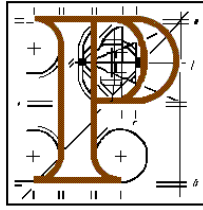


# An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 06D.245289

**Development:** Permission for construction of a master bedroom suite at upper ground floor level above the new kitchen/utility extension, linked by a glazed structure into the main house at Eirene (a protected structure), Marino Avenue East, Killiney, Co. Dublin.

### Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.  
Planning Authority Reg. Ref.: D15A/0341  
Applicant: Kathryn and Nicholas Hill  
Planning Authority Decision: Refuse permission

### Planning Appeal

Appellant(s): Kathryn and Nicholas Hill  
Type of Appeal: First Party  
Observers:  
1. Rosemary Kevany  
2. Marie Celine Barrett  
3. Amanda and Paul Fenelon  
Date of Site Inspection: 15<sup>th</sup> October 2015

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located at Marino Avenue East, Killiney, Co. Dublin.

The existing dwelling on the site is a protected structure which has been extensively renovated in recent years and has been extended by way of a large contemporary single storey extension. The site is located within the Killiney Architectural Conservation Area.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development comprises of the following:

- Construction of master bedroom suite above the flat roof of the existing single storey extension at this location.

## **3.0 PLANNING HISTORY**

### **PA D12A/0408**

Permission for extensions to existing dwelling on site granted.

### **PA D13A/0192**

Permission granted for outdoor swimming pool.

### **PA D14A/0293/ PL06D.243688**

Retention permission for playroom, laundry room and utility room refused by Planning Authority and granted on appeal to the Planning Authority.

### **PA D14A/0294**

Permission granted for garage.

## **PA D14A/0562**

Permission granted for retention of metal fence.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 TECHNICAL REPORTS**

##### **Planning Report**

The planners' report noted that 3 No. submissions were made to the Planning Authority. It considered that contemporary design was acceptable for extending protected structures. It noted the Conservation Officers' report and considered that the proposed development would visually and physically detract from the architectural integrity and character of the existing dwelling on the site.

##### **Transportation Planning**

This section had no objection subject to a condition.

##### **Drainage Planning**

This section had no objection subject to a condition.

##### **Conservation Division**

This section was very strongly opposed to the proposed development and I refer the Board to the full report.

#### **4.2 Planning Authority Decision**

Dun Laoghaire Rathdown issued a notification of decision to refuse permission for two reasons based on the impact on the protected structure and the scale of the proposed development.

### **5.0 GROUNDS OF APPEAL**

A first party appeal against the Council's decision was submitted on behalf of Kathryn and Nicholas Hill. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The Planning Officer clearly assessed the proposed development as being acceptable in principle and appropriate in context. A contrary view was expressed by the Conservation Officer.
- Endeavouring to accommodate the master bedroom within the protected structure would be destructive of the integrity of the building.
- The applicants have erected a timber pole on site to show the height of the proposed structure.
- Attached to the appeal is a report from a Conservation Architect which assessed the impact of the proposed development.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

Response raises no new issues and refers to the planners' report and states that the Board is requested to refer to the Conservation Officers comments.

### **6.2 Observations**

Observations have been submitted from the following parties:

1. Rosemary Kevany
2. Marie Celine Barrett
3. Amanda and Paul Fenelon

The main points raised in the observations can be summarised as follows:

- Impact on Protected Structure
- Scale of Development
- Impact on Residential Amenities

## **7.0 POLICY CONTEXT**

The Dun Laoghaire Rathdown Development Plan 2010 - 2016 is the operative County Development Plan for the area.

### Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

The site is located in an Architectural Conservation Area and in an O/O zone where no increase in densities will normally be permitted.

Relevant policies include Section 11.3.10 and Section 16.9 attached to this report.

### **Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG, 2004)**

- Chapter 6 relates to Development Control.
- Chapter 7 relates to Conservation Principles.

### **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Impact on Conservation
3. Impact on Residential Amenities
4. Appropriate Assessment

#### **Principle of Proposed Development**

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies, standards and requirements set out in the plan. Accordingly the principle of an extension is acceptable at this location.

#### **Impact on Conservation**

The proposed development comprises of an extension on top of the flat roof of an existing extension to a protected structure.

Sections 6.8.1- 6.8.4 of the 'Architectural Heritage Guidelines for Planning Authorities' and Section 16.9.1 of the Development Plan set out a number of key principles when considering extensions to protected structures.

- Extensions should involve the smallest possible loss of historic fabric and should ensure that important features are not obscured, damaged or destroyed.
- The principle elevations of a protected structure should not be adversely affected by new extensions, extensions should be appropriately scaled and positioned to the rear or lesser elevation and should be subsidiary to the main structure.
- Extensions should be 'of their time' and careful consideration of the palette of materials should be given.

In this case, I consider that there is minimal loss of historic fabric. The main impact in my view, is that an existing window in the protected structure is to be enlarged and extended down to form a door opening. I note that the link between the existing protected structure and the proposed extension is attractively designed and provides for a frameless double glazed wall as indicated on Drawing No. PL-709. I do not consider that important features of the existing protected dwelling are obscured, damaged or destroyed.

The main impacts of the proposed extension will be on the western and eastern elevations in my view. Neither of these elevations are principle elevations and the proposed extension is located in an area of the site which is significantly sunken into the ground. The existing flat roofed extension has a parapet roof and the overall height of the proposed building is lower than an existing single storey garage currently under construction adjacent to the area of the proposed extension. A ridge profile of the proposed height of the extension was erected at the time of the site inspection and I do not consider that the height and scale of the proposed extension will adversely impact the existing protected structure at this location.

Section 6.8.3 of the Guidelines state that generally attempts should not be made to disguise new extensions and the architectural style does not necessarily need to imitate historical styles or replicate the detailing of the existing building and that careful consideration needs to be given to the palette of materials. Policy DM4 of the Development Plan states that extensions should be 'of their time' and to high design standards. I note that the style of the proposed extension is contemporary and the materials proposed are of a high quality and match the existing extension recently granted retention permission by the Board at this location.

Having regard to the sunken nature of the site in the area of the proposed extension, the location of the extension behind the

principal southern elevation and the main approach to the site, the planning history of the site and existing and permitted development at this location, the high quality of design and materials proposed, and the overall size and extent of landscaping on the site, I am of the view that the site has the capacity to absorb the proposed extension at this location and that it will not have a detrimental impact upon the architectural integrity and character of the protected structure.

### **Impact on Residential Amenities**

A number of the observations submitted express concerns regarding proximity to the site boundary and overlooking.

Having regard to the design submitted which provides for opaque glass in the side elevation of a bathroom and a recessed balcony between the bathroom area and a gallery, I consider that there will not be a detrimental impact on the residential amenities of the area.

### **Appropriate Assessment**

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

### **RECOMMENDATION**

Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

### **REASONS AND CONSIDERATIONS**

Having regard to the planning history of the site, to the sloping nature of the site, to existing and permitted development and to the contemporary design, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate successfully with the existing protected structure on the site, would not seriously injure the residential or visual amenities of the area or of property in

the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The external finishes shall match the existing single storey extension at this location.

**Reason:** In the interest of visual amenity.

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.

4. Site development and building works shall be carried out only between 0800 hours and 1900 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.



**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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.

---

Emer Doyle  
Inspector  
4<sup>th</sup> November 2015