

An
Bord
Pleanála

Board Order ABP-319755-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0115

Appeal by Killiney Residents care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin and by Bill and Carol Emmott of Killeen, Marino Avenue East, Killiney, County Dublin against the decision made on the 22nd day of April, 2024 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Gail Dempsey care of SSA Architects of 42 Haddington Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retain and complete amendments to the previously granted dwelling under planning register reference numbers D16A/0732 and D22A/0095 as follows. (a) Retention of 2.5-square-metre single-storey porch to the main entrance located at the upper storey to the south-west and reduction of floor area at the upper floor (west side) by 1.5 square metres to provide a rooflight to the lower ground en-suite, provision of additional 2.5 square metres area to the lower level bedroom and en-suite, and relocation of the entrance steps by 1.5 metres to the south, and alterations to the bedroom windows and provision of a recessed window arrangement providing lower floor light wells, including windows to the east and west together with a new window to the upper floor on the west side. The provision of the light wells will reduce the overall total floor area by 7.5 square metres providing a new total floor area for the house of 192 square metres. (b)

Permission sought for proposed one metre by 1.5-metre canopy to the front door and minor relocation of vehicular entrance piers and stepped landscaping feature to facilitate screening planting, all at 'Rosscahill', Military Road, Killiney, County Dublin. The site is within an Architectural Conservation Area.

Decision

GRANT permission for retention of the 2.5-square-metre single storey porch to the main entrance located at the upper storey to the south-west and reduction of the floor area at the upper floor (west side) by 1.5 square metres to provide a rooflight to the lower ground en-suite, provision of an additional 2.5 square metres area to the lower level bedroom and en-suite, and relocation of the entrance steps by 1.5 metres to the south. **Permission** for one metre by 1.5-metre canopy to the front door and minor relocation of vehicular entrance piers and stepped landscaping feature to facilitate screen planting and new window to the upper floor on the west side in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for alterations to bedroom windows and provision of a recessed window arrangement providing lower floor lightwells, including windows to the east and west side based on the reasons and considerations marked (2) under.



Reasons and Considerations (1)

Having regard to the location and character of the site and surrounding area in an Architectural Conservation Area and surrounded by protected structures, together with the planning history of the site and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including Policy Objectives HER 8 and HER 13, the 'A' zoning objective for the area, and Specific Local Objective 130, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would be acceptable in terms of nature and scale, would be in accordance with local design guidance, and would not seriously injure the visual or residential amenity of the area or the character of the Architectural Conservation Area and protected structures. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board agreed with the Inspector that there are very limited opportunities for overlooking from the window on the western elevation and from the glazed front door. The Board noted some additional requirements in terms of the recommendation to fit opaque glazing to the eastern elevation window, but considered that, as there is currently permission for a similar sized window in closer proximity to the east boundary, this condition is not warranted.

Conditions

1. The development shall be retained, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from the departures authorised in this permission, the development shall otherwise comply with the terms and conditions attached to planning register reference numbers D16A/0732 (PL 06D.248079) and D22A/0095 (PL 06D.313426).

Reason: In the interest of clarity.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a plan to scale of not less than 1:200 showing:

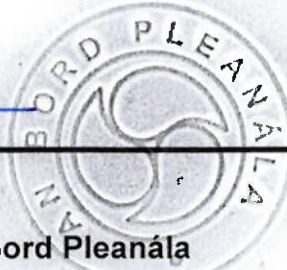
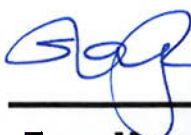
- (a) Existing trees, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping.
- (b) The species, variety, number, size and locations of all proposed trees and shrubs.
- (c) Details of screen planting to the southern and eastern boundaries.

Reason: In the interest of visual and residential amenity.

Reasons and Considerations (2)

Having regard to Sections 12.3.1 (Quality Design) and 12.3.4.2 (Habitable Rooms) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the national guidelines "Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustaining Communities", and the totality of information on file, it is considered that it has not been satisfactorily demonstrated that the alterations to the lower bedroom windows, through the provision of recessed window arrangements and lower floor lightwells to the east and west, together with the as-built arrangement of bedroom numbers 1 and 2 on the lower ground floor, delivers an acceptable quality of residential amenity with respect to floor width and adequate daylight. The retention of the recessed window arrangements and lower floor lightwells to the east and west bedroom numbers 1 and 2 on the lower ground floor would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant retention permission for the alterations to the lower-level bedrooms, the Board concurred with the Inspector's assessment that the internal residential amenity has been diminished but diverged with the Inspector's view that it is not sufficiently negative to warrant a refusal. The Board considered that the as-built layout constitutes poor design, adversely affects the residential amenity of existing and future residents and is sufficiently negative to warrant a refusal of permission in this instance.



Emer Maughan
Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 12th day of February 2025.