LTD  
Member of the Irish Planning Institute**





Planning & Development  
Consultants

## Third Party Planning Objection

Third Party planning objection vs South Dublin County Council planning application, reg. ref. SD22A/0466, which comprises of a planning application for permission for development including: "Demolition of an existing single storey plus dormer three bedroom dwelling house and the construction of four two storey three bedroom semi-detached dwellings; Three separate vehicular accesses are to be created off Templeville Drive with one to the south and two to east of the site with all ancillary site works and landscaping" at 124, Templeville Drive, Templeogue, Dublin 6w.

This objection has been produced by bps for and on behalf of Mr & Mrs Anthony Holden of No. 122A Templeville Drive, Templeogue, Dublin 6w.



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## 1.0 Introduction

BPS Planning & Development Consultants LTD – a firm of Irish Planning Institute accredited town planning consultants - have been appointed by Mr & Mrs Anthony Holden of 122A Templeville Drive, Templeogue, Dublin 6W to object on their behalf to South Dublin County Council [hereafter "SDCC"] planning application, reg. ref. SD22A/0466, which proposes the following development at 124, Templeville Drive, Templeogue, Dublin 6W:

*Demolition of an existing single storey plus dormer three bedroom dwelling house and the construction of four two storey three bedroom semi-detached dwellings; Three separate vehicular accesses are to be created off Templeville Drive with one to the south and two to east of the site with all ancillary site works and landscaping.*

This planning application was submitted on the 21<sup>st</sup> of December 2022. The final date for the submission of objections is the **2<sup>nd</sup> of February 2023**. This objection is lodged on or prior to this deadline.

For the convenience of the planning authority, Section 4.0 of this objection report sets out the existing relationship between the Applicant site and our client's property; Section 7.0 sets out those areas of the proposed development that BPS has identified that would impact negatively on our client's property and on the area and on their residential and visual amenities; and Section 9.0 sets out our client's recommendations following the BPS planning assessment.

We note that this planning application represents the latest attempt by the Applicant to obtain planning permission for a large infill development at this location. Section 6.0 of this report sets out how all other previous attempts have been refused by SDCC and/or by An Bord Pleanála under planning refusals, reg. refs. SD18A/0311, SD19A/0193, and SD20A/0190 & appeal ref. ABP-308456-20. Previous refusals pertain to attempts to add an additional two dwellings into the curtilage of this property. The reasons for the refusal of these planning applications and appeals – as they pertain to backland development – have not been addressed in the current planning application. Indeed, they are exacerbated.

Planning permission was granted by An Bord Pleanála under ref. PL06S.308458 on the 5<sup>th</sup> of February 2021 for one infill dwelling to the side of the existing dwelling in a manner which closely mirrors our client's own property which was also permitted on appeal. This property therefore maintains the same type of planning permission on which our client's property is based. This comprises of an infill dwelling alongside the existing house and a back garden which replicates that of our client's sited on the other side of the intervening estate road. This is the extent of infill development that should reasonably be permitted at this location such that it fits into the established character and pattern of development in this area.

Still not satisfied with one infill dwelling, the current planning application seeks to add 4 dwellings with one replacing the existing dwelling. Bearing in mind that our client's dwelling was only permitted on appeal and that there have been multiple refusals for any more than one infill dwelling within the subject site, our client trusts that this new proposal will be refused.

**Our client maintains several Grounds for Objection in respect of this planning application. These are set out in turn in Section 7.0 'Grounds for objection' of this report. However, the entire contents of this report, the attached cover letter and form should be considered by SDCC to comprise our client's complete planning objection.**

### 1.1 No pre-planning consultation with South Dublin County Council

Our client notes that notwithstanding previous refusals of planning permission for, inter alia, proposed overdevelopment of the subject single residential property and an extant planning permission for a single dwelling issued by An Bord Pleanála, the applicant is once again seeking planning permission to over-develop the site but has not considered it necessary to hold any Section 247 (or any) pre-planning consultation with the planning authority. This being the case, the current proposal has not received any pre-application feedback from the Planning Department, the Roads Department, or the Drainage Department.

BPS submits that this planning application is **premature** pending discussions with SDCC.

Finally, it is not unreasonable for our client to object to the number of planning applications being made on this property. The extant planning permission should be accepted as having settled the future of the property such that our client does not have to repeatedly review and respond to planning applications.

## 2.0 Technical issues with the submitted planning applications

Our client asks that SDCC consider the following technical issues arising from the submitted planning application.



**2.1 Civil & Structural Report claims SD20A/0190 / ABP-308456-20 was approved**

Section 3.3.1 'Proposed Surface Water Drain Diversion' of the submitted Civil & Structural Report (which also refers to the proposed standard 2 storey dwellings incorrectly as 'mews' dwellings) claims refused planning application and appeal SD20A/0190 / ABP-308456-20 was "approved". This planning application was refused. Discussions with SDCC regarding this matter are some years old and pertained, as noted, to a refused planning application.

**2.2 The 6m wide wayleave to the rear of the site appears is absent**

Planning application SD20A/0190 & appeal ref. ABP-308456-20 and planning applications, reg. ref. SD18A/0311 and reg. ref. SD19A/0193, were partly refused because of the 450mm surface water pipe that passes through the northern side of the rear garden area into which the Applicant proposes House 4. There is no need to repeat this detail other than to say that it was a showstopper.

The wayleave was 6m wide in the previous backland planning application (SD20A/0190 & appeal ref. ABP-308456-20). An engineering report had made clear that this was required. It referred to "A six (6) metre wayleave" on the site "allowing the Council unlimited access for future maintenance of the sewer". The wayleave area removed approx. 120sq.m from the subject site under the previous planning application.

The current planning drawings submitted with this new planning application show House 4 extending to within 2.45m and 3.021m of the northern site boundary.

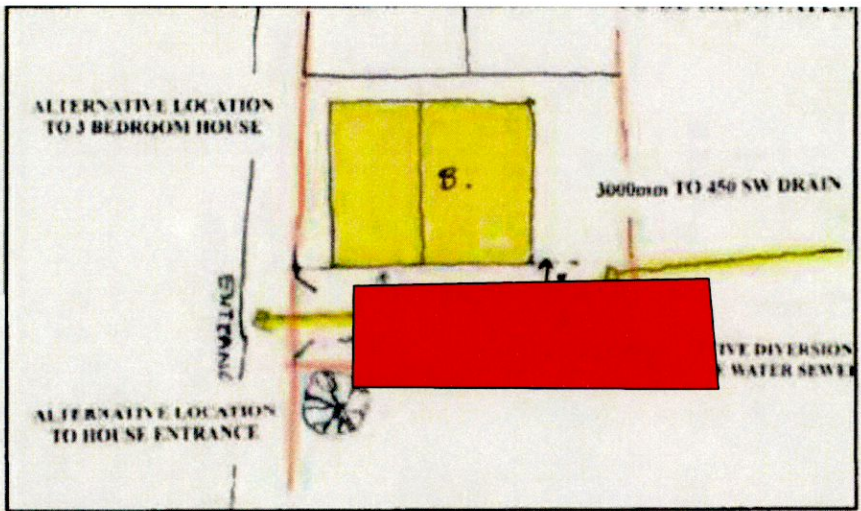
The submitted Civil & Structural Report accepts that there is a concrete culvert sited to the north side of the Applicant site but recommends that it be diverted to facilitate this proposal (see Fig. 2 of that report). Various arguments are made pertaining to the existing drainage pipe. In the end these arguments boil down to the following sentence: **"It is our opinion that the council in this case is being unreasonable in not agreeing to the diversion of the drain"** [emphasis added].

The report includes details of consultations with SDCC dating back to 2020 and before the current CDP.

The central reason why SDCC should not agree to this proposal would pertain to the need for maintenance vehicles and machinery to get into the drain. The standard area agreed as being required is 6m wide. The Applicant's new proposals provide far less area for such access than did planning refusal SD20A/0190 & appeal ref. ABP-308456-20.

Our client does not understand how House 4 can be proposed in this context. Further, the siting of House 4 as proposed means that House 3 is necessarily pushed too close to Houses 1 and 2. Previous planning applications have proposed a single dwelling to the rear and each time they have been refused as being too close to No. 48 Templeville Road or too close to the existing dwelling and/or the previously granted dwelling to the side garden of the existing dwelling.

The apparent decision to seek to mostly disregard the wayleave issue by way of a "diversion" with insufficient area left for maintenance of same is all required only to facilitate House 4 which in any case would impact negatively on the residential and visual amenities of adjoining properties, of our client's property and each dwelling would impact on each other within the scheme. There is no justification for altering the wayleave and the drainage pipe.



**Fig 2. Proposed diversion.**

**Fig. 1: The applicant's proposed 6m wide wayleave under SD20A/0190 & appeal ref. ABP-308456-20**



### 3.0 Rationale for objecting

Our client acknowledges that they live in No. 122A Templeville Drive which is an infill dwelling that was granted planning permission on appeal by An Bord Pleanála, under reg. ref. PL06S.216924<sup>1</sup> on 25/07/2006 following its refusal by SDCC. No. 122A was then further extended at ground floor level under planning permission, reg. ref. SD05A/1042.

They are not opposed in principle to infill residential development, but they consider that the current planning application to demolish the existing dwelling and to replace it with 4 no. dwellings at No. 124 is excessive, is overdevelopment, would impact negatively on their property and on the area, and would set a poor precedent.

Our client is concerned at how the Applicant has presented the appearance of their property - No. 122A in the submitted planning application. Some clarification is required. The Applicant's 'Proposed Site Plan' does not refer to the grants of planning permission for No. 122A and its extension. The Applicant does not make clear is that our client's dwelling maintains the front building line and the rear building line - east to west - of all the other existing two storey dwellings along Templeville Drive: and their rear extension is single storey only (see Figs. 2 to 5).

Our client notes that ABP granted planning permission for their home because:

1. Their dwelling - prior to its being extended by way of exempted development - was granted at just 90sq.m on a site of 352sq.m with a 26m long rear garden. By comparison, the Applicant's family proposed development in the form of four new dwellings. Even with its ground floor extension, our client's dwelling remains modest compared to the two infill dwellings proposed by the Applicant.
2. Their dwelling respects the existing pattern and character of development in this area, including the front and rear building lines of the existing houses to the east along Templeville Drive.
3. Their dwelling respects how there are no other dwellings in rear gardens in the vicinity and where infill dwellings have been permitted, they have been allowed in the same manner as No. 122A.
4. Their dwelling did not propose a new vehicular entrance onto the link road but instead a very standard looking vehicular entrance onto the main estate road. The Applicant proposes no less than 3 no. new entrances with 2 no. opposite our client's rear garden.
5. Their dwelling provides sufficient area for parking and manoeuvring such that cars can enter and exit in a forward direction.

BPS submits that No. 122A does not provide any justification or precedent for the re-development of a residential property sited in a mature housing estate to be re-developed into 4 no. dwellings. The remainder of this report sets out our client's grounds for objection in full.

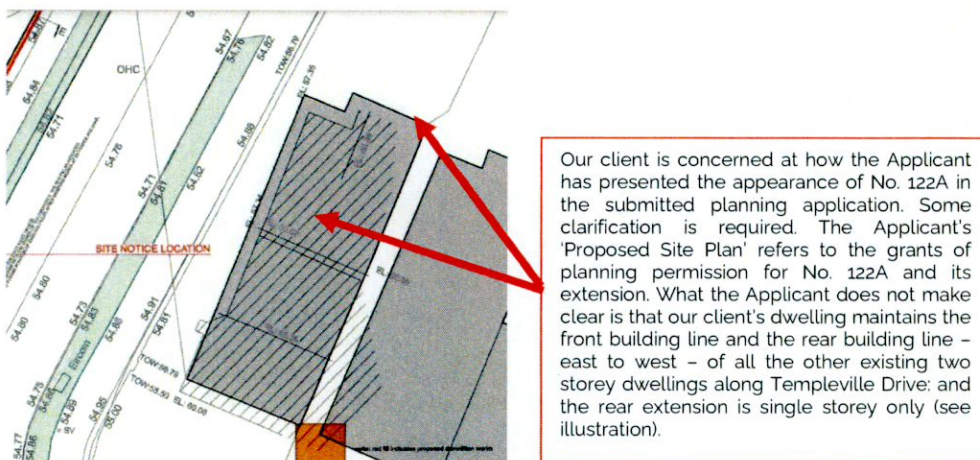
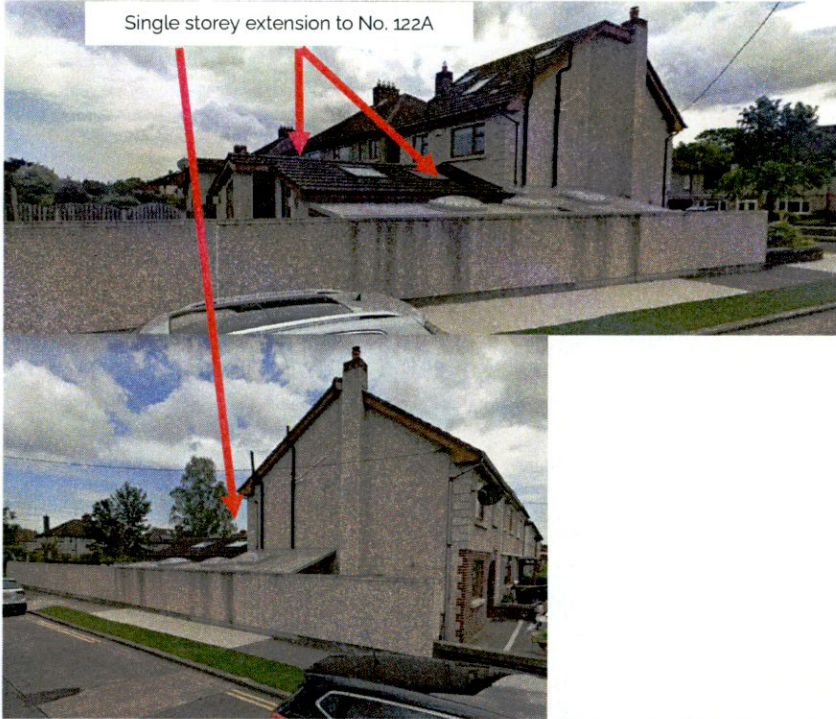


Fig. 2: Clarifying the areas of No. 122A which are 1 or 2 storey

<sup>1</sup> <http://www.pleanala.ie/casenum/216924.htm>





*Fig. 2: The submitted drawings do not clarify the areas of No. 12Aa which are 1 or 2 storey (2)*

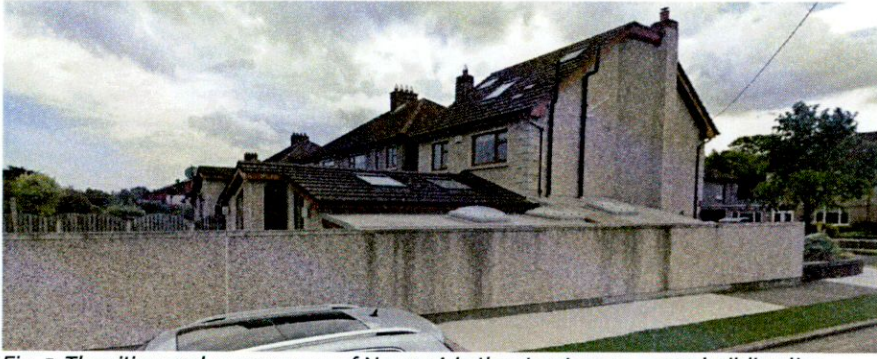


*Fig. 3: The siting and appearance of No. 122A relative to the No. 124*



*Fig. 4: The siting and appearance of No. 122A in the streetscape – front building line*





**Fig. 5: The siting and appearance of No. 122A in the streetscape – rear building line**

#### 4.0 Site location & site description

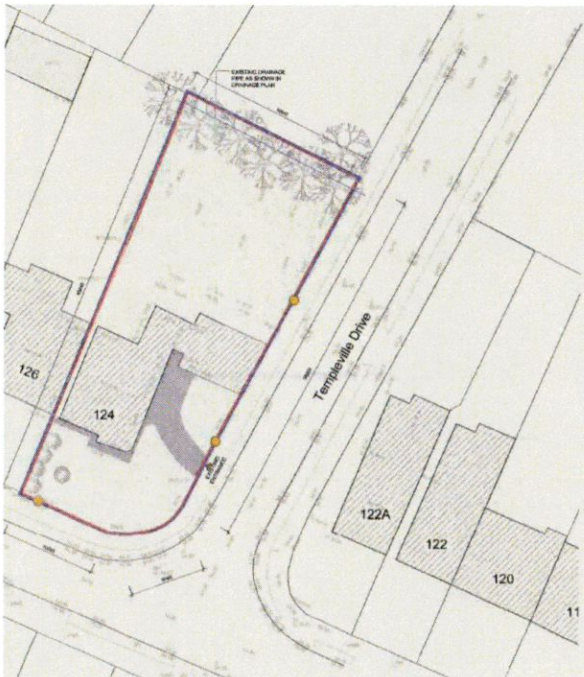
The Applicant property is located in Templeville Drive in Templeogue. It is an established residential area located between Templeogue Road, Templeville Road and Cyprus Grove Road. There are a number of roads in the vicinity called Templeville Drive including two running in a south-easterly direction from Cyprus Grove Road. The site is situated on the southernmost of these two roads and is on the northern side of the road at a corner adjacent to a busy link road connecting to the northernmost Templedrive Road.

#### 4.1 Site description

The cumulative area of this entire property – a semi-detached house on a corner plot – is 0.078 hectares. The Applicant proposes that this site area now contain four dwellings – with the existing dwelling demolished.

The existing dwelling is close to identical in appearance to the adjoining dwelling serving No. 126 and all other dwellings further along that section of the road. The existing dwelling fits into an established character and pattern of development that characterises this housing estate and this road.

The Applicant site is the side and rear garden of No. 124 Templeville Drive. No. 124 is a corner property in a standard housing estate that currently contains a semi-detached dormer house. There is a garage to the side of the existing house and the vehicular access to the site is also located to the side of the house



**Fig. 6: Existing site layout plan for No. 124**

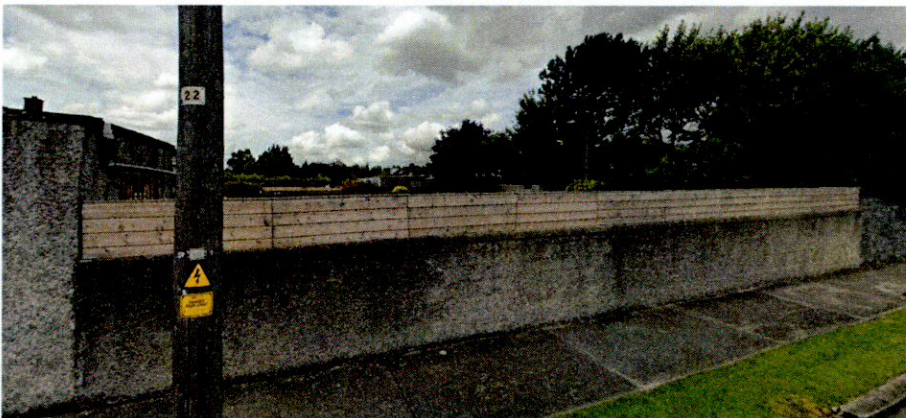




**Fig. 7: Existing photograph of No. 124 and appearance of the adjoining dwelling No. 126 and others**



**Fig. 8: Existing photograph of No. 124 showing side of dwelling, garage and boundary wall**



**Fig. 9: Existing photograph of the rear of No. 124 as it adjoins the side road alongside No. 122A**

#### 4.2 Development context between Applicant property & No. 122A Templeville drive:

The operative plan for the area is the South Dublin County Development Plan 2022 –2028. The Applicant property and No. 122A Templeville Drive (our client's property) are both located on lands zoned Objective 'RES' where the objective is to protect and/or improve residential amenity.

Our client's property, an infill dwelling, is located alongside No. 122 Templeville Road and alongside the link road. The Applicant property is an original house located on a corner plot which is approx. the same size that No. 122 Templeville Road was prior to our client's dwelling being constructed.

#### 4.3 Existing relationship between applicant family property & No. 122A Templeville Drive:

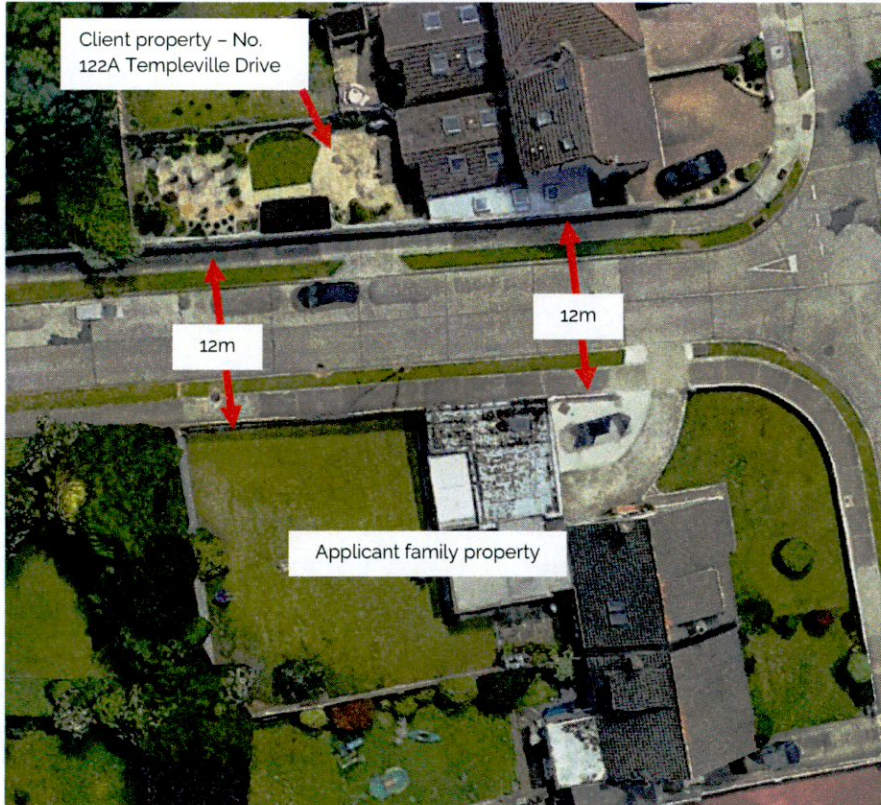
Our client's property – No. 122A Templeville Road – maintains a two storey dwelling, a ground floor rear extension and a rear garden in the same configuration as almost every other residential property in this area. It maintains the front and rear building lines for two storey dwellings along the road.

Our client's dwelling does not impact on the Applicant family property in any way. The two storey dwelling is setback from the link road. The west elevation of our client's dwelling contains no windows at ground or first floor that face the Applicant family property. Our client's rear garden contains no development beyond the existing rear

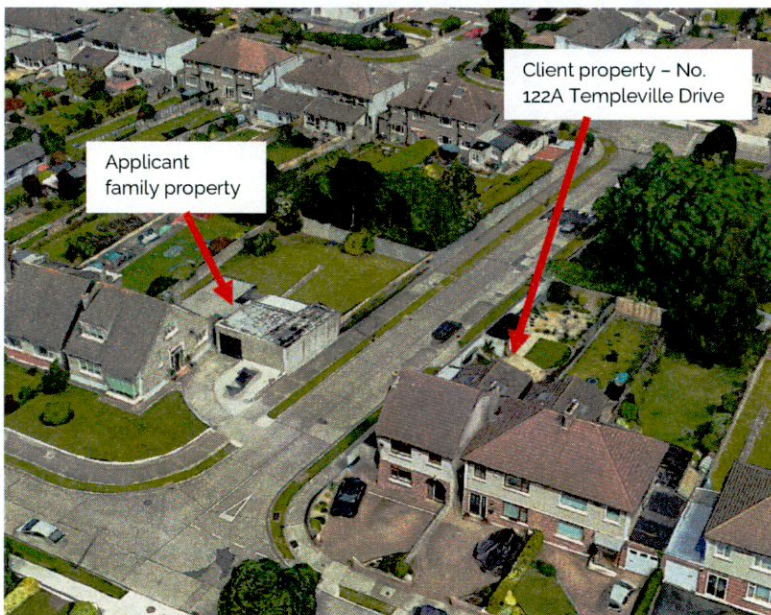


ground floor extension that could visually impact on the Applicant family property in any way. Indeed, if you stand in our client's rear garden and look around, the clear pattern of development in this area is demonstrated, i.e. there is no development in rear gardens in the vicinity. All residential properties in the immediate area benefit from having high quality rear gardens free from development.

Our client's dwelling is also accessed to the front (south) end of their property on Templeville Drive adjoining the entrance to No. 122; therefore, our client's property generates no traffic noise or car lights impacts on the Applicant family property. They invite SDCC to review the planning process for their dwelling. It was not easy. What exists now was the result of considerable work to ensure the proposal did not impact on neighbouring properties. Our client merely expects that the same principle be applied in this case.



**Fig. 10: Aerial photograph showing relationship between applicant family property & No. 122A (1)**



**Fig. 11: Aerial photograph showing relationship between applicant family property & No. 122A (2)**



## 5.0 Proposed relationship between applicant property and client's property 'No. 122A'

The Applicant family propose to demolish the existing dwelling and to subdivide their property into four residential properties. Two new two storey dwellings are proposed to face Templeville Drive and to face our client's property across the intervening estate road.

Our client's property is located 12m across the access road from the Applicant family property. This means that proposed dwellings will be located much closer than are any of the back to back dwellings in the area and closer than the 22m required between the rear elevations of dwellings in new housing estates.

While the link road is located between the two properties, this is not visible when standing in our client's rear garden. What will be highly visible are the 2 no. proposed two storey dwellings. Were the Applicant proposing one dwelling in the side garden of the property with a long rear garden (as per the design of No. 122A), our client would not be objecting subject to that proposal not impacting on No. 122A – indeed, An Bord Pleanála has already granted such a proposal on appeal. However, our client is faced with the cumulative development impacts of both a side garden house (alongside a new house replacing the existing house) and 2 no. backland houses at the same time. Our client is not aware of any existing single residential property in this area which has been proposed to be so intensively developed. They consider the proposals to be unreasonable and to constitute overdevelopment.

Our client submits that No. 122A did not overdevelop the area such as is proposed by the Applicant family. The current proposal is overdevelopment and the consequences of this are set out in this Planning Objection Report.

### 5.1 The proposed development description

The proposed development provides for:

*Demolition of an existing single storey plus dormer three bedroom dwelling house and the construction of four two storey three bedroom semi-detached dwellings; Three separate vehicular accesses are to be created off Templeville Drive with one to the south and two to east of the site with all ancillary site works and landscaping.*

The following summary points may be stated with respect to the proposed development set out in the combined planning applications:

1. The Applicant proposes to demolish the existing 145sq.m dwelling – one of a pair of dwellings of which it forms part – with the loss of all of its embodied energy, the waste of its building materials, the requirement to build at entirely new dwelling, etc. It is not clear how this is a sustainable proposal as required by the SDCC CDP 2022-2028.
2. 4 x new houses to a total floor area of 479sq.m. This is approx. 119.75 sq.m per dwelling. The increase in floor area on the site would rise by 334sq.m.
3. Each house is of a contemporary flat roofed design and would appear as a mini housing estate within an existing housing estate with an established character and pattern of development.
4. 3 no. houses maintain first floor windows which would face our client's property.
5. The proposal provides for the blocking up of the existing vehicular entrance and the creation of 4 no. new entrances. The entrances to be sited across the estate road from our client's property would require the future occupants to reverse into the road. There is only one parking space per property. Given these are family sized houses, it is inevitable there will be 2 no. cars per household with overspill parking onto the adjoining estate road.

### 5.2 Comments on the submitted "Planning Report"

The Applicant's architect offers a "Planning Report" which lacks pre-planning feedback from SDCC. It takes a burnt earth approach to the re-development of the site with criticism of the current BER rating of the existing house given as the reason for this. No actual basis is provided beyond this for this. The overdevelopment of the site into 4 no. dwellings is described in standard estate agent style blurb with demand for housing emphasised and each house to get a high energy rating, etc.

Not one actual precedent for a scheme of this type is provided. Not one scheme is listed whereby an existing house is demolished and the site re-developed successfully, as proposed, in such a sensitive location. It is wholly unclear on what basis this planning application has been made given the Planning Report contains all of the previous reasons for refusals for other ill considered proposals.

The fact that there is an existing pattern of development whereby properties are back to back on a north-south axis at this location is glossed over with an emphasis – much like describing a rural house proposal – on road frontage.



The adjoining rear gardens of Nos. 48 and 126 Templeville Drive are acknowledged, but little effort has been made to design Houses 3 and 4 such that they do not negatively impact on these properties **and** on our client's property. Indeed, under the heading 'Site Constraints', the reader is told that Houses 3 and 4 are pushed as close to our client's property as possible to the benefit of Nos. 48 and 126. This is stealing from Peter to pay Paul. Setbacks to all boundaries are less than 8.3m and much less to the east, north and south.

Reference is made to this proposal being similar to other consents in Templeville Park, but BPS can find none of these and Springfield Park is a wholly different context.

The report refers to the various planning policies. BPS suggests that SDCC review those submitted in this report as they are more comprehensive and up to date.

Understandably, the report seeks to focus on "consolidation" of the site rather than on the side effects of that consolidation which includes significant and negative overlooking overbearing and overshadowing arising from Houses 3 and 4. Again, BPS recommends that SDCC review the BPS planning policy assessment set put in this Planning Objection Report as the "safeguards" pertaining to preventing overdevelopment to which the Applicant report makes reference and in fact not addressed by this planning application.

The report argues that the scheme meets private open space standards. It does not. A reduction in private open space standards arises and all other criteria are not met such that a reduction could be justified. These other criteria are not met, and the proposal is non-compliant with CDP private open space standards.

The development is described as "low rise" even as it proposes 2 x 6.15m tall 3 bedroom dwellings in a rear garden which would adjoin private gardens on 3 sides and be sited opposite our client's property. The proposal is unsympathetic to its surroundings.

The report seeks to respond to the urban design criteria set out in the Sustainable Residential Density Guidelines and the Urban Design Manual. These responses are of an architectural nature and fail to reflect Section 5.9.1 'the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages' (DoEHLG 2009) which states:

*In residential areas whose character is established by their density or architectural form, **a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill ... The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.** [Emphasis added].*

There is no doubt that the project has tried to make best use of the site and to achieve, for the client, the highest possible density. The problem is that this comes at the expense of surrounding residential and visual amenities and will cause a depreciation in property values. The project would fail to protect adjoining amenities and privacy while also failing to protect the character and pattern of development at this location. Directly adjoining neighbours are disregarded in the design and siting of Houses 3 and 4.

There is no doubt that the design is distinct. Any proposal which demolishes one of a pair of existing estate houses in an established estate road of character is going to be perceived as distinct, just not in a positive way. This proposal goes too far in overdeveloping the site and in under-appreciating the site context.

The Applicant claims that parking standards are met yet Houses 3 and 4 have only one parking space and not the 2 no. required under Section 12.7.4 of the CDP. While accepting that a previously refusal pertaining to it being unsafe to have traffic movements and parking alongside rear garden boundaries, the project architect them does just this adjoining No. 48. Apparently, 1 dwelling would have less traffic movements in this application than did one dwelling in the previously refused application? The Planning Report finds no issue with cars parking in forward gear and then reversing out onto a busy road – yet this was previously refused.

Backland refusals abound at this location. It is not clear why the Applicant architect considers this proposal to be any different. It is denser and more impactful with less parking and more traffic hazards. It would set a significant precedent for demolition and re-build as part of proposals for overdevelopment of infill sites within existing housing estates.

### 5.3 Comments on the submitted "Landscape Plan"

Our client has reviewed the submitted 'Landscape Plan' and notes how it offers no possible mitigation of the likely negative impacts on their property which are articulated in Section 7.0 of this Planning Objection Report.

Other points are worth noting:



1. The scale, massing, bulk and windows above ground floor of Houses 3 and 4 cannot and will not be mitigated by boundary tree planting.
2. House 2 is offered no mitigating planting to its rear garden to screen the black elevation of House 3 because the garden is too small and short.
3. All proposed trees shown within the rear gardens are sited in gardens which are below the required sizes for 3+ bedroom houses as set out in the CDP. The trees will make the gardens appear smaller.
4. Boundary tree planting may itself cause negative overbearing and overbearing impacts on adjoining properties.

The Landscape Plan fails to mitigate and or ameliorate the negative impacts of the scheme and/or to improve the likely amenities of its future residents.

## 6.0 Relevant planning history of the subject property

There have been **four** previous planning applications within No. 124 Templeville Drive which have proposed the development of two houses and the retention of the existing house which comprises of a semi-detached house within its curtilage. Relevant details of these planning applications are set out below.

### 6.2 Refusal of outline planning permission for two new dwellings under, reg. ref. SD18a/0311

Under outline planning application, reg. ref. SD18A/0311, the following proposed development was lodged on 31/08/2018:

*Develop two detached dwellings within the side and rear garden of existing house. The development would include: (a) the existing house will change from a three bedroom to a two bedroom house with the single storey rear extension to be demolished, and the reinstatement of a new front gate and access for off street parking; (b) the existing garage will be demolished and replaced by a two storey two bedroom house using the existing entrance to 2 parking spaces; (c) the construction of a two storey, three bedroom dwelling to the rear of the site with vehicular access from the side road to 2 off street parking spaces. The development will include rear gardens exceeding Development Plan Standards, associated drainage, (including diverting existing surface water drain), landscaping and all associated site development works.*

The submitted 'Site Layout Plan' is provided in Fig. 12. This site layout shows two new dwellings in a layout that is very similar to that proposed in the current planning application.

This planning application was refused on 25/10/2018 for the reasons set out in Fig. 13. These reasons have not been addressed in the current planning application; indeed, they are exacerbated.



Fig. 12: Submitted 'Proposed Site Layout Plan' under reg. ref. SD18A/0311



**REASON(S)**

1. The proposed development, by virtue of its scale and layout, would represent overdevelopment of the site and would result in piecemeal development which would be out of keeping with the character and pattern of development in the area. It would also result in an overbearing form of development which would be injurious to residential amenities and would fail to respect the established building line in the area. The proposed development would therefore be contrary to Section 11.3.2 of the South Dublin County Development Plan 2016-2022 which relates to residential consolidation and would materially contravene the 'RES' zoning objective, as set out in the South Dublin County Development Plan 2016-2022, which seeks 'To protect and/or improve residential amenity'.
2. The Planning Authority is not satisfied, based on the information submitted, that satisfactory arrangements can be made for water supply and foul and surface water drainage. The proposed development would therefore be potentially prejudicial to public health.
3. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**Fig. 13: Reasons for the refusal of planning application reg. ref. SD18A/0311**

**6.2 Refusal of planning permission for two new dwellings under, reg. ref. sd19a/0193:**

Under planning application, reg. ref. SD19A/0193, the following proposed development was lodged on 18/06/2019 by Susanne & Barry Coleman:

*Change existing house from a three bedroom to a two bedroom house; demolish existing garage and replace with a two storey, two bedroom house; new front gate to give access for off-street parking; construction of a new two storey three bedroom dwelling to the rear of the site with new vehicular access from the side road to two off-street parking spaces; development will include rear gardens exceeding Development Plan standards; associated drainage (including diverting existing surface water drain); landscaping and all associated site development works.*

This planning application was refused on 09/08/2019 for the reasons set out in Fig. 15. This decision was not appealed; therefore, it was accepted in full by the Applicant. These reasons have not been addressed in the current planning application; indeed, they are exacerbated.



**Fig. 14: The proposed 'Site Layout Plan' for refused planning file, reg. ref. SD19A/0193**



**DECISION:** Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

**REASON(S)**

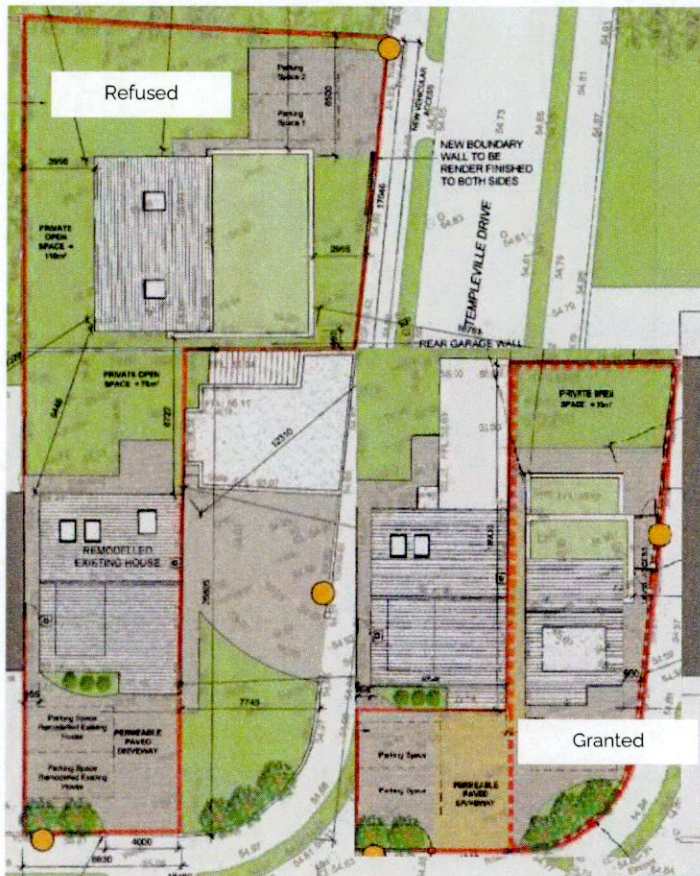
1. Having regard to the location of the existing surface water sewer, the Planning Authority is not satisfied that the proposed diversion of the said sewer and the proximity of the proposed development from the same, would not be prejudicial to public health.
2. Having regard to the nature and design of the proposed vehicular access for house type B, the Planning Authority is not satisfied that adequate site visibility, as required by the Council's Roads Department, can be achieved. The proposed development would therefore endanger public safety by reason of a traffic hazard.
3. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**Fig. 15: Reasons for the refusal of planning application, reg. ref. SD19A/0193**

**6.3 Backland dwelling refusal and side dwelling grant re. 2 no concurrent planning applications**

In 2020, the applicant lodged two concurrent planning applications – each for a new dwelling. Reg. ref. SD20A/0190 proposed a dwelling in the existing rear garden, while reg. ref. SD20A/0191 proposed a dwelling in the existing side garden (adjoining the existing dwelling). Both were refused by SDCC and appealed to ABP. The rear garden proposal was refused with the side garden proposal granted (that which mirrors our client's own property with its infill dwelling).

Fig. 16 places the respective 'Proposed Site Layout Plan' of each side by side.



**Fig. 16: Proposed Site Layout Plan for each of reg. refs. SD20A/0190 & SD20A/0191**



**6.3.1 Planning permission refusal reg. ref. SD20A/0190 & appeal ref. ABP-308456-20**

Planning application, reg. ref. SD20A/0190, proposed the following development:

*Detached dwelling within the rear garden of existing house including the remodelling of the existing house to change from a three bedroom to a two bedroom house and reduce in size from 145sq.m to 122.34sq.m; construction of a new two storey, three bedroom dwelling of 198.87sq.m to the rear of the site with new vehicular access from the side road to 2 off-street parking spaces and diversion of an existing surface water drain; provide a rear garden exceeding Development Plan standards, associated drainage, landscaping and all associated site development works.*

Our client objected this planning application, and it was refused by SDCC. An appeal was then lodged to An Bord Pleanála under appeal ref. PL06S.308458. ABP refused planning permission on the **23<sup>rd</sup> of February 2021** for the reason set out below:

*1. Having regard to the location of the site in the rear garden space of an existing dwelling and in close proximity to existing and proposed dwellings to its south, it is considered that the proposed development, by reason of the height, form and proximity of the two-storey southern gable would seriously injure the residential amenities of property in the vicinity by reason of overbearing and loss of light to rear gardens and would, therefore, be contrary to the underlying residential land use zoning objective and with the proper planning and sustainable development of the area.*

**The current planning application proposed new dwellings sited in the rear garden of the applicant property which would cause the same negative impacts on our client's property which caused both SDCC and ABP to refuse planning permission previously.**

**6.3.2 Planning permission reg. ref. SD20A/0191 & ABP ref. PL06S.308458**

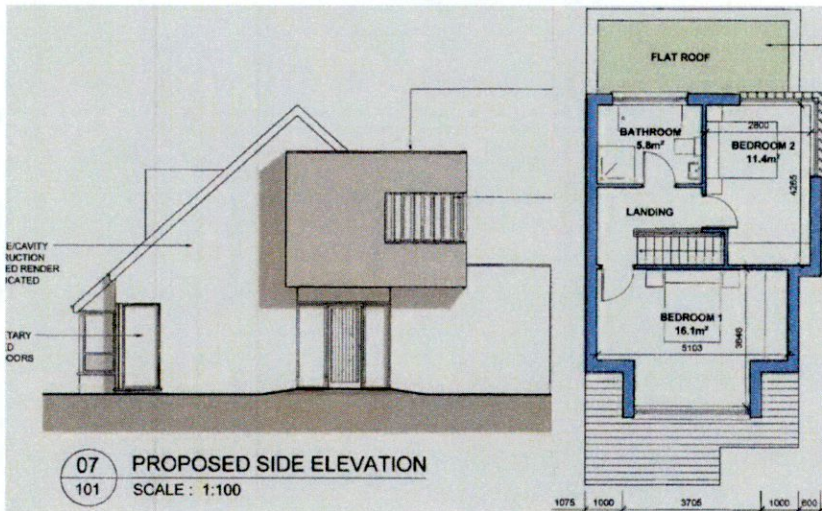
Planning application, reg. ref. SD20A/0191, proposed the following development:

*Demolish existing garage and outhouse replace with a two storey, two bedroom house of 100.5sq.m; existing access point will be blocked up and a new shared vehicular access will be created to give revised access to three off street parking spaces for the existing and new house; development will include a rear garden, associated drainage, landscaping and associated site development works.*

Our client objected this planning application, and it was refused by SDCC. An appeal was then lodged to An Bord Pleanála under ref. PL06S.308458 which granted planning permission on the 5<sup>th</sup> of February 2021. This decision was against the recommendation of the An Bord Pleanála Planning Inspector who recommended refusal.

The granted dwelling is 100.5sq.m in size and is two bedroomed only. The first floor (shown in Fig. 17) is modest in size. The dwelling maintains one louvered window which partly faces our client's property from a bedroom.

**This property therefore maintains the same type of planning permission on which our client's property is based. This comprises of an infill dwelling alongside the existing house and a back garden which replicates that of our client's sited on the other side of the intervening estate road. This is the extent of infill development that should reasonably be permitted at this location such that it fits into the established character and pattern of development in this area.**



**Fig. 17: Proposed side elevation and first floor layout for the**



## 7.0 Grounds for objection

BPS has been asked by our client to assess the planning application from their perspective and the perspective of the area into which it is proposed. BPS has identified the following concerns with the submitted planning application. We note that these points have been discussed in detail with our client.

### 7.1 The principle of development is not accepted

Our client is once again faced with a proposal for more than one infill house at No. 124 Templeville Avenue. This time the proposal is for demolition of the existing house and the building of 4 new houses.

While our client does not oppose the principle of a house in the side garden of No. 124 that would be sited and designed in a similar manner to their own property - No. 122A - they oppose the principle of the Applicant family property containing four dwellings. The Applicant already maintains planning permission for an infill dwelling which mirrors that of our client's property (granted by ABP as an infill dwelling) and this should be sufficient.

In particular, our client opposes the principle of there being 2 no. backland dwellings sited on the other side of the intervening estate road whose front first floor windows would overlook their rear garden, etc. The setback distance is far less than 22m.

Our client considers that one additional house should be permitted in the side garden of No. 124 and that house should enjoy the same back to back pattern of development as all adjoining and nearby houses. Each house benefits from a long rear garden that ensures the protection of each other's residential and visual amenities.

They are not aware of any other property in this area of the size of the Applicant's that originally contained one semi-detached house that has now been developed into and/or obtained planning permission for 4 no. additional dwellings in both side and rear gardens achieved by way of the demolition of the existing dwelling.

They therefore accept the principle of this side garden dwelling so long as it enjoys the same length of rear garden as adjoining dwellings. This precludes any backland dwellings.

### 7.2 Precedent for infill dwellings in this area are for a side garden house alongside the existing

Our client finds it difficult to understand, given the planning history of the site, why it not clear to the Applicant that it is unlikely that anything but a house in the side garden only will be accepted. This is the standard approach to infill housing that has been permitted in this area for past decades. It is the approach which protects adjoining properties from overdevelopment concerns.

There are multiple examples in the immediate area of such houses located in side gardens, but none have tried to add a further dwelling into the rear of their sites. Examples include:

1. 92A Templeville Road.
2. 1A Fortrose Park.
3. 31A Cypress Grove Road.
4. 44A Cypress Grove Road.

Our client submits that there is no precedent for 4 no. dwellings to be granted in the manner proposed. The reason for this is that it cannot be achieved other than at the expense of negative impacts on adjoining and nearby residential properties including the existing dwelling.

#### 7.2.1 Single example of a backland dwelling grant allowed one and not two infill dwellings

As noted above, it is not clear to our client, including because of the planning history of the site and for the reasons set out in this Planning Objection Report, how the Applicant could have determined the No. 124 to be an appropriate location for 4 no. 2 storey infill dwellings with even the existing dwelling demolished. There are no other examples in this immediate area of where a single residential property has been converted into a property containing 4 no. two storey detached dwellings.

In this entire area of Templeville, BPS could identify only one example of where a backland dwelling has been granted planning permission and that is No. 84A Templeville Road (and this was for one additional dwelling within a property - not two). This historic planning permission was given for a 122sq.m dormer dwelling in the side and rear garden which was needed for a "handicapped son" [this is a direct quotation]. There were no objections possibly because it is a dormer house with limited first floor dormer windows looking only toward the front areas of dwellings opposite.

This example is quite different to that of the Applicant's proposal because:

1. The Applicant proposed only one small additional dwelling in the property's side and rear garden areas and not two;



2. The road is quieter and less trafficked at that location as it serves only the residents and visitors to those dwellings and is not a link road – a vehicular entrance onto a road full of vehicular entrances is less of an issue than one on a link road on which there are none;
3. The proposal did not set a precedent as the property to the south, No. 92, did not have sufficient rear garden area to do likewise;
4. The proposal caused no negative overlooking; and
5. The overall configuration of the proposal on the site is superior.

Our client submits that there is no precedent for four dwellings to be granted in a single site as proposed. The reason for this is that it cannot be achieved other than at the expense of negative impacts on adjoining and nearby residential properties including the existing dwelling.



Fig. 18: There are no other backland dwellings located in the vicinity of the site



Fig. 19: No. 84A Templeville Drive granted in 1994 under reg. ref. s94a/0151



### 7.3 Planning policy assessment of the proposed development

Our client submits that planning policy continuous support a single house in the side garden of No. 124 only.

The following sections set out how the proposed scheme cannot be supported by planning policy, but a single side garden dwelling designed and sited in line with that of No. 122A could be. It is our client's position that this proposed overdevelopment of the Applicant family property would have serious consequences for the area and for adjoining and nearby properties by way of negative impacts on residential and visual amenities. The proposed cumulative development of four dwellings within the Applicant family property is contrary to the following planning policies.

#### 7.3.1 Proposal is contrary to the Sustainable Residential Development in Urban Areas Guidelines

Section 5.9.1 'the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages' (DoEHLG 2009). Section 5.9.1 states:

*In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill ... The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. [Emphasis added].*

For the reasons set out in this Planning Objection Report, primarily the proposed development's failure to reasonably protect the amenities and privacy of adjoining and nearby dwellings and the established character and pattern of development of the area, the proposed development should be refused.

The existing and established back to back residential layout and design in this part of Templeville Drive currently ensures a balance between the amenities and privacy of adjoining dwellings; the proposed development would negatively alter this balance.

Section 5.9.1 of the guidelines note how: "the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.". The applicant's proposals provide for 2 no. two storey dwellings to be located in the side and rear gardens of the existing dwelling. These dwellings would, cumulatively, negatively impact on the amenities of directly adjoining neighbours and the general character of the area and its amenities

Our client submits that the proposed development is contrary to the guidelines as the cumulative development proposed fails to respect and is injurious to the existing built form, scale, character, heritage and residential amenity of Templeville Drive and the adjoining and nearby properties thereon.

#### 7.3.2 Contrary to the South Dublin County Development Plan 2022-2028

##### 7.3.2.1 Contrary to the zoning of the subject site

Under the South Dublin County Development Plan 2022-2028, the site is zoned objective 'RES' - with the stated objective to "Protect and/or improve residential amenity". For the reasons given in Section 7.4, our client submits that the demolition of the existing dwelling which forms part of a vernacular estate streetscape with an established character and pattern of development is not acceptable in principle. Further, the proposed 4 no. dwellings, when viewed cumulatively, fail to protect the residential amenity of adjoining properties and those of the area. The construction of four dwellings at this location, as proposed, would be detrimental to the residential amenities of both properties which is contrary to the site's zoning which seems to protect and/or improve residential amenity; not allow existing residential amenities to be negatively impacted on.

##### 7.3.2.2 Contrary to s. 12.3.9 'Vernacular and Historic / Older Buildings, Estates and Streetscape'

The applicant proposes to demolish a dwelling which forms part of the vernacular streetscape of the original estate design at this location. The architectural interest of the existing dwelling and its contribution to the shared character and pattern of development of the road is proposed to be removed.

Proposals to demolish existing dwellings within housing estates and residential roads are increasing in number as property owners eye opportunities to re-develop their properties at higher densities. Recognising this, SDCC's CDP contains Section 12.3.9 'Vernacular and Historic / Older Buildings, Estates and Streetscape'. This policy states:

*Development proposals to demolish a dwelling / building that is not a Protected Structure or in an ACA but is considered to be of historic character or architectural interest will be carefully considered. In such cases, a strong justification for the demolition of the dwelling / building will be required, addressing the potential impact on the historic character and visual setting of the area.*



*Life Cycle Costing will be required for all planning applications relating to demolition of older buildings that are not Protected Structures in order to ascertain the true economic and embedded carbon value of the building.*

*Where demolition of older buildings and ground works is proposed in whole or in part, the application submitted should include an audit of the existing materials on site and a method statement regarding salvage, reuse or disposal.*

*Where permission is sought to demolish a historic or traditional building on the grounds of structural defects or failure, or that it is not reasonably capable of being made structurally sound, such a contention must be convincingly demonstrated through a detailed report on the existing condition produced by a professional with appropriate conservation expertise and, preferably, an understanding of vernacular buildings. As part of such justification, details will be required of remedial works normally used in similar circumstances and setting out why these would not be appropriate or feasible.*

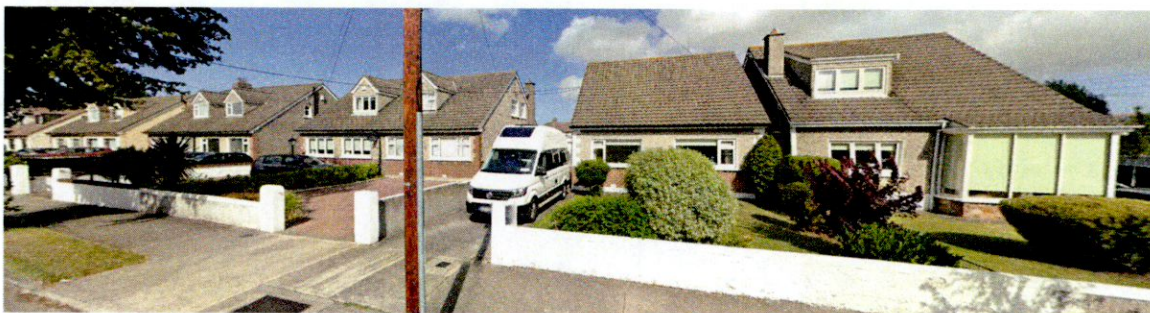
There can be no doubt that the existing original estate dwelling is of historic character and architectural interest within its streetscape. It forms part of a coherent streetscape of such dwelling designs (see Fig. 20) from which the removal of one would detract from the remainder (see Fig. 21). While it is understandable that the Applicant would seek to try to maximise their possible return on developing the property by way of demolishing even the existing dwelling, there is a reason this is not encouraged. The current proposal exemplifies the problem which arises. In this case two close to identically designed dwellings (albeit the Applicant's has been extended) sit side by side in the streetscape and share common design characteristics which make them a pair. Both existing dwellings are dormer dwellings with large roof extents and common windows sizes. Their ridge lines and eaves lines are the same and they are pleasing on the eye.

The proposal is to unpair the two dwellings and replace the Applicant's existing dwelling with a new two storey dwelling of a wholly different flat roof design. While a contemporary infill dwelling design proposal works alongside the existing house (as has been permitted by ABP), it would appear visually incongruous to install two dwellings which would give this section of the estate road a mish-mash appearance. The visual setting of the subject site and of the estate road would be damaged by this. It would detract from the setting of the existing house.

The Applicant is also required to submit a "strong justification" for the demolition. No such "strong" justification has been provided as none can be provided. The Applicant's architect sets out a "Planning Report" which makes general comments about the need for housing in Ireland and argues that the existing purportedly BER 'F' rated house will be replaced with a BER 'A' rated house. It is not clear however why – as per the many home renovation programmes on TV – the existing dwelling cannot be brought up to a better BER rating (as many houses in the estate have). The Applicant Planning Report argues the demolition will create a more sustainable development. This is not the case. The embodied energy and building materials wasted is not sustainable – neither is the energy required to remove the waste from site and the land fill needed to dispose of the waste.

To allow the demolition of this 145sq.m dwelling would set a precedent for the demolition of others and the architectural continuity and character of the street would be damaged.

The existing dwelling should be required to be retained in any infill development of the subject site as it is to be retained under the planning permission granted by An Bord Pleanála under appeal ref. PL06S.308458.



**Fig. 20: Applicant's existing dwelling alongside the adjoining dwelling within the streetscape context**





Fig. 21: Existing pair of dwellings relative to proposed development

### 7.3.2.3 Contrary to s. 6.7.1 'Residential Design and Layout' of the CDP

Section 6.7.1 'Residential Design and Layout' acknowledges how "The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DHPLG (2009) advise that residents are entitled to expect **that new homes offer a high level of amenity, privacy, security and energy efficiency**" [emphasis added]. Our client's home is relatively new, and they are entitled to expect its established residential and visual amenities and privacy to be protected. Policy H& and H& Objective 1 are also relevant:

- Policy H7: 'Residential Design and Layout' aims to: "Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units **and the overall layout and appearance of the development**" [emphasis added].
- H7 Objective 1 aims:

*To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development **in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring** [emphasis added].*

Our client submits that the proposed cumulative development is contrary to Section 6.7.1 'Residential Design & Layout' of the CDP. The Templeville residential estate has been carefully designed with back to back houses each with front and rear gardens. The Applicant asks that this established pattern of housing estate development be set aside in this case thereby creating a precedent for demolishing an existing estate house which aligns with the vernacular of the road and replacing this with a mini housing estate of 4 no. dwellings. One dwelling replaces the existing dwelling, one is a de facto dwelling in a side garden (as per the same design approach as our client's dwelling) and then there are 2 no. backland dwellings.

This proposal would substantially modify the character and pattern of development within this site, within the established estate road and within this area. The proposed cumulative development would represent a substandard development at this location which would impact negatively on the residential and visual amenities of existing properties and their occupiers. The proposed dwellings' siting and layout would also be contrary to the established character and pattern of development in this area. The main concerns are:

1. The proposed cumulative development does not represent a high quality design and layout for a new residential development. Having regard to the limited area to the rear of the Applicant property and its relationship to adjoining property, it is considered that the proposed development would represent inappropriate overdevelopment of the site, would be out of character with the pattern of development in the



area, would be visually obtrusive and – at the rear – detached from the established building line, would set a negative precedent for similar overdevelopment and backland development and would seriously injure the amenities of adjoining residential property.

2. Our client submits that the proposed development is contrary to Section 6.7.1 'of the CDP. This is not only our client's view, but was also the view of SDCC during the assessment of planning application, reg. ref. SD19A/0193 which was refused. The proposed cumulative development cannot be fitted into this property without consequent impacts on adjoining properties and on the area. This is not an appropriate location for two infill dwellings to be inserted into one existing property while retaining the existing dwelling.

They live in a subdivided property in a modest infill house that respects the character and pattern of development in this area, and which does not negatively impact on adjoining properties. The Applicant family is not content to seek a similar development of a house in their side garden on its own; instead, they have repeatedly sought to over develop their property with both side and back garden houses. The Applicant proposals represents overdevelopment of the site which fails the appropriate safeguards and standards identified in the CDP [these are taken as read].

**Our client submits that planning policy does not support the overdevelopment of existing residential properties. The zoning of the site and the area specifically requires the protection and/or improvement of residential amenities. The proposed development would impact negatively on existing residential amenities of adjoining and nearby properties and on the area. The cumulative scheme's backland dwelling should be refused.**

#### 7.3.2.4 Contrary to H7 Objective 4 of the CDP – proliferation of entrances & reversing into the road

The SDCC CDP 2022-2028 contains H7 Objective 4 which aims: "To ensure that residential development provides an integrated and balanced approach to movement, placemaking and **streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG** (2013, updated 2019)" [emphasis added].

BPS has reviewed the Applicant proposals which provide for the addition of 3 no. additional standalone driveways (4 in total) to serve the subject site. This proliferation of new entrances cannot reasonably be supported under the CDP. The proposals offer a single parking space which would be driven into in forward gear and then each property would need to reverse out onto the estate road – especially on the intervening estate road between the applicant site and our client's property. The proposal is ill considered and may cause a traffic hazard. Further, the provision of one parking space per each backland dwelling is not realistic for family sized homes at this location. Overspill parking onto the adjoining estate road would arise and may itself cause a traffic hazard by thinning a section of road into which the house occupants would need to reverse their cars.

#### 7.3.2.5 The siting, depths and sizes of the rear gardens are contrary to the CDP

The Applicant proposes 4 no. 3 bedroom dwellings. The Applicant's drawings provide measurements which make it difficult to tell exactly what is being proposed in terms of rear garden setbacks to rear boundaries. The following proposed areas of private open space and rear garden depths arise:

1. **House 1** would be served by a rear garden of 58.3sq.m with a rear garden depth of approx. 7.1m. The first floor windows of this proposed dwelling would face directly over the rear gardens of proposes Houses 3 and 4.
2. **House 2** would be served by a rear garden of 55sq.m with a rear garden depth of approx. 5m to 5.5m. The rear garden immediately adjoins the car parking space of House 3. The first floor windows of this proposed dwelling would face directly toward the blank side elevation of House 3 and its parking space and front area sited at close proximity.
3. **House 3** would be served by a rear garden of 51.9sq.m with a rear garden depth of approx. 6m/6.1m. The first floor windows of this dwelling would directly overlook private rear gardens with just this 6m/6.1m setback.
4. **House 4** would be served by a rear garden of 70.3sq.m with a rear garden depth of approx. 6m/6.1m. The first floor windows of this dwelling would directly overlook private rear gardens with just this 6m/6.1m setback.

The SDCC CDP 2022-2028 contains the following relevant policies pertaining to the quantitative and qualitative standards for rear gardens:

- Policy Hg: 'Private and Semi-Private Open Space' which aims to: "Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments".
- Hg Objective 1: "To ensure that all private open spaces for houses and apartments / duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring".



- Policy H11: 'Privacy and Security': "Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing".
- Section 12.6.7 'Residential Standards' – see Fig. 22.

**Table 3.20: Minimum Standards for Housing**

Type of Unit	House Size	Private Open Space
One bedroom	50 sq m	48 sq m
Two bedrooms	80 sq m	55 sq m
Three bedrooms	92 sq m	60 sq m
Four bedroom or more	110 sq m	70 sq m

Fig. 22: Excerpt from the CDP – Table 3.20 'Minimum Standards for Housing'

Concerns arising:

- 3 no. of the Applicant dwellings fail to offer even the minimum standard for rear garden sizes for 3 bedroom dwellings.
- All the dwellings have rear garden depths which are below a standard which can mitigate negative overlooking impacts: (i) House 1 negatively overlooking the rear gardens of Houses 3 and 4; and (2) House Nos. 3 and 4 overlook private rear gardens to the rear. The optimum rear garden depth requires at this location is 11m. Failing this, the rear garden depths should be between 7m and 11m where no negative overlooking arises and/or where it can be mitigated. These considerations do not arise in this case as the proposed designs would cause excessive negative overlooking of internal and external private rear gardens.
- The rear garden depth of House 2 is so minimal that its own outlook to the rear would be deficient facing a blank wall and the parking space of House 3.

The Applicant has submitted a 'Green Space Factor Tool' calculation which has not relevance in justifying non-compliance with private open space standards (as discussed with our client).

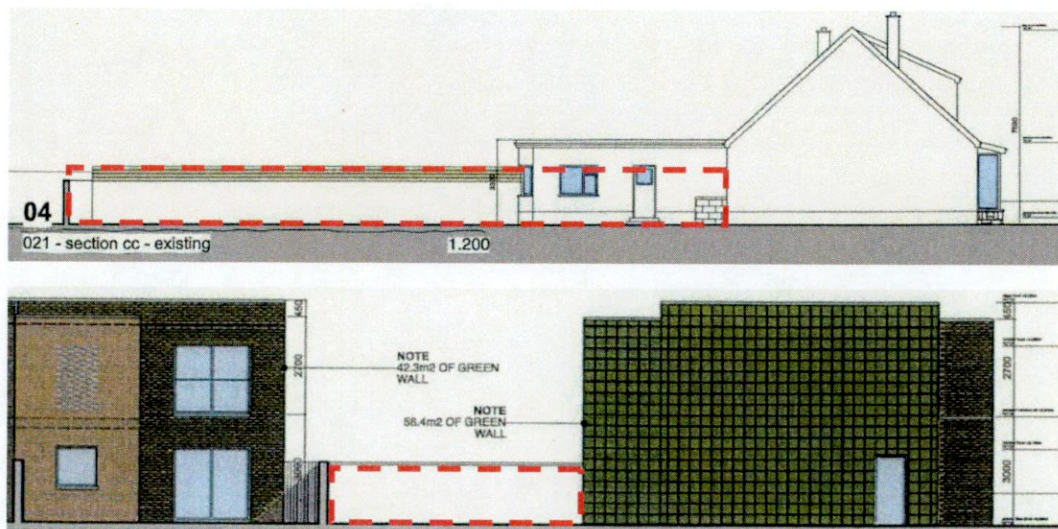


Fig. 23: Depth of House 1's rear garden

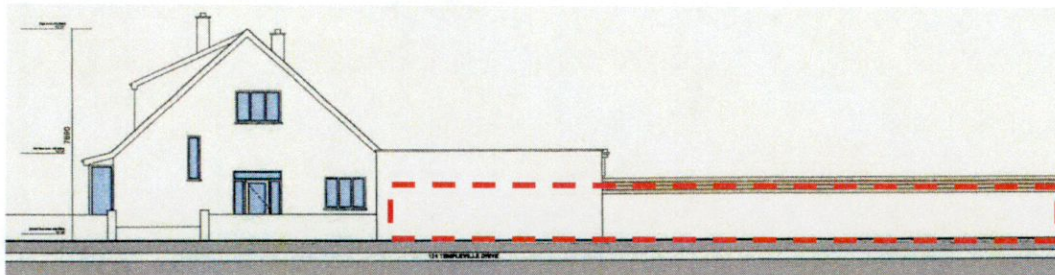


Fig. 24: Depth of existing rear garden



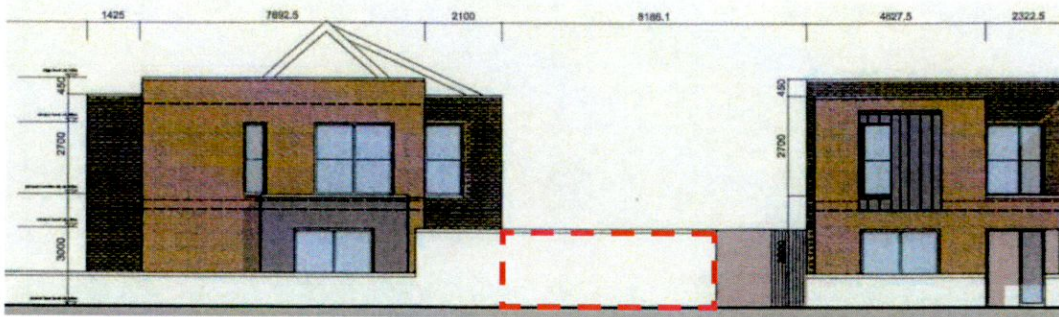


Fig. 25: Depth of House 2's rear garden

The proposed development would materially contravene the minimum private open space standards as set out in the SDCC CDP 2022-2028. The dwellings would offer future residents a deficient level of amenity while impacting negatively on adjoining properties by way of overlooking.

### 7.3.2.6 Contrary to Section 12.6.8 'Residential Consolidation'

The Applicant's single residential property is 0.078 hectares in size. It is too small a site to set its own density – this is confirmed by Section 12.6.8 'Residential Consolidation' of the CDP and under national guidance such as the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009.

The possible infill development of the site into 3 no. dwellings has previously been refused by both SDCC and ABP. Permission exists only at present for a house in the side garden whose rear garden would mirror the length of our client's site opposite and across the internal estate road.

The following CDP policies are applicable to the assessment of this proposal.

#### 7.3.2.6.1 Contrary to Section 12.6.8 'Infill Sites'

Our client has reviewed the proposed infill development which includes demolition and re-build, a house in a side garden and 2 no. backland dwellings, and they submit that the proposals are contrary to Section 12.6.8 'Infill Sites' which require:

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

**Client's objection:** The proposed development is not sited, scaled or laid out in a manner which takes account of the local context. Section 7.4 of this Planning Objection Report sets out how the proposals would impact negatively on our client's property but they would also impact negatively on all adjoining properties and each proposed house would impact on each other.

2. "On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes".

**Client's objection:** The applicant site is small. It is a single residential property as originally laid out within an established housing estate. The proposal to demolish the existing dwelling and to install 4 no. excessively dense 2 storey dwellings into this limited site is not acceptable and fails to integrate with the surrounding built form for including with our client's property which would be significantly and negatively overlooked.

3. Private open space to CDP standards is required.

**Client's objection:** The applicant proposals do not meet CDP standards for private open space. See Section 7.3.2.5 of this report.

4. Adequate car parking and safe parking access is required.

**Client's objection:** The subject site is located in an estate where all houses generally have two cars. The proposals are for 4 no. family sized dwellings. Each will own 2 cars but Houses 3 and 4 only have one parking space each and these are drive in and reverse out. These proposals are not acceptable.

5. "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".



**Client's objection:** Section 7.3.2.2 of this report confirms how the removal of the existing dwelling would impact negatively on the character of the area. It is one of a pair of dwellings which contribute positively to the visual setting or built heritage of the area".

6. "It should be ensured that residential amenity is not adversely impacted as a result of the proposed development".

**Client's objection:** The proposal would significantly, permanently, and negatively overlook our client's property including their private rear garden. It would also negatively overlook adjoining properties and cause negative internal overlooking between proposed dwellings. The quantum of proposed backland development coupled with the de facto house in the existing side garden would cause negative visual overbearing and visual intrusion relative to our client's property. The proposal provides for overdevelopment with consequent negative residential and visual amenity impacts.

7. Overshadowing is to be assessed in accordance with the latest BRE Guidelines.

**Client's objection:** Our client submits that the closest proposed dwellings would cause some evening overshadowing of their property but acknowledges that this would be slight. Their concern however refer to the cumulative impact of the proposed development. In particular, the 2 no. backland dwellings will cause morning and afternoon/evening negative overshadowing of adjoining properties to the north and west. Further the 4 no. proposed dwellings are packed so close to each other that they will cause negative overshadowing of each other. The proposal constitutes overdevelopment.

**For the reasons given above, the proposed development would be contrary to Section 12.6.8 'Infill Sites' of the SDCC CDP 2022-2028. The proposed development represents overdevelopment of the subject site.**

#### 7.3.2.6.2 Contrary to Section 12.6.8 'Corner / Side Garden Sites'

The Applicant maintains planning permission for a house in their side garden whose design is shown in Figs. 26 & 27 of this report. The design provides for one first floor window which is obscured by lats with seek to prevent direct overlooking views towards our client's property. The existing permission's design is more or less a repeat of the existing dwelling and would fit reasonably into the site without causing negative impacts on its context.

The new proposal is for a 2 storey dwelling whose side elevation maintains 3 first floor windows and 1 ground floor window facing our client's property.

Section 12.6.8 'Corner / Side Garden Sites' of the CDP sets out criteria for the assessment of such proposals.

Our client has no objection in principle to the proposed dwelling; however, the following proposals do not appear to be supported by Section 12.6.8:

1. The overall suite is not of a sufficient size to accommodate 4 no. dwellings with car parking and rear gardens whole avoiding the negative impacts of overdevelopment.
2. Appropriate setbacks are not maintained from our client's dwelling and from House 3 to ensure no adverse impacts occur on the residential amenity of nearby dwellings.
3. The proposed dwelling maintains excessive clear glazing in its first floor side elevation facing our client's property. This would cause negative overlooking. These windows should be removed as the dwelling maintains front and rear windows in any case. There is no need for it to be triple aspect. The previous permission allowed 1 no. side window at first floor with fins in front of it to minimise direct views. If windows are to be retained, they should be angled so they do not direct their views toward our client's property.
4. House 2's rear garden is too small and not long enough. It is deficient (see Section 7.3.2.5 of this report).
5. House 3 needs to be removed entirely as this is sited too close to House No. 2 and is in fact sited in what should be its rear garden. House 3's parking space and blank side elevation are unacceptable as they adjoin House 2.
6. The dwelling has not been designed and sited to respond to the roof profile of adjoining and nearby dwellings. The proposal is contemporary in nature but in a manner which removes all visual continuity and character from the site.
7. "The architectural language of the development should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged". The proposal removes the existing dwelling from the site and therefore the character of the site. The proposal does not harmonise with its surroundings but would read as a new mini housing state of its own design within a wider estate designed to a different language.



For the reasons given above, the proposed development would be contrary to Section 12.6.8 'Corner / Side Garden Sites' of the SDCC CDP 2022-2028. The proposed development represents overdevelopment of the subject site.



Fig. 26: The compromised siting and design of House 2 (ground level)

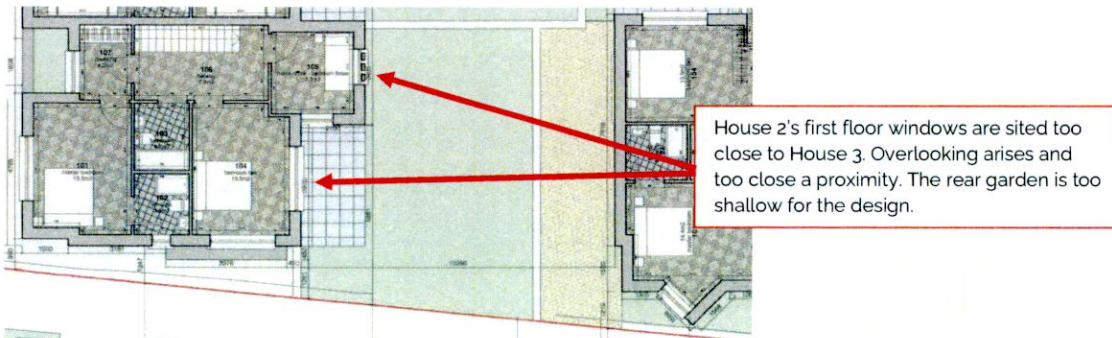


Fig. 27: The compromised siting and design of House 2 (first floor level)

7.3.2.6.3 Contrary to Section 12.6.8 'Backland Development'

Section 12.6.8 'Backland Development' of the CDP states:

*The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:*

*Be guided by a site analysis process in regard to the scale, siting and layout of development;*

*Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;*

*Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 - 'Lighting for Buildings - Part 2: Code of Practice for Daylighting' or any updated guidance;*

*Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

The following concerns arise:

1. The proposal fails to meet the criteria for infill development including as regards private open space, overlooking impacts, overshadowing impacts. Vehicular access and parking, etc.
2. There is no justification for the demolition of the existing dwelling (see Section 7.3.2.2 of this report).
3. Any analysis of the site would confirm a planning history of refusals for 3 no. dwellings. This proposal for 4 no. dwellings which amplifies previous planning concerns as to overdevelopment especially insofar as each proposed house would impact on each other.



4. The proposed development would read as a piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area. The removal of the existing house means the site would be devoid of any of its original character. The design is repetitive and would read as one mini housing estate within the wider estate causing visual confusion.
5. Houses 3 and 4 would overshadow private properties and each other's private open spaces.
6. The proposals would cause proliferation of vehicular entrances. Houses 3 and 4 would need to reverse out of their driveways into the adjoining estate road. They also offer only one parking space meaning likely parking overflow from a 3 bedroom house.
7. The proposals amount to overdevelopment. The property maintains planning permission for one infill dwelling to the side of the existing house which would mirror our client's property opposite. This is the appropriate form of development for the subject site.

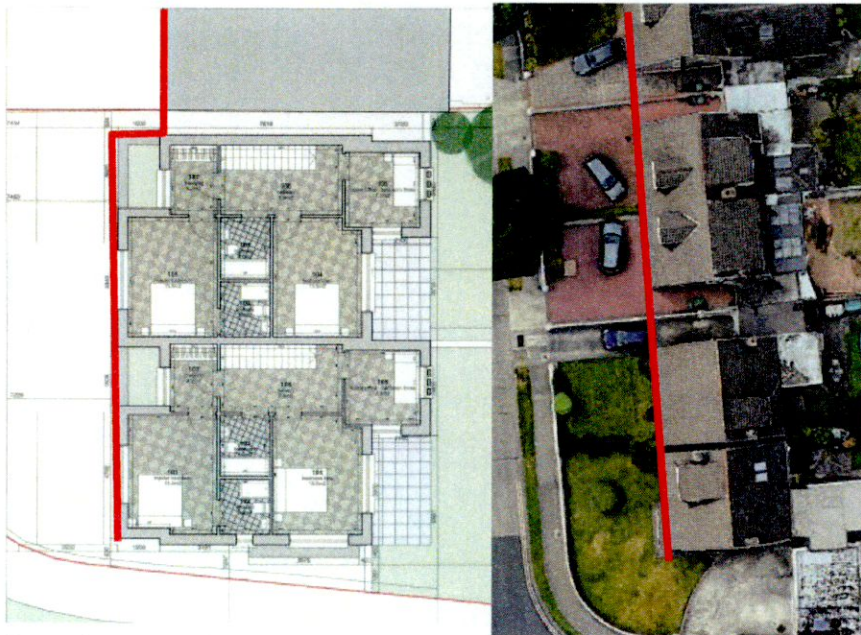
**For the reasons given above, the proposed development would be contrary to Section 12.6.8 'Backland Development' of the SDCC CDP 2022-2028. The proposed development represents overdevelopment of the subject site.**

**7.3.2.7 The proposed building lines are context-less which is contrary to s. 12.6.8**

Section 12.6.8 'Residential Consolidation' of the CDP states: "The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible".

The Applicant is proposing to demolish the existing dwelling in part to facilitate the siting of Houses 1 and 2 in front of the established building line along Templeville Drive. As Fig. 28 illustrates, the existing building line is straight along the road and, if anything, proceeds inward toward the Applicant's existing dwelling. The proposal would alter the established building line causing it to deviate out and around the two proposed dwellings. Our client submits that this is a sign of overdevelopment and further confirmation that the proposal is contrary to the established pattern and character of development at this location.

The Applicant is also trying to create a new building line to the front of the Houses 3 and 4 where there is none at present excepting the sides of the existing dwelling and that the north. The proposed building line appears to have no relationship to any likely building line which may arise in the future if the property to the north develops a house in its side garden (see Fig. 29).



**Fig. 28: The proposed building line & the established building line to front**



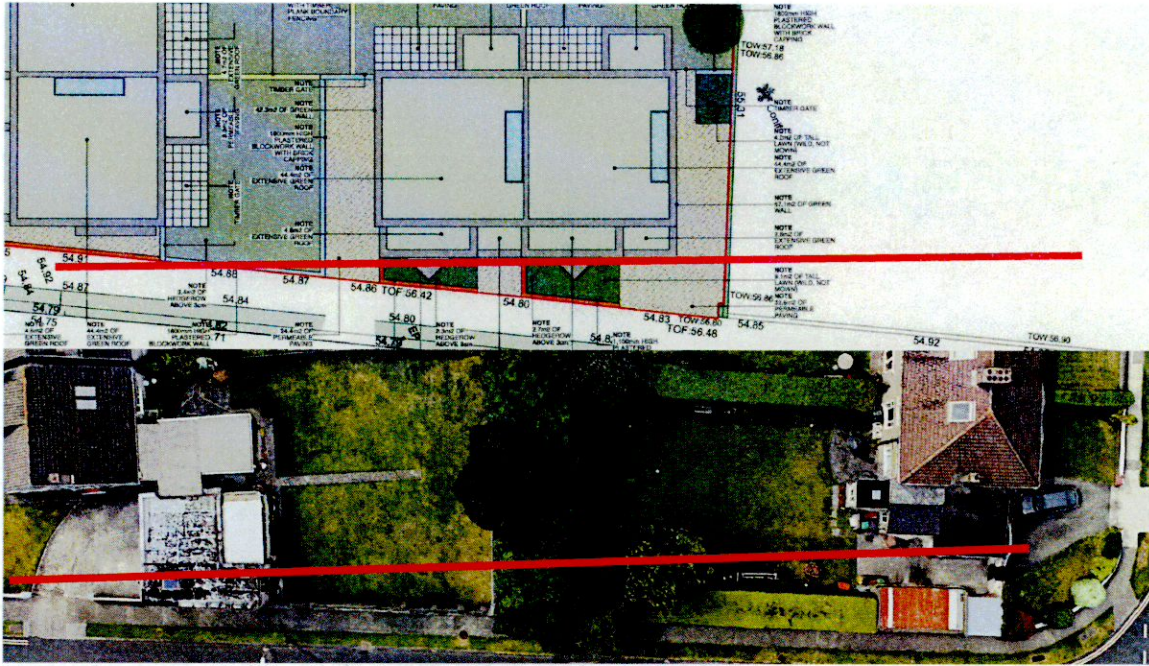


Fig. 29: The proposed building line & the established building line to side

7.3.2.8 Non-compliance with s. 12.7.4 'Car Parking Standards'

The Applicant "Planning Report" refers to Section 12.7.4 'Car Parking Standards' of the CDP and claims that the site is within Zone 2. Our client submits that the site is located in Zone 1 which is the "General rate applicable throughout the County". The proposed dwellings are each 3 bedrooms plus and so require 2 parking spaces per dwelling. Houses 3 and 4 appear to provide 1 no. space per dwelling which is non-compliant with CDP requirements. As designed, the driveways for Houses 3 and 4 would encourage a second car to try to park behind the first covering the footpath. This proposal would cause parking overspill onto the adjoining already congested (with on road parking) road.

Table 12.26: Maximum Parking Rates (Residential Development)

Dwelling Type	No. of Bedrooms	Zone 1	Zone 2
Apartment Duplex	1 Bed	1 space	0.75 space
	2 Bed	1.25 spaces	1 space
	3 Bed+	1.5 spaces	1.25 spaces
House	1 Bed	1 space	1 space
	2 Bed	1.5 spaces	1.25 spaces
	3 Bed+	2 spaces	1.5 spaces

Fig. 30: Table 12.26 of the CDP

7.3.2.9 Planning policy supports a single infill dwelling only in the side garden of No. 124

Our client considers that a revised planning application for a side garden dwelling alongside No. 124 would again comply with Section 12.6.8 'Residential Consolidation' of the new SDCC CDP 2022-2018 as the extant planning permission for a house in the existing side garden complies with the CDP 2016-2022.

They consider that proposal not to architecturally integrate with the surrounding pattern of development and built form "roof form", "fenestration patterns" and "materials and finishes". The proposed side garden dwelling is more respectful of the area's existing pattern of development and character. The design aligns with the building line of Templeville Drive and its form and materials respect the existing dwelling and Templeville Drive as a whole.



The site is not large enough to accommodate 2 no. backland dwellings of the scale proposed (each rising to 6.15m tall). The side elevation of House 3 would be sited as close as 6m/6.1m from the rear gardens of Houses 1 and 2. These back gardens would be visually overborne upon and visually dominated by this backland dwelling. This backland dwelling should be removed (the other one is part located on what was previously to be a wayleave area) and the rear gardens of both the existing dwelling and a side garden dwelling extended the full length of the site.

Our client can see no way forward other than for it to be refused and the extant planning permission implemented and/or an updated version of this sought. Such a development would mirror our client's infill house and rear garden (which was only achieved on appeal). This is the appropriate and sustainable form of development at this location.

Were the principle of this proposal accepted by SDCC it would set a poor precedent. For example, the Applicant's current overdevelopment proposal as it pertains to Houses 3 and 4 could potentially be applied by our client and their adjoining neighbour in a similar development which could result in 4 no. opposing vehicular entrances on this section of estate road. This is not in the best interest of the area.

The Applicant continues to try to overdevelop their property despite repeated refusals. The refusals arise because the property is too small, and the context is too sensitive to achieve these ambitions.

#### **7.3.2.10 Planning policy conclusion: the side garden dwelling (revised) only should be permitted**

Having reviewed the Applicant's previous and current planning applications in light of applicable planning policy, our client submits that the side garden dwelling only should proceed. The backland site area should remain as rear garden area to serve the existing dwelling (as it does at present) and the side garden dwelling.

In assessing our client's proposed infill dwelling at No. 122A, under planning appeal, reg. ref. PL06S.216924,<sup>2</sup> the ABP's Planning Inspector and the Board itself carefully considered the proposal. There were numerous concerns over the proposal being detached, its roof type, its vehicular access, the setback between existing and proposed dwellings, etc.

The Board granted planning permission on the basis that when assessed under the Residential Density Guidelines, the proposal struck an acceptable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill and the design approach was based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.

Our client's infill dwelling received a 2 to 1 vote in favour in a three member Board panel. One Board member retained significant concerns.

The current planning application, were it for a single side garden development designed and sited similar to No. 122A would be accepted, but the Applicant has gone too far in proposing two dwellings in addition to demolition of the existing. The result is that the proposal fails to strike an acceptable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill and the design approach was based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities.

To be considered acceptable, the side garden proposal needs to mirror that of No. 122A. It should have a full length rear garden and not a cramped and visually overborne small garden area in place of same. Our client at No. 122A should reasonably expect that No. 124 would be developed in a similar manner to their property and that this would ensure the protection of their residential and visual amenities and also those of this area.

### **7.4 Proposal would impact negatively on neighbouring residential & visual amenities**

#### **7.4.1 The proposed development would cause negative overlooking of No. 122A**

Our client maintains no side elevation windows which face the Applicant property. The Applicant proposals include a significant quantum of windows which would directly overlook or at an angle overlook our client's property.

Given that previous backland proposals have been refused and a side garden dwelling granted (by ABP), it is necessary to review the context applicable to the assessment of overlooking. Sections 7.4.2 and 7.4.3 consider the baseline context and that set by ABP permission reg. ref. PL06S.308458. Section 7.4.4 then assesses whether these new proposals would cause negative overlooking of our client's property.

<sup>2</sup> <http://www.pleanala.ie/casenum/216924.htm>



#### 7.4.2 Existing baseline for overlooking from Applicant property

Our client acknowledges that there are already side windows in the Applicant's existing dwelling which face their property. There is one first floor window with 3 panels, a stair window, and a ground floor window (the ground floor door is not a window). These windows are setback 22.52m from our client's side elevation and, as such, have no negative overlooking impact. 22m is sufficient to mitigate this concern.

There are no other windows which cause overlooking.

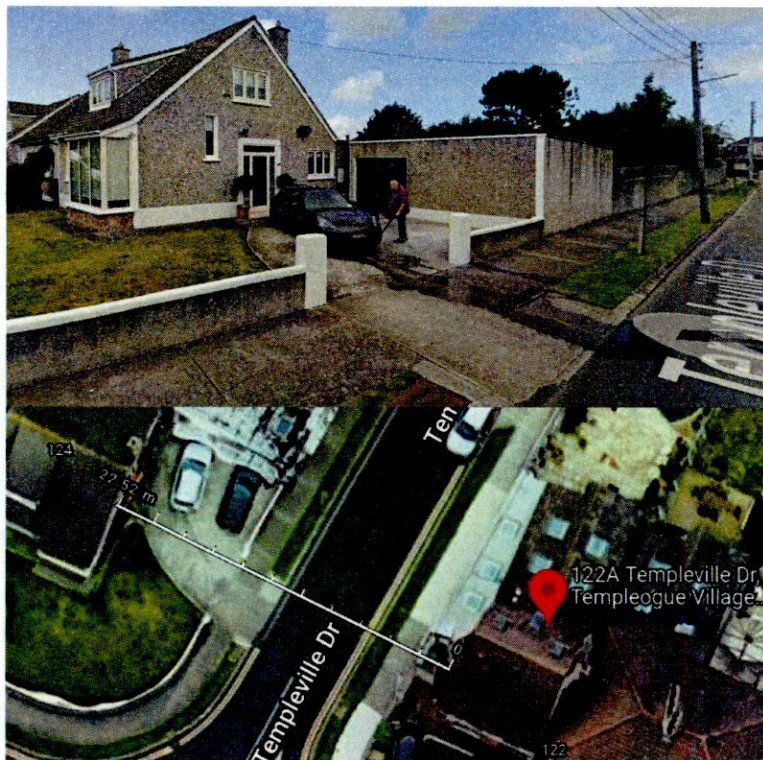


Fig. 31: 22.52m from existing side elevation windows to client property

#### 7.4.3 Permitted overlooking permitted from house in side garden under appeal. ref. PL06S.308458

Fig. shows the design of the side garden dwelling permitted by ABP under appeal. ref. PL06S.308458. This dwelling maintains 1 no. corner window at first floor with fins/louvers in front of it to prevent undue direct views toward our client's property. This dwelling was permitted with a setback from our client's side elevation of approx. 15m. The granted dwelling is 100.5sq.m in size and is two bedroomed only.

This permitted dwelling causes minimal overlooking of our client's property and represents a reasonable balance between their property and the development of the Applicant property.

#### 7.4.4 The proposed development would negatively overlook No. 122A

The proposed development includes the following proposed overlooking windows at first floor which are setback between approx. 12.5m and 17m from our client's property (see Fig. 34):

- **House 2:** 2 no. bedroom windows and a bathroom window. The larger bedroom window is significant in size and is the closest to our client's property – this bedroom is already served by a rear window and, as such, this window could be removed, reduced in size or finished in obscure glazing thereby mitigating the overlooking of our client's property. The second bedroom window is smaller and is setback further into the site; however, once again, there is no actual need for this window as the bedroom already enjoys a rear facing window – it could also be removed or obscured. We assume the bathroom window would be obscured.

**Recommendation:** Based on our assessment, BPS recommends that the de facto house in the side garden should be amended to prevent direct overlooking of our client's property as was achieved by way of a reasonably design compromise for the extant planning permission issued by ABP.

- **Houses 3 and 4:** These houses each contain a large, angled, bedroom window – with the angle allowing direct views toward our client's property irrespective of the angle – and a second large bedroom window. The angled



window in House 3 is sited approx. 12.5m from our client's property while that serving House 2 is approx. 14m away. Each house is then served by a second large bedroom window which is setback behind what appears to be a terrace (though no terraces are proposed) – these windows are setback approx. 15m and 16.5m from our client's private garden boundary across the intervening road. These windows are unacceptable as proposed. Indeed, under the previous planning refusal for a backland development at this location, reg. ref. SD20A/0190, even the project architect had proposed louvers at first floor (a first floor which was setback considerably into the site) to protect our client's property's privacy and amenities. The angled windows proposed for just two of the proposed first floor windows do not protect our client's property. These dwellings, if they are to be considered at all, should be single storey only as they are proposed to be sited opposite and/or adjoining private properties on all sides. Every private property surrounding the proposed first floors would be negatively impacted by the proposed extent of overlooking arising.

**Recommendation:** Based on our assessment, BPS recommends that Houses 3 and 4 each be refused as they would cause significant negative overlooking and loss of privacy and amenity to our client's property and to the other adjoining private properties to the north and west. Their first floors cannot be justified. There are no design revisions short of converting Houses 3 and 4 into single storey dwellings which could address this concern (see previous refusal for one 2 storey backland dwelling at this location issued by DCC and ABP).

The Applicant Planning Report seeks to argue away these negative impacts but fails to do so. The design seeks to install 2 storey dwellings on an east-west axis adjoining private rear gardens on 3 sides and sited opposite a 4th private garden to the east. A backland proposal cannot be 2 storeys at such a sensitive location. The overlooking impact arising is not "negligible" it is significant. The Applicant architect should have undertaken pre-planning with SDCC and/or worked with a planning consultant to address this.

**BPS concludes that the proposed development cannot be permitted as submitted. It needs to be refused such that significant revision to address negative overlooking concerns can be addressed.**

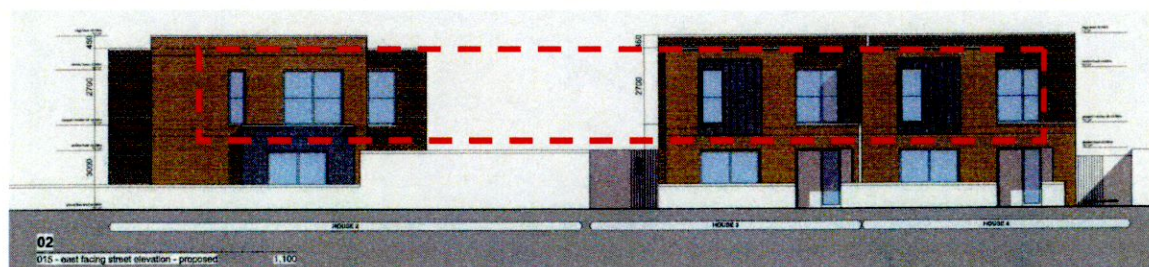


Fig. 32: First floor windows directed toward client property

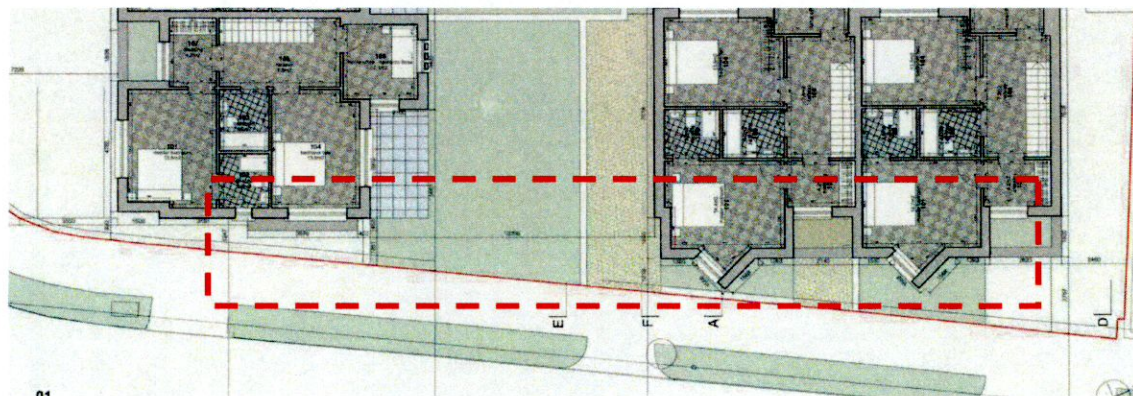


Fig. 33: 22.52m from existing side elevation windows to client property



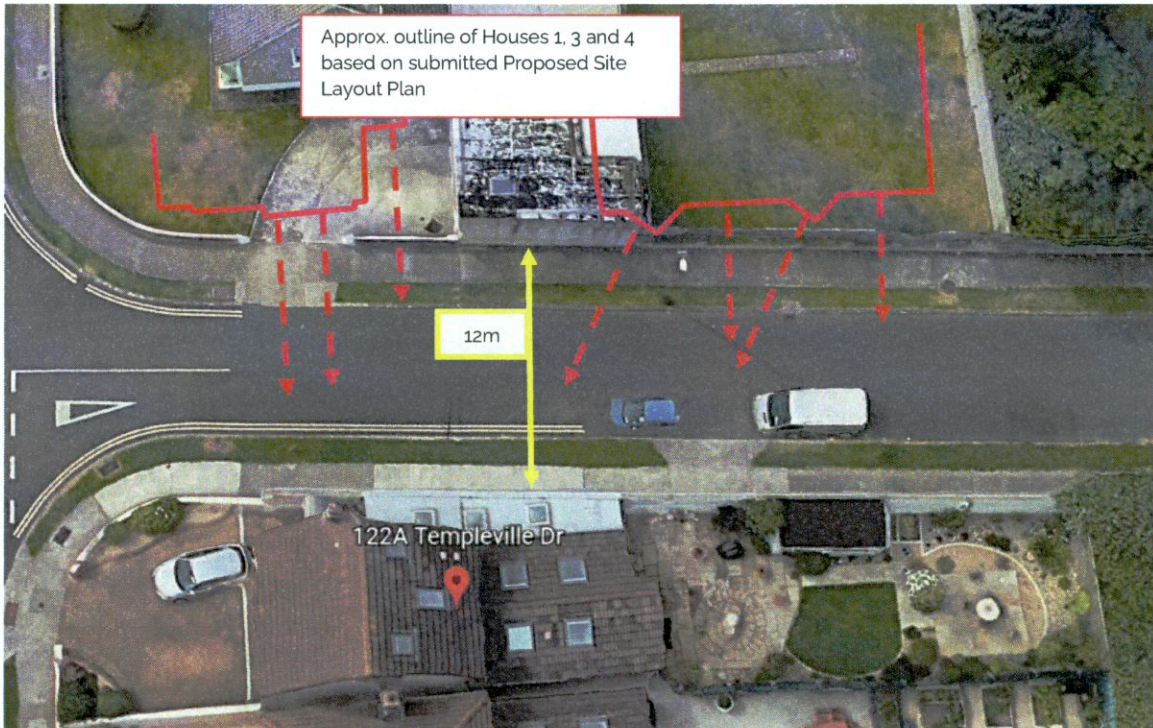


Fig. 34: Approx. locations of first floor windows directed toward client property (outline based on submitted drawings)

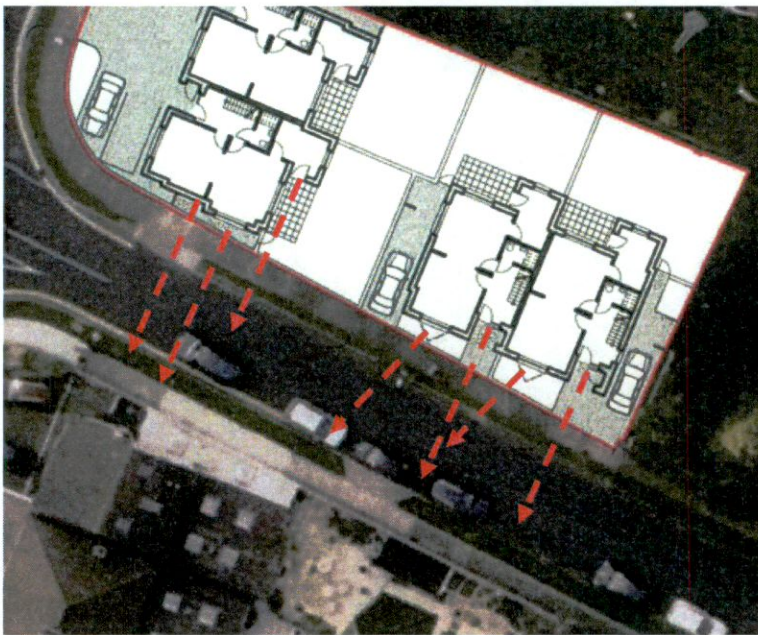


Fig. 35: Applicant's aerial photo make-up of the scheme within a Google aerial photograph



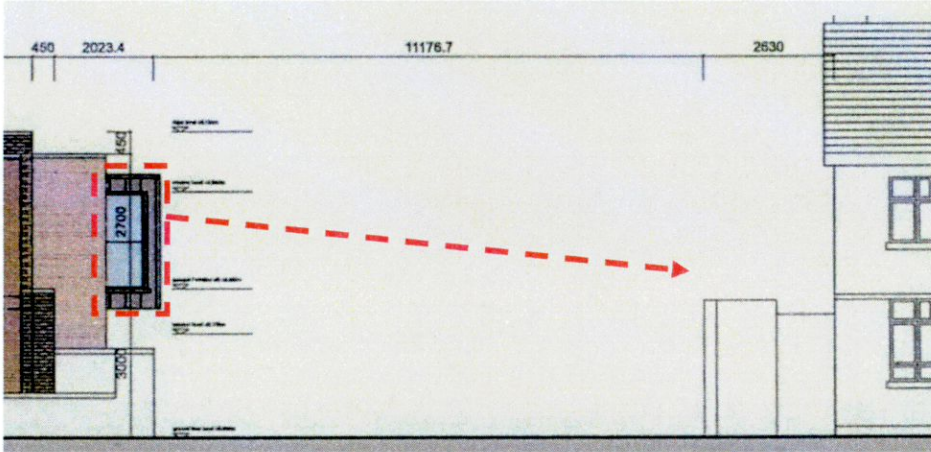


Fig. 36: Overlooking window within approx. 11m of client property

### 7.4.5 The issue of negative overshadowing

The Applicant proposes 4 no. dwellings. Houses 1 and 2 would not generate any undue overshadowing relative to existing and permitted development on the subject site. Houses 3 and 4 are sited in a rear garden (our client's rear garden sited opposite mirrors, with the property adjoining to the east, the Applicant site). Being located in a rear garden, these two houses cause negative overshadowing of adjoining and neighbouring private open spaces (gardens).

We note that our client's property does not overshadow the Applicant property and neither do the adjoining properties sited to the west and north.

Figs. 37 to 42 show how Houses 3 and 4 would overshadow:

- Areas of our client's property in the afternoon and evenings of March and September 21<sup>st</sup> and in the evenings on June 21<sup>st</sup>.
- Areas of the property sited to the west in the mornings of March, September, June and December 21<sup>st</sup>.
- Areas of property sited to the north throughout much of December 21<sup>st</sup>.
- Areas of House 1's proposed rear garden on the mornings of June 21<sup>st</sup>

The cumulative extent of negative overshadowing of adjoining and neighbouring private open spaces arising is unacceptable and cannot be justified. Two storey dwellings cannot be sited at this backland location without impacting negatively on our client's private garden, the adjoining properties to the west and north, and on proposed House 1. Houses 3 and 4 are also designed such that they would overshadow each other and overshadow their own gardens in the mornings. Houses 3 and 4 constitute overdevelopment of the backlands of the site which causes negative overshadowing in a manner which means they should be refused.

Finally, our client has asked BPS to note that their own garden and the adjoining garden to the east could in principle be redeveloped into two dwellings were this current planning permission granted. This would exacerbate overshadowing issues arising.

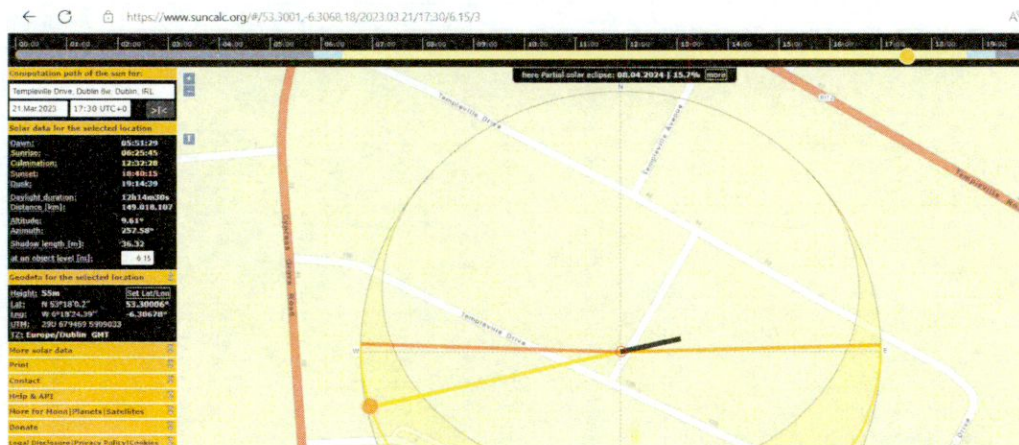


Fig. 37: Overshadowing of client's rear garden in late afternoon on 21<sup>st</sup> March and 21<sup>st</sup> September



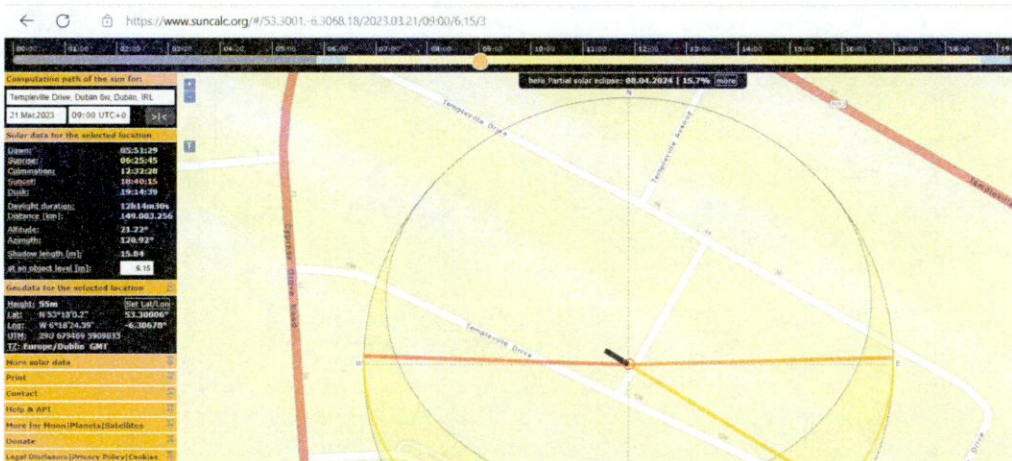


Fig. 38: Overshadowing of property to the west's rear garden in the mornings on 21<sup>st</sup> March and 21<sup>st</sup> September



Fig. 39: Overshadowing of client's rear garden the evening on 21<sup>st</sup> June



Fig. 40: Overshadowing of House 1's rear garden and the property to the west in the mornings on 21<sup>st</sup> June



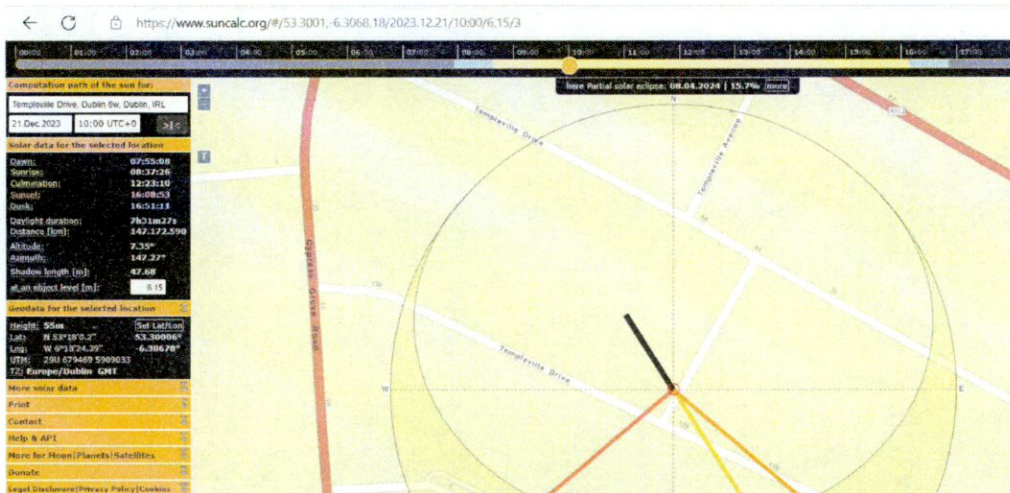


Fig. 41: Overshadowing of property to the west's rear garden in the mornings on 21<sup>st</sup> December

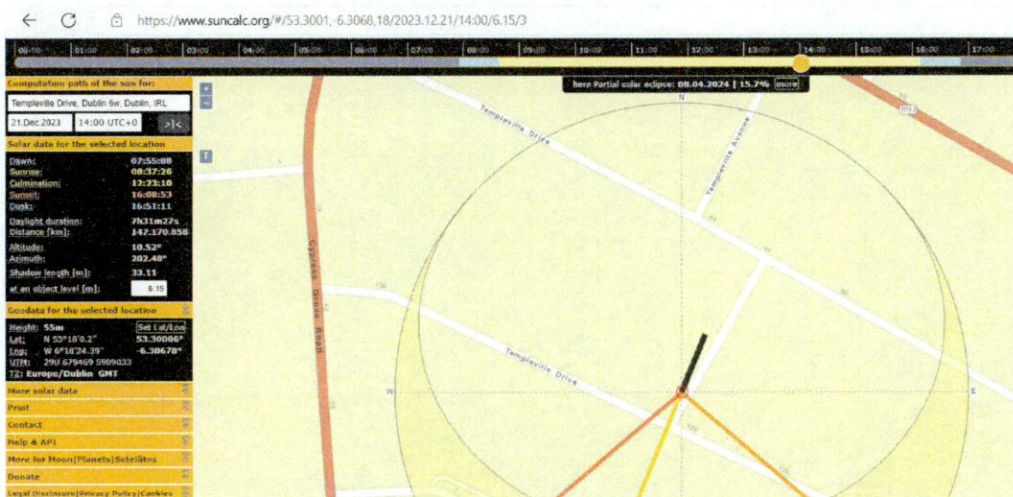


Fig. 42: Overshadowing of property to the north's rear garden in the afternoons on 21<sup>st</sup> December

#### 7.4.6 The issue of negative overbearing

The Applicant's proposed Houses 3 and 4 are sited in a manner where their front elevations address our client's property sited opposite. The house area each 6.15m tall and together constitute significant scale, bulk and massing.

Our client objects to how their property would be impacted by way of visual overbearing and intrusion arising from Houses 3 and 4 sited in what is currently a rear garden. The orientation of these houses worsens the issue as the front elevations are detailed and contained multiple windows.

Houses 3 and 4 would immediately adjoin private gardens on 3 sides (including those adjoining proposed gardens within the scheme). These gardens would each be visually overborne and intruded upon by these two dwellings whose scale, mass and bulk is wholly at odds with what is a modest sized rear garden set within an established housing estate.

The proposed blank "green" side elevations of Houses 3 and 4 immediately adjoin the rear gardens of the property to the north and House 2. These elevations would cause negative overbearing which is not mitigated by the mooted "green" wall finish. These elevations are poorly considered and reflect the overdevelopment of the backland area of the site. House 2 would be especially impacted as its rear garden is so small and limited in depth - future residents would stare directly at this blank elevation.

Houses 3 and 4 should be refused as constituting excessive overdevelopment of the rear garden of the existing dwelling which would cause negative overbearing and therefore impacts on the established residential and visual amenities of adjoining and surrounding properties.





Fig. 43: Overbearing of client's property from 2 no. 6.15m tall houses





Fig. 44: Overbearing of property to the west's rear garden from 2 no. 6.15m tall houses

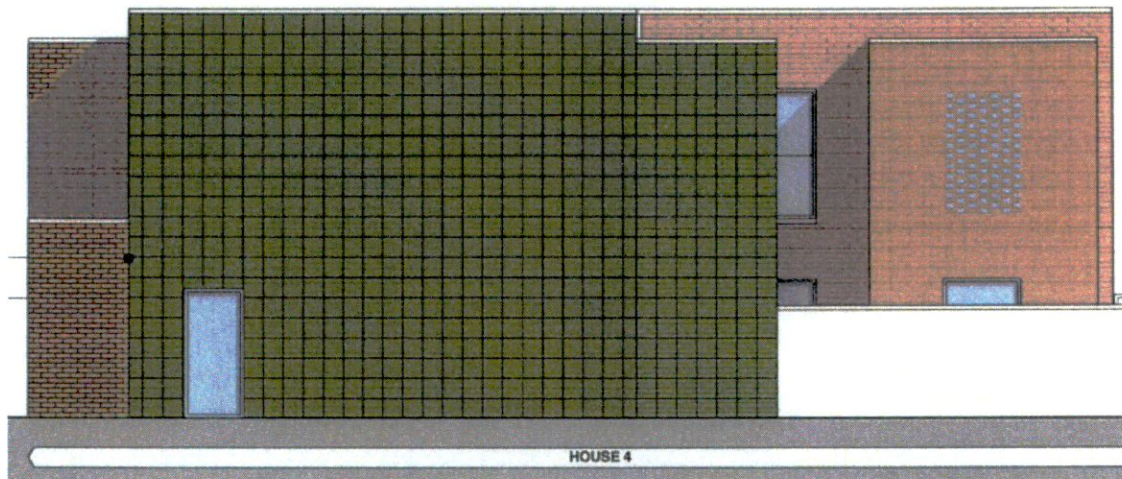


Fig. 45: Overbearing blank "green" side elevation of House 4 would overbear onto the property to the north





Fig. 46: Overbearing blank "green" side elevation of House 3 would overbear onto House 2's property and garden

7.3.2.3 The proposed setback from No. 126 is 85,55cm to rear

Arising from the decision to propose to demolish No. 126, the Applicant is proposing a setback between the new proposed dwelling 'House 1' and No. 126 of just 85,55cm. This setback is not sufficient to mitigate the visual impact of demolishing the existing dwelling (one of the pair) and relacing it with a new flat roofed contemporary dwelling. While the existing pair of dwellings are close together, this is possible because they read much as a semi-detached dwelling does. They read almost, that is, as one. Placing two wholly different designs side by side and so close would cause a visual clash that would detract from the streetscape.

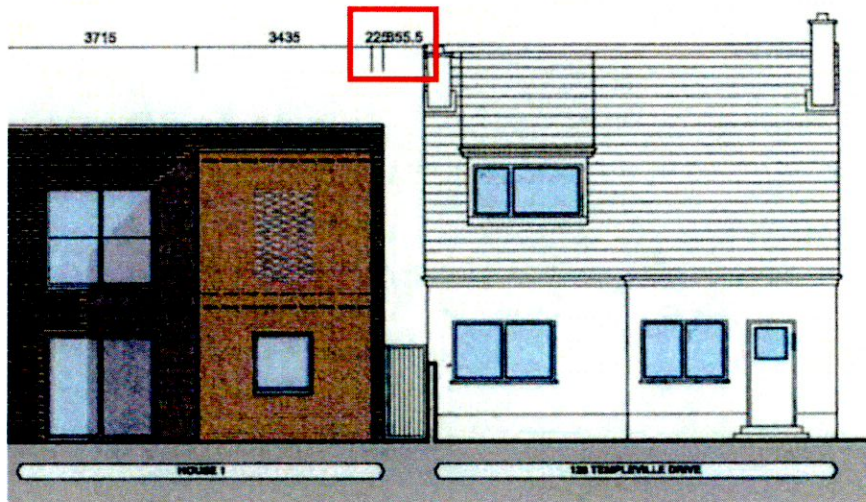


Fig. 47: Proposed proximity of 'House 1' to No. 126

7.4.7 House 3 would impact negatively on the proposed side dwelling, etc.

The Applicant's proposed House 3 is oriented from west to east (or west-northwest to east-southeast) and not from south to north (or south-southwest to north-northeast) as is the existing dwelling. This means that the Applicant is proposing that the full south side elevation of House 3 be located extremely close to the proposed rear gardens of the existing dwelling and the proposed side garden dwelling.

The problems with the siting of the proposed backland dwelling arising from the above points are:

1. *House 3 would visually overbear onto and be visually dominant in respect of the remaining rear garden and onto the rear elevation of House 1:* House 3 is too large given the site context. The proposed south side elevation of the House 3 would be located too close to the rear elevation of the existing dwelling. In a standard housing estate layout this distance would be closer to 22m. The proposed rear garden of the existing dwelling is not large enough to mitigate the visual impacts of the proposed dwelling on the existing dwelling.
2. *House 3 would visually overbear onto and be visually dominant in respect of House 2 and its rear garden:* House 3 is too large given the site context. The proposed south side elevation of House 3 would be located too close to the two storey rear elevation of House 2. In a standard housing estate layout this distance would be closer to 22m.



3. *The side elevation is excessive in scale, massing, bulk and length:* The side elevation House 3 is too long adjoining the proposed shared boundaries Houses 1 and 2. House 3 is excessive in scale, massing, bulk and length. House 3 would appear as overdevelopment of the site.
4. *The proposed side elevation of House 3 facing Houses 1 and 2 dwelling is mostly blank and devoid of detail.* It would have a visually injurious impact on the visual amenity of residents of Houses 1 and 2, including from the rear gardens of both.

House 3 would significantly, negatively and permanently impact on the residential and visual amenities of the Houses 1 and 2 and their respective rear gardens. It should be refused planning permission in line with refusal of planning permission, reg. ref. SD20A/0190 & appeal ref. ABP-308456-20 (see Fig. 48).

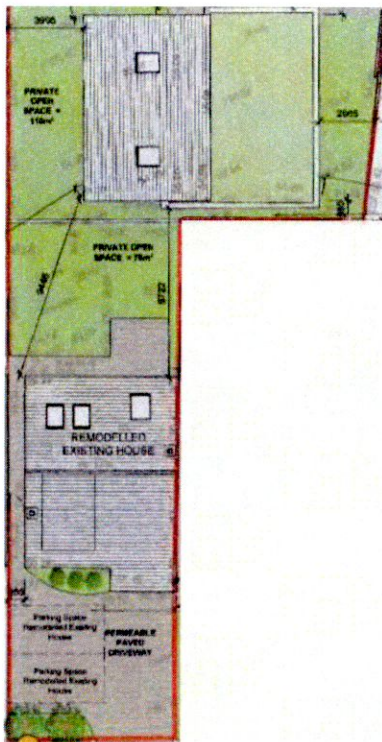


Fig. 48: Refused site layout plan for backland dwelling under reg. ref. SD20A/0190 & appeal ref. ABP-308456-20

### 7.5 The proposed development represents cumulative overdevelopment of the site

Our client acknowledges that they live in No. 122A Templeville Drive. Their home is an infill dwelling (see Section 4.1 of this Planning Objection Report), but it is a sensitive infill dwelling that respects the existing pattern and character of development to the east, west and north of their property. The Applicant's proposed dwellings in the rear garden of No. 124 do not achieve this.

When viewed individually, and/or cumulatively with the proposed houses in the rear garden of No. 124 appear out of place and inappropriate.

The Applicant family's proposal constitutes overdevelopment of a site that could and should at most contain a well-designed house in the side garden similar to that of No. 122A.

BPS considers that the proposed development represents overdevelopment of the Applicant site which would adversely impact on residential amenity, on the character and established pattern of development in the area, and would be contrary to the SDCC CDP 2022-2028 and to the site's zoning.

While our client accepts that there may be potential for revisions to the already dwelling to be permitted alongside No. 124, this should be required to meet the same planning requirements as our client's infill development at 122A Templeville Drive, ensure the protection of residential amenities and comply with all CDP standards.

### 7.6 Houses 3 and 4 represent "piecemeal development" – a side dwelling only is not

BPS considers that the proposed development represents overdevelopment of the Applicant site and piecemeal development. There are no examples in this or in the wider area of similar sized and positioned sites being permitted to demolish and re-build an existing house, to build a side garden house and to build 2 no. backland



houses each at two storeys and at the sizes proposed. There are only examples of side garden infill dwellings and one example of where a backland dwelling only was permitted (with no concurrent side garden dwelling proposal).

The proposed backland dwelling would represent the starting point for a rapid change to the high quality amenity that this area currently provides to its existing residents. This would be contrary to the zoning of the area. The Applicant family property is suitable for one infill dwelling in its side garden only. This should mirror that of No. 122A.

### 7.7 Contrary to the established character and pattern of development in the area

The houses in the vicinity of the site generally consist of rows of dwellings back to back. There are serious concerns regarding the proposed backland development which is out of character with the pattern of development in the area.

The applicant proposes two large, two storey, dwellings be located in the rear garden of No. 124 Templeville Drive at the same time as a new house in its side garden and the demolition and re-building of the existing house. Such intensive overdevelopment has not been permitted previously in this area.

The proposed development would be seriously out of character with development in the area and would be visually disruptive on the streetscape. The proposed development would seriously injure the amenities of, and depreciate the value of property in the vicinity. The Applicant family property is suitable for one infill dwelling in its side garden only. This should mirror that of No. 122A.

It is clear from a review of aerial photographs of this area that the front and rear building lines of the original housing estates dwelling layout have been repeatedly respected in planning applications for infill dwellings over many years. Our client's own infill dwelling – No. 122A – respects the front and rear building lines along Templeville Drive, so much so indeed that it is now difficult to tell old from new.

The Applicant is not satisfied with adding an infill dwelling such as our client's own and with providing the existing and new dwellings with quality rear gardens in the same pattern as those of adjoining and nearby dwellings; instead, the Applicant seeks to have both a side garden dwelling and backland dwellings.

In this way, everyone loses. This is what overdevelopment causes. The proposed backland dwelling would alter the appearance of the area for everyone living in existing dwellings. It would break the building line in a way that cannot be taken back and that would create a negative precedent for further backland development on numerous sites. It should not be permitted.

### 7.8 Negative precedent concerns

BPS submits that the proposed development, if granted, would set an undesirable precedent for similar developments on restricted sites and immediately adjoining residential rear gardens, in the vicinity.

Our client submits that No. 124 should be re-developed in the same way as No. 122 with a single dwelling. This is the appropriate and respectful approach to allowing infill development within the Applicant family property. Our client's dwelling responded to the precedent for infill side garden dwellings in the area and the applicant proposal should do likewise.

### 7.9 Depreciation in the value of property in the vicinity

Our client is concerned that the proposed development would seriously injure the amenities and depreciate the value of their property. The potential impact that a proposed development can have is recognised by the Planning Acts which include a reason for refusal reason 10. (c) of the Fourth Schedule 'Reasons for the Refusal of Permission which Exclude Compensation' of the Planning Acts 2000-2015:

*10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would— (c) seriously injure the amenities, or depreciate the value, of property in the vicinity.*

### 7.10 Construction phase concerns

#### 7.10.1 Construction traffic & construction parking – concerns

Our client is concerned that, if granted, the proposed development would cause a significant traffic during the construction period. Details are needed with regard to how – throughout the construction phase – the scheme will receive:

- Concrete deliveries (that park up during concrete pumping);
- Deliveries of building materials; and



- Any other deliveries as requires (e.g. deliveries of machinery).

Our client submits that in the event planning permission is granted for this scheme, construction arrangements should be planned such that there are minimal impacts on their property:

1. No construction access into the site should be allowed to take place by way of parking – at all – on Templeville Drive. The Construction Management Plan should confirm this arrangement. A plan for how construction vehicles will access the site and park needs to be agreed prior to any planning permission being granted.
  - No construction vehicles should be permitted to reverse out of the site at any stage without site workers providing guidance at all times.
  - No construction worker's vehicles should park / fly park on Templeville Drive at any time.
2. All related road construction matters including timetabling of works should be communicated by the contractor to our client such that they can ensure the area is kept safe for children in the area, etc.

These matters need to be addressed by way of a request for Further Information and not left to any planning condition.

#### 7.10.2 Measures to reduce impacts on nearby properties & the footpath should be agreed

Our client asks that if SDCC is to consider granting planning permission for the proposed development, then careful consideration needs to be given – before any planning permission is granted and/or construction work begins on site – to minimising and mitigating impacts on adjoining properties, including No. 122A:

1. All measures to reduce noise and vibration from the works relative to adjoining properties should be put in place prior to and retained during construction.
2. All measures to reduce dust, soil and other waste deposits within or within the vicinity of adjoining properties should be undertaken.
3. All measures to ensure the ongoing safe access and use of the public footpaths adjoining the Applicant site should be put in place.

These measures should be included as a condition in the event planning permission is granted.

#### 7.10.3 Working hours

Our client requests that, given the existing low noise levels in this area, that if planning permission is to be granted, the hours of construction related activities (deliveries and on site works) should be restricted to (as per the SDCC CDP 2016-2022):

- **8am** (not 7am) to 6pm Monday to Friday; and
- 9am to 2pm on Saturdays.

There should be no work outside of these hours or on Sundays and Bank Holidays.

There should also be a condition attached to any planning permission stating that no special arrangements for deliveries, etc. can be made outside of these hours/days.

#### 7.10.4 Proposed phasing of the construction works should be agreed at planning stage

Our client potentially faces years of disruption if planning permission is granted. They therefore need to understand what the construction works timetable will be. This schedule should set out: (i) When the construction works would take place and for how many months; (ii) When the excavations of the site and site preparation works will take place and for how many months; and (iii) How long the construction phase would take.

## 8.0 Conclusion

BPS has reviewed the planning application, including all drawings, visited the site, had due regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages' (DoEHLG 2009) and the South Dublin County Development Plan 2022-2028 and all matters arising and we recommend that this planning application be refused because:

- Given the site context, its planning history (that multiple refusals for an backland development) and all applicable planning policy, including those set out in the South Dublin County Development Plan 2022-2028, BPS concludes that the Applicant property remains suitable for only one new dwelling in its side garden as per the An Bord Pleanála decision under appeal, reg. ref. PL06S.308458.
- The proposal is contrary to the Sustainable Residential Development in Urban Areas Guidelines.
- The proposal is contrary to the zoning of the subject site.



- The proposed demolition of the existing house is contrary to s. 12.3.9 'Vernacular and Historic / Older Buildings, Estates and Streetscape'.
- The scheme is contrary to s. 6.7.1 'Residential Design and Layout', H7 Objective 4 of the CDP because of the proliferation of entrances, the need to reverse into the road, the siting, depths and sizes of the rear gardens are contrary to the CDP.
- The scheme fails to comply with Sections 12.6.8 'Residential Consolidation', 12.6.8 'Infill Sites, 12.6.8 'Corner / Side Garden Sites' and 12.6.8 'Backland Development' of the CDP.
- The proposed building lines are context-less which is contrary to s. 12.6.8.
- Houses 3 and 4 are non-compliant with s. 12.7.4 'Car Parking Standards' of the CDP.
- The proposal would cause significant, negative and permanent residential and visual impacts including loss of privacy to adjoining and neighbouring properties.

Contrary to claims made in the Applicant, the proposed development would not have a complementary impact to the surrounding dwellings. It would however cause significant and cumulative impacts on the residential and visual amenities of surrounding properties.

## 9.0 Recommendation

It is recommended that, for the reasons set out above and in the concurrent Planning Objection Report that:

1. The demolish and re-build proposal for the existing dwelling be refused;
2. The proposed backland dwellings be refused; and
3. House 2 in the existing side garden be refused as it forms part of an overall scheme which cannot be permitted.

**Note:** House 2 could be permitted as a standalone application subject to the site of the proposed side garden / corner garden infill dwelling be extended to the full length of the rear garden alongside the existing dwelling and the remainder of its rear garden (which would now extend the full length of the site again) and first floor windows being revised to remove overlooking of our client's property.

### 9.1 Recommended reasons for refusal

1. Having regard to the location of the site in the rear garden space of an existing dwelling and in close proximity to existing and proposed dwellings to its south, it is considered that the proposed development, by reason of the height form and proximity to adjoining and proposed private properties and dwellings would seriously injure the residential amenities of property in the area by reason of loss of light and overshadowing and would, therefore, be contrary to the underlying residential land use zoning objective and with the proper planning and sustainable development of the area.
2. Having regard to the restricted nature of the site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and layout would constitute overdevelopment of a limited site area, would compromise the quality of private amenity space associated with number 124 and the permitted dwelling in the side garden of number 124, and would be out of character with development in the vicinity. The proposed development would, therefore, adversely impact upon the amenities of future residents and would be contrary to the proper planning and sustainable development of the area.
3. The proposal to demolish the existing dwelling would be contrary to the provisions of s. 12.3.9 'Vernacular and Historic / Older Buildings, Estates and Streetscape' of the South Dublin County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
4. The scheme is contrary to Section 6.7.1 'Residential Design and Layout', H7 Objective 4, Sections 12.6.8 'Residential Consolidation', Section 12.6.8 'Infill Sites, Section 12.6.8 'Corner / Side Garden Sites', Section 12.6.8 'Backland Development' of the South Dublin County Development Plan 2022-2028 and are contrary to underlying residential zoning objective pertaining to the site and the proper planning and sustainable development of the area. The proposal would be contrary to the proper planning and sustainable development of the area.
5. Houses 3 and 4 are non-compliant with s. 12.7.4 'Car Parking Standards' of the South Dublin County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

## BPS Planning Consultants LTD

Members of the Irish Planning Institute

25 January 2023



**Brendan Buck,  
BPS Planning Consultants Ltd,  
Ballinatone Lower  
1, Greenan  
County Wicklow  
A67W662**

**Date:** 26-Jan-2023

Dear Sir/Madam,

**Register Ref:** SD22A/0466  
**Development:** Demolition of an existing single storey plus dormer three bedroom dwelling house and the construction of four two storey three bedroom semi-detached dwellings; Three separate vehicular accesses are to be created off Templeville Drive with one to the south and two to east of the site with all ancillary site works and landscaping.  
**Location:** 124, Templeville Drive, Templeogue, Dublin 6W  
**Applicant:** Barry & Susanne Coleman  
**Application Type:** Permission  
**Date Rec'd:** 21-Dec-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, [www.sdublincoco.ie](http://www.sdublincoco.ie).

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, [www.sdublincoco.ie](http://www.sdublincoco.ie), and when viewing an application on which a decision has not been made, you can input your email address into the box named "**Notify me of changes**" and click on "**Subscribe**". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.



**Please note:** If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney  
for **Senior Planner**