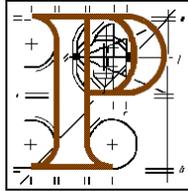


## An Bord Pleanála



## Inspector's Report

**Development:** Amendments to previously approved planning permission (Reg. Ref. D04A/0464) for addition of 1 no. apartment at penthouse level and associated works at 57, Castlepark Road, Dalkey.

### Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.: D06A/0540

Applicant: Tusker Property Holdings Limited.

Type of Application: Permission

Planning Authority Decision: Grant with Conds.

### Planning Appeal

Appellant(s): Linda O'Reilly

Type of Appeal: 3<sup>rd</sup> Party V. Decision.

Observers: Gay Finucane, Enda Russell-Cruise

Date of Site Inspection: 26.01.07

**Inspector: Anne Marie Sheridan**

### **Site Location and Description**

The appeal site is located at the junction of Castlepark Road and Barnhill Road, approximately 0.25km south west of Dalkey village.

The site, with a stated area of 982sq.m. is triangular in shape and slopes gently northwards. A three storey apartment development is currently being completed on site.

### **Proposed Development**

The proposed development is for the addition of a fourth floor to a previously approved 3 storey apartment structure, to accommodate an additional 1X2 bed apartment with private external terrace. The proposal involves the increase in the height of the building by 2.625m with an additional 0.6m to the height of the lift structure at roof level.

### **Planning History**

- D03A/0373

Permission refused for 4X 2-storey houses and a 3/4 storey block of apartments.

- D04A/0464

Permission granted for a 3-storey block of 9 apartments.

- D05A/1037

Permission refused for a 3 storey block of 12 apartments. Reason for refusing related to overbearing nature of design and failure to satisfactorily address the Castlepark Road streetscape.

- D06A/0319

Permission granted for minor alteration to existing permission to include revised elevations, materials and height.

### **Planning Authority Reports**

#### 1) Planning

- Two letters of objection to the proposal are noted.
- Having regard to the limited extent of the height increase, the set back from the parapet of the roof block and the location of the site on a prominent corner, it is considered that the proposal would make a positive contribution to the streetscape and would not significantly detract from the residential amenity of the area.

### **Planning Authority's Decision**

A decision to grant planning permission, subject to 9 standard conditions, was made by the Planning Authority.

### **Appellant and Observers Submissions**

- Height of proposal is inconsistent with the established one and two storey buildings in the area
- The proposal would represent a density of 100 units/hectare which is far in excess of the established density in the area, i.e. 4 units/hectare. This increased density is not off set by a design of high quality or external space standards.
- Finishes and building type are inappropriate to the area.

- The proposed car parking of 10 spaces is inadequate to serve the development and on-street car parking is likely to take place on Castlepark Road and Barnhill Road, which is not suitable given the hazardous junction between the two roads.
- Previously existing trees on the site, which were proposed for retention in the original scheme, have been removed and there is a poor level of landscaping and screen planting proposed for the scheme.
- Planning permission was previously refused for more than 9 apartments on this site.
- The proposal established an inappropriate precedent for a location which marks an entry point to a heritage town.

### **Responses to Grounds of Appeal**

- The height of the proposed building will be taller than those in the immediate area but this will not create any negative impact on the visual or residential amenity of the area. It is argued that the proposed recessed fourth floor softens the hard edges of the previously approved three storey block.  
The design of the proposed does not provide for windows on the eastern side. Separation distances from other properties are sufficient to protect existing residential amenity.  
The set back of the penthouse will ensure that no overshadowing of adjoining property arises.
- The increase in density resulting from one extra unit is not considered to be significant.
- With regard to car parking the provision of a single space per unit is considered reasonable given the proximity of the site to Glenageary Dart Station (635m). The surrounding roads are safe and well marked and there has been no objection to the proposal from the Roads Department of the Planning Authority.
- The existing two trees on the site, to be retained as per the previous permission, have been surveyed by a tree surgeon and the recommendation is for their replacement with 4 semi-mature native trees.
- Planning permission was previously refused for more than 9 apartments on this site.
- The proposal is located c. 600m from the edge of the Dalkey Conservation area, centred on Castle Street in the heart of the village. The proposal will not be visible from Castle Street and will not affect the setting of Dalkey Heritage Town.

### **Development Plan**

- Zoning  
The site is covered by the 'A' zoning, the objective for which is "To protect and/or improve residential amenity".
- Supplementary Contributions  
The development is not located in an area where supplementary contributions apply.

## **Assessment**

Having examined the file and having visited the site, I consider that the main issues in this instance are 1) the visual impact of the proposal on the building itself and on adjoining properties and 2) the absence of adequate car parking and open space to serve the development. These are dealt with separately below.

### **1. Visual Impact on Development and on Adjoining Properties**

I consider that the form and design of the existing building is inappropriate to the limited size of the site and uncomplimentary to its location at a minor junction of residential roads where the predominant heights are one and two storeys with correspondingly modest scale and mass. The contrast with the surrounding buildings is further exacerbated by the flat roof treatment and the use of a red brick external wall finish which is at odds with the predominantly painted rendered treatments of surrounding houses. The flatness of the roof is emphasised by a roof rail which runs around the entire building.

While I consider that the existing building does not represent an example of the architectural quality to which the Planning Authority aspires, I feel that the proposed penthouse will introduce a slimmer more elegant form to the building and will improve its appearance.

Given the extent of set back of the penthouse from the main building lines (c.2.5 – 3.8m) I consider that there will be no further loss of amenity to surrounding properties arising from overlooking or overshadowing from the proposal.

### **2) The absence of adequate car parking and open space to serve the development.**

The proposal as previously approved provided for 10 on-site car parking spaces for 9 apartments. The proposal does not involve an increase in on-site car parking. In addition, the proposal does not involve an increase in the area of public open space associated with the development. In my view, this would not normally be acceptable from a planning viewpoint. However, the site is located within reasonable walking distance of public transport facilities in Dalkey village. Prospective purchasers will be aware of the limited number of car parking spaces and the development is likely therefore to appeal to those who do not rely on having access to more than one car parking space. In addition, the proposed penthouse does have a generous roof garden. In my view, it is the visual improvement accruing from the proposal which is the more significant consideration and the real benefit in granting permission for the proposal.

I consider that the proposed aluminium cladding will provide an attractive contrast to the brick in the existing building. I do not concur with Condition No. 5 of the the Planning Authority's decision requiring the external finish to be a light coloured render.

## **Conclusion/Recommendation**

On the basis of the above, I recommend a decision to support the decision of the Planning Authority to grant planning permission for the proposal, for the following reasons and considerations;

## REASONS AND CONSIDERATIONS

Having regard to the form of the proposed extension, the location of the proposal in close proximity to public transport and the distance of the building from adjoining buildings, it is considered that, subject to compliance with the conditions set out below, the proposed development would improve the appearance of the existing building and would not injure the amenities of adjacent residential property. As such, the proposal would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, as amended by the the additional information lodged with the Planning Authority on the 9.08.2006, save as may be required by the following conditions.

**Reason:** To ensure that the development is in accordance with the permission.

2. The proposed development shall be carried out in accordance with terms and conditions of the permission granted under planning register number D04A/0464 except as amended to conform with the provisions indicated in the plans lodged in connection with this application and with the following conditions.

**Reason:** To ensure consistency with the development as previously permitted.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4. One car parking space shall be assigned per apartment and shall not be sold or let separately from the assigned unit.

**Reason:** In the interest of the proper planning and sustainable development of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Anne Marie Sheridan  
Planning Inspector