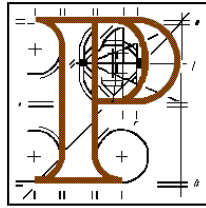


An Bord Pleanála



Inspector's Report

PL06D.245758

DEVELOPMENT:- Demolition of house and construction of house and outbuildings, solar photovoltaic panel on the semi-detached garage roof of existing 31square metres outbuildings and all associated site work at Dromeen, Kilmore Avenue, Killiney, Co. Dublin.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No: D15A/0379
Applicant: Tom Schnittger & Anne Tobin
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Charles & Bernadette McCormick
Type of Appeal: 3rd-V-Grant
Observer: Mervyn McKeown
DATE OF SITE INSPECTION: 04th February 2016
Inspector: **Colin McBride**

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.136 hectares, development is located approximately 200 metres to the west of the coast at Station Road Killiney. Killiney railway station is located approximately 300 metres to the south-east. Killiney Hill Road, leading northwards to Killiney village, is located approximately 130 metres to the west. The grounds of the former Killiney Court Hotel are located approximately 60 metres to the south-east of the site. The site is accessed from Kilmore Avenue, which runs westwards from Station Road and terminates at the appeal site. In this regard the appeal site is located at a t-junction formed by the intersection of Kilmore Avenue and Saintbury Avenue, which runs westwards from Kilmore Avenue, to join Killiney Hill Road. Together both Kilmore Avenue and Saintbury Avenue, rise steeply in a westerly direction from Station Road to Killiney Hill Road, which is approximately 40 metres above the coast. The land in the general area rises quite steeply upwards in a westerly direction away from the coast. This is repeated on the appeal site where there is a variation in the order of 8 metres across the site upwards from east to west. The site contains frontage of approximately 38 metres westwards onto Kilmore Road. Kilmore Road, within the vicinity, varies in width from 4 metres to 5 metres. At the T-junction, referred to above, the carriageway is 5 metres in width. As one travels northwards along Kilmore Avenue it narrows down to approximately 4 metres. The site is presently the location of an old single-storey dwellinghouse containing a floor area of approximately 155 square metres. On inspection it was noted that the building has not been used for a number of years and the site is generally overgrown. To the north of the site is an existing three-storey dwelling (Glenmalure) and to the south is an existing single-storey dwelling. To the east are lands associated with the existing dwelling to the north.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought to for the demolition of an existing single-storey dwelling and the construction of a three-storey house (465sqm) and a single-storey outbuilding (28sqm) together with ancillary site works including a solar photovoltaic panel on the semi-detached garage roof of the existing 31sqm outbuildings, altered ground levels, new roadside boundary treatment with two gateways, a granite wall and hedging in lieu of existing trees.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- a) Conservation Officer (30/06/15): No objection.
- b) Water Services (22/07/15): Further information required including details of the rainwater harvesting system, soil infiltration tests and soakways.
- c) Planning Report (23/07/15): Further information required, in addition to that sought by Water Services, photomontages to assess visual impact and a tree survey and assessment were requested.
- d) Water Services (05/10/15): Condition regarding surface water.
- e) Parks and Landscape Services (15/10/15): Conditions in the event of a grant of permission.
- f) Planning report (19/10/15): The visual impact of the proposal was considered acceptable. The design and scale was also considered acceptable in the context of the amenities of adjoining properties. The proposal was considered satisfactory in regards to tree retention, landscaping and surface water drainage. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 11 conditions. Of note is the following condition.

Condition no. 2: The glazing in the second floor north facing window and the narrow window to the second floor east loggia/balcony is to be opaque or frosted glass. A 1.8m screen is to be provided on the south facing element of the first floor balcony on the eastern elevation.

5. PLANNING HISTORY

- 5.1 PL.06D.225164: Permission granted to demolish existing house and garage, construct new house and all associated site works.

6. PLANNING POLICY

- 6.1 The appeal site is within the area covered by the Dun Laoghaire-Rathdown County Development Plan, 2010-2016, and has a zoning objective 'A': 'to protect and/ or improve residential amenity.' The site is located within a 0/0 zone within the Killiney Architectural Conservation Area where no increase in the number of buildings is permissible.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Charles & Bernadette McCormick, Glenmalure, Saintbury Avenue, Killiney, Co. Dublin. The grounds of appeal are as follows...

- The appellants own and occupy a dwelling that adjoins the northern boundary of the site and an undeveloped piece of property to the east of the site. The appellants have concerns regarding the impact of the proposal on their residential amenity. The appellants acknowledge that the site must be developed but suggest a number of alterations that if imposed by way of condition would reduce impact on their residential amenity and other adjoining properties.
- The appellants raise concerns regarding the proposed concrete bridge in that its level relative to the appellants' property and extent will have an adverse impact on rooms that have south facing windows orientated towards the appeal site. The extent of the construction will result in reduced levels of privacy and reduced levels of light. It is suggested that if permitted the bridge should be moved 15m to the south.
- The appellants raise concerns regarding the raising of ground levels of the rear garden area with it noted that it will create a 3m height difference between the appeal site and the appellants' garden. The appellants express concerns that such levels would impact adversely on their future development proposal on the lands to the east of the site.
- It is noted that the increase in ground levels will mean the proposed greenhouse will have a disproportionate and overbearing impact on the appellants' residential amenity. The appellants suggest that the height of the greenhouse be decreased.
- It is noted that visual impact submitted in response to further information omitted the appellants' dwellings from some of the photomontage.
- The appellants raise concerns that the corner windows at high level and north facing balcony would overlook their property and suggest omission of corner windows and a screening on the balcony. It also requested that screening be placed along the western loggia at second floor level.
- The appellants note that no input was provided by the Council's Roads Department with concerns noted regarding the positioning of the entrance at the north western corner of the site and the proposed narrowing of the road due to the construction of a curved wall.
- In regards to surface water it is noted that no rain water harvesting plans were submitted despite being requested.

8. RESPONSES

8.1 Response by Reid Associates on behalf of the applicant, Tom Schnittger & Anne Tobin.

- It is noted that permission has been granted under PL06D.225164 for a larger dwelling on this site and that there has been no material changes or alterations to the planning circumstances or policy. It is noted that the grounds of appeal are unsustainable. It is requested that the Board dismiss the appeal in accordance with Section 138(1)(b)(ii) of the Planning and Development Act, 2000 (as amended).
- It is noted that under the previously approved permission on site that an artist studio was omitted at the northwestern corner by way of condition. It is noted that this condition required additional parking to be provided at this location. It is noted that the ground levels on site mean that parking must be facilitated at the level proposed and that the design of the proposal takes into account the condition attached to the previously approved development on site. It is considered that existing boundary treatment including landscaping on the appeal site will screen the parking area adequately from the appellants' point of view.
- It is noted that the increased ground levels on the appeal site to the rear of the dwelling are necessary to provide for a useable garden space. It is noted that it is not uncommon for there to be a difference in levels between properties across Killiney Hill and that in this case such will have a negligible impact due to existing and proposed boundary treatment. It is noted that the proposed greenhouse is located away from the boundary and that boundary planting is sufficient in height to screen it from the appellants' property.
- It is noted that the visual impact assessment is satisfactory in scope and methodology and the proposal is satisfactory in regards to overall visual impact.
- In regards to corner windows and the second floor window it is noted that the level of separation and intervening landscaping mean there is no adverse impact on residential amenity. It is noted that the western loggia is adequately screened and no access is provided to the flat roof on the garage.
- In relation to the entrance it is noted there is an existing dwelling on site. It is noted that the layout of parking on site is to facilitate turning movements and avoid the need to reverse onto the road. It is noted that the entrance is located the furthest point from the junction and that there is no narrowing of the road alignment as the boundary wall is located along the existing site boundary.
- Details of rainwater harvesting and soakways were provided by way of further information.

8.2 Response by Dun Laoghaire Rathdown County Council

- No additional planning specific comments to make on this case.

9. OBSERVATIONS

9.1 An observation has been received from Feargall Kenny Architect on behalf of Mervyn McKeown, 'Thorncroft', Kilmore Avenue, Killiney, Co. Dublin.

- The observer's dwelling is located off Kilmore Avenue to the east of the site and at a lower elevation. The observer is concerned about the impact of increased surface water runoff from the site and has suffered from flooding due to runoff from lands to the west of his property. The observer notes condition no. 3 regarding rainwater harvesting and request that such be included by the Board in the event of grant of permission.

10. ASSESSMENT

10.1 The applicant in response to the appeal submission It is requested that the Board dismiss the appeal in accordance with Section 138(1)(b)(ii) of the Planning and Development Act, 2000 (as amended). The applicant notes that the grounds of the appeal are unsustainable and that a larger house was permitted and assessed on the site under ref no. PL06D.2225164. The current proposal is for a revised design of dwelling on the appeal site from that permitted under PL06D.225164. The grounds of appeal raised relate to specific concerns regarding aspects of the design of the proposal. I am satisfied that the matters raised in the appeal submission are planning and matters and in this regard would recommend that the appeal is not dismissed.

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

Principle of the proposed development

Visual Amenity

Residential Amenity

Traffic

Other Issues

10.2 Principle of the proposed development:

10.2.1 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 dwelling 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. The scale of a dwelling is controlled by specifics relating to the site and surroundings, in particular visual impacts and impacts on residential amenity and these are assessed in more detail below.

10.2.2 Policy RE S4: Existing Housing Stock and Densification states that 'it is Council policy to improve and conserve housing stock levels of the County, to densify existing built up areas and to maintain and improve residential amenities in existing residential developments.' It is stated hereunder that the Council will sometimes seek to retain a house that, while not a protected structure, has its own merit and/ or contributes beneficially to the area in terms of visual amenity, character or accommodation type. In larger demolition proposals, a balance between the greater energy efficiency ratios of the new build and those of the existing building should be considered.

10.2.3 With respect to the existing dwelling on site, the Planning Authority considered that it is of no particular architectural merit and does not contribute to the essential character of the ACA. It is a policy of the Council (AR8) 'to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas.' In its present state, I would be of the view that the appeal site contributes to the character of the ACA in terms of its trees and landscaping. The proposal will see these features broadly retained. The majority of building works will take place in or around the footprint of the existing building and elsewhere the side and front boundaries will remain largely intact. The existing dwelling is vacant in a dilapidated condition. I consider that its demolition and replacement with a dwelling built to modern standards that would be superior in terms of insulation and energy efficiency would be acceptable. Moreover, the Board did not rule previously against the demolition of the existing dwelling (PL06D.225164) and considered that the contemporary design, similar to that now proposed, was acceptable.

10.2.4 The site is within a O/O zone where no increase in the number of dwellings will be normally permitted. Whilst the proposed development does not include any additional dwelling units, it is noted within respect to the O/O zone that aspects such as site coverage and proximity to boundaries, impacts on drainage, loss of landscaping, the existing pattern of development, density and excavation impacts will be critically assessed for residential development in the O/O zone. In my opinion these are pertinent considerations for the proposed development that will be examined in more detail below. Overall, I consider that the principle of a replacement dwelling at this location is acceptable subject to its suitability in terms of visual impact and impact on residential amenity.

10.3 Visual Amenity/Architectural Conservation Area:

10.3.1 The proposal is for a three-storey dwelling with the change on level on site meaning the dwelling is a two-storey dwelling when viewed from the public road to the west and three-storeys when viewed from the east. The topography of the site and surrounding area is for the land levels to fall in a west to east direction down towards the seafront to the west of the site. The dwellings itself is contemporary in style featuring a mixture of flat roof sections and a shallow mono-pitched roof section. External finishes are a mixture of a smooth reconstituted stone blocks and natural stone with a zinc roof on the monopitch roof section. In response to further information the applicant was requested to submit a Visual Impact Assessment including photomontages.

10.3.2 In terms of overall visual impact, the scale of the dwelling is not out of keeping with existing dwellings in the vicinity. The visual impact of the dwelling is also mitigated by the fact there is a significant degree of mature vegetation on the site (a significant amount is to be retained) and in the vicinity of the site that means views of the dwelling in most cases are partial views. As noted earlier the ground levels in the area increase moving east to west away from the seafront. Although the site is elevated relative to the lands to the east, it has a significant backdrop as levels increase for significant distance west of the site and the dwellings sits comfortably among the other dwellings on the hillside without having a disproportionate visual impact.

10.3.3 As noted earlier the site is located within a designated Architectural Conservation Area. As noted above the existing dwelling is not of any great architectural merit and is currently in poor shape. I would consider that the contemporary design of the dwelling fits in well with its surroundings and taken in conjunction with the topography of the site, the level of existing vegetation on site and in the vicinity, the proposed development would be acceptable in regards to its visual impact and would not have an adverse impact on the character of the designated ACA.

10.4 Residential Amenity:

10.4.1 Permission has been granted for a dwelling on site under ref no. PL06D.225164). The current proposal seeks a smaller and revised design. The appeal submission raises a number of concerns regarding the design of the current proposal relative to the residential amenities of the existing property to the north (Glenmalure House). In regards to its relationship with adjoining development, the proposal entails provision of the new dwelling generally in accordance with the established pattern of development. The proposed dwellings conform to the established building line and footprint of development on the adjoining sites.

10.4.2 One of the main issues raised by the appellants concerns the location of a parking area and associated bridge in close proximity northern boundary with concerns regarding an overbearing impact, loss of light and privacy. There are a number of windows on the southern elevation of the appellants property and such are at a much lower level than the ground level of the parking area. Having inspected the site and the appellants' property, I would note that the proposed parking area is not tight to the boundary and has a reasonable degree of separation from the northern boundary. In addition I would note that the windows on the southern elevation of the appellants' property are already in close proximity to a stone wall of significant height, which taken in conjunction with proposed boundary treatment on the appeal site including landscaping, would mitigate the impact of the proposed parking area. I am satisfied that the current situation means that the proposed parking area has no significant or adverse impact on the amenities of the existing property.

10.4.3 The appellants raise concerns regarding the impact of a corner window at first floor level and the western loggia balcony in regards to residential amenity. It is notable that under condition no. 2 it was required that the glazing in the second floor north facing window and the narrow window to the second floor east loggia/balcony is to be opaque or frosted glass. It is also required that a 1.8m screen is to be provided on the south facing element of the first floor balcony on the eastern elevation, however no change was proposed to the two elements raised by the appellants. I would note that overall design has good regard to the amenities of adjoining properties with the orientation of windows mainly east west. In the case of the northern elevation there is one small window at second floor level serving a bathroom and is subject to condition no. 2. There are more windows on the southern elevation, however the impact of such are screened by the provision of a storage shed. The corner window at first floor level is a significant distance from the northern boundary and is not excessive in scale with the main focus being east. I am satisfied that no alteration should be made in this case. In relation to the western loggia balcony at second floor level, such is on the front elevation and overlooks the front garden/parking area of the dwelling proposed. I am satisfied that its layout and configuration would have no significant or adverse impact on the amenities of any of the adjoining properties. I would recommend that condition no. 2 applied by the Planning Authority is attached in the event of a grant of permission in this case.

10.4.4 The appellants also raise concerns regarding the impact of increased ground levels to the rear of the dwelling on their residential amenity and on the development potential of lands to the east of the appeal site in their ownership. The proposal entails leveling off the garden immediately to the rear of the proposed dwelling with an increased ground level due to the sloped nature of the site. I am satisfied that the level of existing boundary

treatment and landscaping proposed is sufficient to prevent the increase in ground levels resulting in a loss of privacy or subsequent reduction in amenity for the adjoining properties to the north, south and east. I am also satisfied that change in ground level would not compromise the development potential of lands to the east. In regards to the impact of the greenhouse, I would note that such is modest in scale and not located tight to the boundary with adjoining properties and in this regard would have no significant or adverse impact on residential amenity.

10.5 Traffic:

10.5.1 In relation to traffic impact, the proposal entails a replacement dwelling and would generate no significant increase in traffic over and above the existing dwelling on site were it currently occupied. The proposal entails no alteration to the existing alignment of the road serving the site. The proposal provides for a separate entrance and exit point and a significant area for off-street car parking and turning. I am satisfied that the layout and design of the entrance and exit is satisfactory and the proposed development would be acceptable in the context of traffic safety and convenience.

10.6 Other Issues:

10.6.1 In regards to drainage the proposal was considered satisfactory by the Council's Water Services Section. There is a proposal for rainwater harvesting system and surface water drainage that was subject to a further information request. I am satisfied that subject to adequate conditions requiring surface water to be disposed off within the boundary of the site the proposal is satisfactory.

10.6.2 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective for the area in the current Development Plan for the area, to the design, scale, layout and location of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the Architectural Conservation Area or

protected view, and would not seriously injure the residential amenities of properties in the vicinity. 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 and as amended by the further plans submitted on the 23rd day of September 2015, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The glazing within the second floor north facing window and the narrow window to the second floor east loggia/balcony shall be fitted with opaque or frosted glazing. The south facing element of the balcony proposed at first floor level to the south of the rear elevation of the building shall have a screen 1.8m high to prevent overlooking.

Reason: In the interests of residential amenity

3. The proposed access arrangements including junctions, boundary treatments, sight distances, signage, surfacing and drainage shall comply with the detailed standards of the Planning Authority for such road works.

Reason: In the interests of amenity and of traffic safety.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, access, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. The trees and hedgerow identified for retention shall be protected during construction with the tree protection measures outlined in the plans particular submitted fully implemented.

Reason: In the interests of orderly development.

6. The services of a landscape architect shall be retained throughout the life of the site development works. A completion certificate shall be signed off by the landscape architect when all works are completed.

Reason: In the interested of visual amenity.

7. 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.

8. All surface water generated within the site boundaries shall be collected and disposed of so that no surface water from roofs, paved areas or otherwise shall discharge onto the public road or directly to the shore. Surface water shall be discharged to the proposed rain water harvesting system as detailed in the plans submitted and amended by way of further information.

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

9. 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

Colin McBride
11th February 2016