



An
Bord
Pleanála

Inspector's Report PL06D.247850

Development	Demolition of existing single storey pitched roof property and construction of a house and associated site works.
Location	Bella Vista, Coliemore Road, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire- Rathdown Co. Co.
Planning Authority Reg. Ref.	D16A/0758
Applicant(s)	Lorraine and Gerry Park
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Lorraine and Gerry Park
Observer(s)	1. Aideen Doyle 2. Patrick Kearns and Mary Upton 3. Gerry Noonan and Joan Heelan
Date of Site Inspection	15 th March 2017
Inspector	Emer Doyle

1.0 Site Location and Description

1.1. The subject site, which has a stated area of 0.0594 hectares, is located on the western side of Coliemore Road, Dalkey, Co. Dublin close to its junction with Nerano Road. The area is a mature residential area characterised by a mix of house types. A single story detached bungalow of 66 square metres currently occupies the site. The site is bounded to the south by a pair of semi-detached three storey houses with large two storey front bay window elements. No. 51 Coliemore Road is located to the north of the site. The site rises extremely sharply from the front towards the rear. The public open area of Dillon Park is located to the east of the site with spectacular views towards Dalkey Island.

2.0 Proposed Development

2.1. The proposed development, as described in the submitted public notices, comprises

- Demolition of the existing single storey pitched roof property.
- Construction of new detached flat roof three storey to the front and two storey to the rear.
- Lift access to a recessed roof terrace, front balconies, gangway access to rear garden, roof lights, new driveway entrance with landscaping and ancillary and associated works.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for 3 No. reasons as follows:

1. It is considered that the proposed development, by reason of its layout, height, length, bulk, massing and design, together with its proximity close to the site boundaries and the site topography, would appear visually obtrusive and overbearing when viewed from the rear gardens, windows and front curtilages of the surrounding properties, would result in significant overlooking of the properties on either side due to the elevated nature of the proposed

rear gangway and patio and large rear façade glazed areas, and overshadowing impacts on the property to the north boundary. It is considered that the proposed development would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposal would be visually obtrusive, incongruous, and overly dominant when viewed along the streetscape from Coliemore Road and Nerano Road and the surroundings and would infringe on the staggered building line along these roadways. The proposal would therefore be contrary to Section 8.2.3.4 of the 2016-2022 Dun Laoghaire-Rathdown County Council Development Plan and would set a poor precedent for similar type development in the area. It is considered that the proposed development would therefore seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed open front curtilage for vehicular entry and parking together with the associated removal of the existing roadside boundary wall and pedestrian gateway, would adversely impact on the setting and character of the area, would dominate the frontage and would set a poor precedent for similar type development in the area. This would contravene Section 8.2.4.9(ii) of the 2016-2022 Dun Laoghaire-Rathdown County Development Plan, which indicates that features like boundary walls will need to be considered in order to safeguard area character and appearance. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the area planner reflects the decision of the planning authority.

Concerns raised regarding visual and residential impacts.

3.2.2. Other Technical Reports

3.2.3. Transportation Planning- No objection subject to conditions.

3.2.4. Drainage Planning – Further Information Request for two items relating to an alternative to the direct disposal of surface water and SuDS measures for the proposed new parking/hardstanding area.

3.2.5. Conservation Section – No objection to the demolition of the house but cite issues with the removal of the front boundary wall.

3.3. **Prescribed Bodies**

There are no reports on file from prescribed bodies.

3.4. **Third Party Observations**

Three third party observations were received by the Planning Authority which can be summarised as follows:

- Concern regarding demolition of habitable home.
- Concern regarding parking.
- Concern regarding noise and disturbance during construction and structural damage to home.
- Concern regarding sunlight, overshadowing and overlooking.
- Concern regarding design and visual impact of proposed development.
- Concern regarding impact on residential amenities of adjacent properties from proposed roof terrace.

4.0 Planning History

V/085/16 – Grant Part V Certificate of Exemption on site.

ABP Ref. 243211: Permission granted by Planning Authority and refused by ABP for demolition of house at No. 36 Coliemore Road and construction of replacement dwelling.

ABP Ref. 245013: Permission granted by Planning Authority and by ABP on appeal for demolition of house at No. 36 Coliemore Road and construction of replacement dwelling.

5.0 Policy Context

5.1. Development Plan

Site is zoned as Objective A- To protect or improve residential amenity.

Guidance for new houses on infill sites is under Section 8.2.3.4(vii).

Section 8.2.3.4 (xiv) refers to demolition and replacement dwelling houses which may be permitted if sufficiently justified.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged by the applicant against the Council's decision. The submission includes revised plans providing for the following:

- Alteration to front building setback to take an average line between the two existing houses.
- Reduction in building height
- Front, rear and north elevations have been stepped to reduce scale of building.

- First floor level gangway and patio omitted.
- Lift and associated roof level access omitted.
- Fenestration on rear elevation reduced.
- Front boundary wall with provision of a 3.5m wide access.

The grounds of appeal and main points raised in this submission can be summarised as follows:

- The design changes have the effect of reducing the overbearing impacts on the neighbouring dwellings.
- The omission of the first floor gangway and raised patio remove any perceived loss of privacy to adjoining dwellings.
- The re-adjusted set back and the reduction in height address the second refusal reason.
- The amended drawings provide for a 3.5m wide vehicular entrance and the retention of the front boundary wall. This overcomes the third reason for refusal.
- The replacement house is justified in terms of the provision of a more energy efficient dwelling and an improved standard of accommodation.

6.2. Observations

6.2.1 Aideen Doyle (39 Coliemore Road)

6.2.2 The main points of the observation include:

- Concern regarding destruction of habitable house.
- Concern regarding visual impact.
- Concern regarding construction and structural damage to her property.
- Concern regarding impact on daylight.
- Concern regarding overlooking.

6.2.3 **Patrick Kearns and Mary Upton (Westcott, Nerano Road)**

6.2.4 The main points of the observation include:

- Concern regarding visual impact and overlooking.
- Concern regarding scale of proposal.
- Concern regarding overlooking from roof terrace.
- Concern regarding overdevelopment of site and impact on property values.

6.2.5 **Gerry Noonan and Joan Heelan (51 Coliemore Road)**

6.2.6 The main points of the observation include:

- Minor amendments will not result in a material improvement.
- Concern regarding overshadowing and overlooking.
- Concern regarding visual impact.
- Concern regarding excavation of large quantities of granite.
- Concern regarding impact on Vico Road Architectural Conservation Area.

6.3. **Planning Authority Response**

- The Planning Authority stated in its response that it is still considered that the proposed (amended) development is not acceptable, and does not address all of the reasons for refusal, in terms of the bulk/ size, building lines and boundary treatment of the proposal with regard to its surroundings.

7.0 **Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Principle of Development

- Residential Amenity
- Visual Amenity
- Other Issues

7.2 Principle of Development

7.2.1 The appeal site is zoned 'A' 'to protect and/or improve residential amenity'. The construction of a replacement dwelling would therefore be acceptable in principle subject to an assessment of the impact of the proposed development on residential amenity and compliance with other Development Plan policies and objectives. The proposed amended design is significantly larger than the existing dwelling however there are no planning or Development Plan requirements which impose a maximum size on a dwelling house.

7.3 Residential Amenity

7.3.1 The main concerns raised in relation to residential amenity relate to the potential for overlooking from the roof terrace and first floor glazing. Concerns are also raised in relation to loss of light to the kitchen of No. 51 Coliemore Road and overshadowing.

7.3.2 As a measure to reduce the perceived loss of amenity to the adjoining dwellings to the north and south, the house plans have been amended to allow an overall reduction in scale, bulk and built form. The revised design submitted to An Bord Pleanála omits the first floor level gangway and raised patio. It is now proposed to provide access to the rear private open space via an internal stairway from within the dwelling.

7.3.3 Whilst the revised design does reduce the bulk and scale and height of the dwelling, I have serious concerns in relation to impact on light to the kitchen of No. 51 Coliemore Road to the north this property and the impact of overshadowing due to the height, scale and bulk of the property. The southern façade of No. 51 Coliemore Road accommodates windows as shown in photographs 2 and 4 attached to this report and view 1 attached to the observation which provide light to this principal habitable room. Analysis submitted in the observation indicates that the level of sunlight hours would be reduced to 0.46 times its former value during summer

months and 0.2 times its former value during winter months. I am of the view that neither the original plans or the revised drawings adequately address the concerns raised.

7.3.4 Overall, I consider that the omission of the gangway access and external pathway represents a considerable improvement in terms of impact on residential amenity associated with overlooking and perceived overlooking. The amendments to the fenestration to the rear in the revised drawings is also helpful in this regard, however, I am concerned that the primary habitable rooms are at first floor level and allow for a considerable amount of overlooking into the rear gardens of adjoining premises on both sides. I am of the view that the revised plans and drawings submitted to the Board are insufficient to address the concerns raised in relation to impact on residential amenity.

7.4 Visual Impact

7.4.1 The main concerns raised in relation to visual impact relate to the scale of the proposed dwelling, its visual dominance and overdevelopment of the site.

7.4.2 Concerns are also raised in relation to the impact on the Vico Road Architectural Conservation Area. The site is not in an Architectural Conservation Area. The Conservation Officer of the Planning Authority considered that the replacement dwelling was acceptable but cites concerns regarding the boundary treatment. I consider that the existing dwelling is of no architectural merit and have no issue with a replacement dwelling at this location. However, I consider that the site is a sensitive one having regard to its location opposite Dillon Park and its proximity to an Architectural Conservation Area. I consider that the existing boundary treatments and gates are attractive and contribute to the character of the area. I note that the revised drawings provide for revised boundary treatment however I consider that this does not go far enough and consider that it would be far preferable to retain the existing boundary treatment, to omit the garage at lower ground floor level and to retain existing car parking outside of the boundary walls in order to treat the character of the area with sensitivity and the retain the character of the area.

7.4.3 The revised design submitted to An Bord Pleanála provides for a number of amendments including alteration of the building line, reduction in building height, alterations to the front, rear and north elevations to reduce the scale and the bulk of the building and alterations to the front boundary wall with the provision of a 3.5m wide access. Whilst I would consider all these amendments improve the visual impact on the proposal, I would re-emphasise that this is a highly sensitive site and I consider that the proposal represents overdevelopment of the site. I consider that the proposed dwelling is overly bulky and overly scaled in terms of height and width and is too close to the site boundaries of adjoining properties. I refer the Board to Fig 2 – Contextual elevation submitted with the appeal documentation, together with Figure 3 of the observation submitted by Gerry Noonan and Joan Heelan and photographs 1 and 2 attached to my report. I am not satisfied that the revised design proposed is appropriate in this location. In addition, I am not satisfied that the architectural impressions of the redesigns give an accurate representation of the proposed development having regard to my site inspection and the drawings submitted. I note also that the existing elevations would appear to be inaccurate as they show the existing Bella Vista level with the eaves of No. 39 Coliemoire Road, whereas on the site inspection I noted that there is a considerable height difference between the ridge height of Bella Vista and the eaves of No. 39.

7.4.4 I am of the view that the impact of the proposed development when viewed from the adjoining streetscape and when viewed from Dillon Park opposite the site would be unsympathetic and overly dominant. I have particular concerns regarding the unattractive and bulky elevational treatment of side elevation 1 in the drawings submitted with the appeal as having regard to the layout and configuration of the site, this would be a prominent elevation on the approach to the site.

7.4.5 In sum, I have considerable concerns regarding the potential for adverse visual impact at this location and consider that the proposed development would be visually obtrusive, incongruous and overly dominant when viewed along the streetscape from Coliemoire Road and Nerano Road and when viewed from Dillon Park opposite the site.

7.5 Other Issues

7.5.1 Appropriate Assessment

7.5.2 Having regard to the nature of the proposed development, which comprises demolition and construction of a single house in a suburban location on serviced lands I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.5.3 Construction Impacts

7.5.4 I note that concern is expressed regarding the topography of the site and the considerable amount of excavation that will be required to construct the lower ground floor. No information in terms of methodology or construction impacts has been provided in the application documentation. I note comments in relation to structural stability which I consider are largely a private matter between the parties.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below

9.0 Reasons and Considerations

1. Having regard to the pattern of development in the area, it is considered that the proposed replacement house, by reason of its detailed design, scale, bulk and proximity to site boundaries, would be visually obtrusive, incongruous and overbearing in relation to neighbouring dwellings and would seriously injure the residential amenities of adjoining properties by reason of overlooking and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Under the provisions of section 8.2.3.4 (vii) of the Dún Laoghaire- Rathdown County Development Plan 2016-2022, it is the policy to ensure that new infill development shall respect the height and massing of existing residential units. This policy is reasonable. It is considered that the proposed replacement house, by reason of its height, design and first floor fenestration, would constitute a form of development which would be out of character with existing development. The proposed development would represent an incongruous feature and set an undesirable precedent for similar re-development proposals in the area and would contribute to the incremental erosion of the character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

4th April 2017