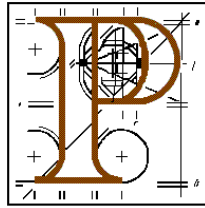


# An Bord Pleanála



## Inspector's Report

**PL06D.245928**

**DEVELOPMENT:-** Renovation and extension of existing single-storey dwelling including a two-storey extension to the rear and a single-storey extension to the front. Revised car parking area and pedestrian entrance and single-storey store at 'Tenerife', Glenalua Road, Killiney, Co. Dublin.

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15A/0537  
**Applicant:** Tanya & Phillip Airey  
**Application Type:** Permission  
**Planning Authority Decision:** Refuse

### APPEAL

**Appellant:** (1) George O'Connor & Verena Keane  
(2) Peter Evans  
**Type of Appeal:** 3rd-V-Grant

### **DATE OF SITE INSPECTION:**

**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.134 hectares, is located to the south of Killiney, east of Killiney Hill Road and west of Glenalua Road. The site is accessed from Glenalua Road over an existing laneway that serves a number of existing dwellings. The appeal site is occupied by a split level dwelling that is single-storey on its front elevation and two-storey to the rear due to the fall in levels moving north west to south east. There are adjoining dwellings immediately to the north (Knockadoo) and south (Bruagh Na Carriage). The existing dwelling on site has a much lower ridge height than the existing adjoining dwellings due to the ground levels on site, which fall sharply towards the south east. The existing site boundaries consist of trees and hedgerow along all site boundaries apart from adjacent the access laneway, with an existing wall along this boundary. There is an existing parking area off the laneway in front of the dwelling.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for renovation and extension of an existing dwelling including a two-storey extension to the rear, a single-storey extension to the front, a revised car parking area and pedestrian entrance and the provision of a single-storey store to the front of the dwelling. The proposal entails the provision of a dwelling with a floor area of 367square metres. The extended dwelling is to feature a shallow pitched roof, with external finishes including brick, cement render and cedar cladding with the roof profile to feature profiled zinc cladding.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- a) Drainage Planning (15/09/15): No objection subject to conditions.
- b) Conservation Officer (28/09/15): No objections.
- c) Transportation Planning (05/10/15): No objection subject to conditions.
- d) Planning report (13/10/15): Further information required including measures to deal with concerns regarding overlooking of the adjoining property (Bruagh na Carraige) from the proposed terrace and first floor glazing, in addition to a Construction Management Plan with particular regard to traffic and access arrangement for construction.
- e) Transportation Planning (19/11/15): No objection subject to conditions.

- f) Planning Report (01/12/15): The response to further information was noted. The design and scale of the proposal was considered acceptable in the context of Development Plan policy, the amenities of adjoining properties and visual amenity. A grant of permission was recommended subject to the conditions outlined below.

#### 4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 9 conditions. The conditions are standard in nature.

#### 5. PLANNING HISTORY

- 5.1 No planning history on the site.

#### 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.'

- 6.2 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.'

- 6.3 The site is within the Killiney Architectural Conservation Area (Sections 11.3.10 and 16.9.2.) It is Council policy (AR8) 'to protect the special character of places, areas, groups of structures or townscapes, which have been designated as Architectural Conservation Areas

#### 7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by Killiney Design Associates on behalf of George O'Connor & Verena Keane, Bruagh Na Carraige, Glenalua Road, Killiney, Co. Dublin. The grounds of appeal are as follows...

- The appellants note that the description of the development is inaccurate as it represents complete demolition of the existing dwelling and construction of a new dwelling.

- The appellants consider that the proposal by virtue of scale and design to be out of character at this location and due to its increased height it impacts adversely on views currently enjoyed from the appellants' dwelling.
- The appellants raise concerns regarding the design of the approved balcony , which is considered intrusive, the lack of details regarding external finishes, impact of reflections in glazed sections of the dwelling and light pollution from the high level windows.
- The appellants are critical of the Construction Management Plan submitted in that the construction hours do not take adequate account of the adjoining residents and that the construction activity would be disruptive for existing residents. The appellant notes that the access is a right of way and the applicants do not have the right to obstruct such during construction.

7.2 A third party appeal has been lodged by Simon Clear & Associates on behalf of Peter Evans, Knockadoo, Glenalua Road, Killiney, Co. Dublin. The grounds of appeal are as follows...

- The appellant notes that the proposal by virtue of its bulk, scale and design would be visually intrusive at this location and is out of character and proportion with the adjoining dwelling.
- It is noted that the photomontages submitted by the applicant do not give a true reflection of the impact of the proposal with it noted that the proposal would have an adverse impact when viewed from the appellant's property.
- Concern is expressed regarding the increased height of the dwelling over the existing dwelling on site with it noted that the high level windows proposed to be unnecessary for the purposes of light levels within the dwelling and resulting in light pollution.
- The appellant has commissioned photomontages to accurately reflect the adverse impact of the proposal on his residential amenity. The appellant notes the proposal would block views and be closer to the site boundaries impacting upon residential amenity. It is noted that the proposal would be contrary to the zoning objective of the site and would depreciate the value of the appellant's dwelling.
- The appellant also raises concerns regarding the impact of construction in terms of disruption and disturbance due to the confined access to the site.

## 8. RESPONSES

8.1 Response by Dun Laoghaire Rathdown County Council.

- The PA note they have no further comments to make and request that the Board uphold their decision.

8.2 Response by Brazil Associates on behalf of the applicants, Tanya & Phillip Airey.

- The response relates to the third party appeal by George O'Connor & Verena Keane, Bruagh Na Carraige, Glenalua Road, Killiney. The applicants refute the ground of appeals noting that the extended dwelling's height and scale will be well below that of the appellants' dwelling.
- The revisions as a result of further information deal with any overlooking issues concerning the appellants' property.
- The applicants confirm the extent of the site boundary and their landownership.
- The proposal is not complete demolition of the existing dwelling with the ground floor of the existing dwelling retained.
- 4 car parking spaces can be accommodated and no parking is provided on the access laneway.
- The construction will be carried out to entail minimum disruption and there is to be no interference with the existing services under the access laneway.
- The design of the proposal has adequate regard to the residential amenity of the appellants' dwelling.

8.3 Response by Simon Clear & Associates on behalf of the appellant, Peter Evans, Knockadoo, Glenalua Road, Killiney

- The response notes support and agreement in regards to the contents of the third party appeal submission by George & Verena O'Connor.

8.4 Response by Brazil Associates on behalf of the applicants, Tanya & Phillip Airey.

- The response relates to the third party appeal by Peter Evans, Knockadoo, Glenalua Road, Killiney. It is noted that the design proposal and increase in scale will not have an adverse impact on the outlook from the appellant's property and views.
- It is noted that the construction management plan will be expanded in detail prior to the commencement of development.
- It is noted that the description of the proposed development is accurate.
- It is noted that the location of the extension to existing dwelling will minimise the need for rock breaking.
- It is noted that the proposal provides for a reasonable solution to the upgrade and extension of the existing dwelling.

8.5 Response by Dun Laoghaire Rathdown County Council

- The grounds of appeal do not raise any new matters which justify a change in attitude to the proposed development.

8.6 Further response by Simon Clear & Associates on behalf of the appellant, Peter Evans, Knockadoo, Glenalua Road, Killiney

- The response relates the meetings the appellant has with the applicants over the project. The appellant notes that he considers that is only the photomontage that misrepresents the impact of the proposed development. The response also includes a method statement for interpretation the photomontages submitted by the appellant.

8.7 Response by Killiney Design Associates on behalf of George O'Connor & Verena Keane, Bruagh Na Carraige, Glenalua Road, Killiney, Co. Dublin.

- The appellants reiterate concerns regarding the proposal as outlined in their appeal submission and refute the applicants' claims in their response to the ground of appeal raised.

## 9. ASSESSMENT

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

Principle of the proposed development

Residential Amenity

Visual Amenity

Traffic/car parking

Other Issues

### 9.2 **Principle of the proposed development:**

9.2.1 The appeal site is zoned 'A': 'to protect and/ or improve residential amenity.' The renovation and extension of an existing 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 proposal entails an increase in the floor area of 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.

- 9.2.2 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.
- 9.2.3 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'. The existing dwelling is of no significant architectural merit and not a protected structure, its extension and significant alteration would be acceptable subject to an appropriate design and scale.
- 9.2.4 The appeal submissions raise concerns that the description of the proposed development as renovation and extension of an existing dwelling is not accurate. The submissions note that the level of demolition proposed is such that the proposal is for demolition of the existing dwelling and construction of a new dwelling. Having inspected the plans I would note that a significant level of demolition is proposed, however it is proposed to retain a lot of the structure of the dwelling on site including the lower ground floor level and some of the walls at ground floor level. Irrespective of description I would note that same planning issues apply, such as design, scale, visual and residential amenities.

### **9.3 Residential Amenity:**

- 9.3.1 The appeal submissions raise concerns regarding the impact of the proposal in regards to residential amenities with issues such as impact on privacy and outlook the main issues raised. The existing dwelling on site is a low profile split level flat roofed structure. The proposal entails extending the dwelling to front and rear as well as upwards increasing the footprint and ridge height. There are two existing dwellings immediately adjoining the site, to the north of the site is 'Knockadoo', which is a dormer style dwelling that has its rear elevation orientated south and overlooks the site and beyond. To the south west of the site is 'Bruagh Na Carraige', which is a large split level dwelling. In regards to overall impact the extended dwelling coincides with the footprint of the existing dwelling and although extended to front, back and up, does not alter the existing pattern of development at this location. The existing dwelling has a significantly lower finished floor level and ridge height than both of the

existing adjoining dwellings and extended dwelling despite its increased ridge height and footprint, still has a much lower finished floor level and ridge height than the adjoining dwellings.

9.3.2 The main concerns raised by the appellant who reside at 'Knockadoo' relates to the increased footprint and ridge height with it considered that the proposal has an adverse impact on the outlook from the existing dwelling, including an overbearing impact, loss of a view and increased light pollution through the high level windows on the roof profile. When viewed from the rear of the appellants dwelling, the existing dwellings will have increased in size and height, I would however consider that the overall design and scale of the approved development to have adequate regard to the residential amenities of the appellants property. In terms of overall scale the extended dwelling is still significantly lower in finished floor level and ridge height than the existing adjoining dwelling, and cannot be said to have an overbearing impact on the exiting dwelling. The increase in ridge height of the approved development over the existing is 1.7m, this relates to a section of the roof on the southern portion of the dwelling with the increase in ridge height on the northern portion nearest to 'Knockadoo' a more modest 0.8m. In regards to impact on the view to the rear of the appellant's property, a photomontage was submitted by the applicants showing the impact of the proposal when viewed from the rear of 'Knockadoo'. The appellant noted that the submitted photomontage does not accurately reflect the impact of the proposal and have submitted photomontages to illustrate the full impact of the proposal on the view from the rear of their property. Having inspected the site and viewed the photomontages submitted by both the applicants and appellant, I would note that the increased ridge height would alter the view from the rear of 'Knockadoo', however would not eliminate completely the view of the coast. Notwithstanding such protection of a view from a dwelling is not a planning issue or a factor in assessing impact on residential amenity. I would consider that the overall scale and design of the proposed development is acceptable in that it is not excessive in scale relative to the existing adjoining dwelling, would not have an overbearing impact, would not result in a loss of privacy or light to the existing dwelling and provides for an acceptable standard of development in the context of the residential amenity of the existing dwelling.

9.3.3 The other appellants' in this case are resident in the existing dwelling to the south of the site, 'Bruagh Na Carraige'. The main issues raised regarding impact on residential amenity relates to impacts on views and privacy due to the design, scale proposed and the location of glazing. The proposal entails extension of the dwelling to the front, back and upwards. The south western elevation of the existing dwelling on site currently coincides with the north eastern elevation of the 'Bruagh Na Carraige' in regards to building line. It is



proposed to extend the existing dwelling south eastwards with a two-storey extension that will project beyond the existing building line. The appellants raise concerns regarding impact on views from their property and subsequent impact on privacy due to the level of projection forward of the building line and level of glazing proposed on the southern elevation. There are a number of factors to be considered in regards to the impact of the proposed development on the adjoining dwelling. I would consider that despite the proposed development projecting forward of the existing building line, the level of extension proposed is acceptable. Firstly I would note that the main orientation of the existing dwelling is south eastwards and given such orientation and the location of the proposal to the north, the proposed development does not have a significant impact on the outlook of the existing dwelling. It is noted that there are existing windows on the north eastern elevation of the existing dwelling, however the level of separation taken in conjunction with the fact that the ridge height of the approved development is still significantly lower than that of 'Bruagh Na Carriage', would mean the proposal would not have an overbearing impact. In regards to the issue of privacy I would note that the approved development that was subject to modification due to concerns regarding overlooking has adequate regard to the residential amenity of the adjoining property. The balcony on the south eastern elevation area is sufficiently recessed. In regards to windows on the south western elevation, the provision of obscure glazing as well solid panels in the extended section that projects beyond the existing building line is acceptable. The high level glazed panels are as they are noted, high level and do not afford the ability of overlook and in this regards are acceptable in the context of residential amenity.

9.3.4 Both appellants raise the issue of light pollution from high level windows. I would consider that given the urban context of the proposed development I do not consider that there is an issue of concern here in regards to residential amenity. As noted above, I am satisfied that the overall design and scale of the proposed/approved development has adequate regard to the residential amenities of adjoining properties.

#### 9.4 **Visual Amenity:**

9.4.1 The proposal entails significant extension of the existing dwelling on site with extension to the front and rear elevation, and increase of the ridge height. The existing dwelling is a split level dwelling with the bulk of the increase in the form of a two-storey extension to the south east. Despite the increase in size the actual increase in height is relatively modest, being 1.7m at its highest point. The nature of site and the adjoining lands is that the levels fall south eastward with excellent open views of the coast. Despite the increase in size, the overall scale and design of the dwelling would not be out of character at this location and the extended dwelling is still significantly lower in finished

floor height and ridge height than the two nearest adjoining dwellings to the north and south west. The landscape at this location provides a good backdrop to the extended dwelling, which would not be out of character and scale with adjoining dwellings. The extended dwelling is contemporary in nature and features external finishes that would be satisfactory in regards to visual amenity and would not be out of character with the designated ACA. The existing site also has well established boundary treatment and landscaping that is to be retained. I am satisfied the design and scale and visual impact of the proposed/approved dwelling would be satisfactory in the context of the visual amenities of the area.

#### **9.5. Traffic/car parking:**

9.5.2 The proposal entails extension and alteration of an existing dwelling and although the proposal entails significant increase in floor area, the proposed development is to remain a single-dwelling. In this regard the proposal has no additional parking requirements over and above the existing dwelling on site. Some concerns have been raised about the width of the existing access laneway and the immediate public road network. It is notable that Glenalua Road is a narrow road and that the access laneway serving the site is also narrow. In terms of traffic impact the proposal would not generate any additional traffic over and above the existing dwelling on site and in this regard the proposal is satisfactory in regards to traffic safety and convenience.

9.5.3 One of the appeals questions the level of car parking proposed and whether such will encroach on the existing laneway, which is a right of way. There is an existing parking area to the front and such is to be revised to provide for parking for at least four cars (layout drawing shows three demarcated spaces, there is however space for four cars). The provision of such would be way in excess of that required under Development Plan policy and such would not interfere with existing access along the laneway.

#### **9.6 Other issues:**

9.6.1 The appellants have raised the issue of construction management and the potential disruption likely to be caused by construction works as well as difficulties in accessing the site. The applicant submitted some detail regarding construction management to deal with this matter. I would acknowledge that access to the site is narrow, however there is parking space available to the front of the site. The proposal is for extension and renovation of a single dwelling and in this regard I do not consider that such could not be constructed with minimal disruption. I am satisfied that subject to an adequate construction management plan and appropriate conditions regarding construction hours, that the proposal would acceptable in this regard.

9.6.2 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.

9.6.3 The issue of landownership and rights of way are raised by the appellants. Although it would appear that the applicants have demonstrated sufficient control over the site and that the proposed development does not encroach or interfere with the existing access laneway, such issues are not a planning considerations.

## **RECOMMENDATION**

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

## **REASONS AND CONSIDERATIONS**

Having regard to the zoning objective, the design, scale, layout and location of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the ACA or protected view, or the residential amenity of property 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 06<sup>th</sup> day of November 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

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

2. Prior to the commencement of development, the applicant shall submit details and samples of all proposed external finishes for the written agreement of the Planning Authority. This shall include the use of non-reflective glass on all elevations facing the sea.

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

3. All glazing sections indicated to be fitted with obscure glazing on the submitted plans shall be fitted with such and retained as such permanently.

**Reason:** In the interests of residential amenity.

4. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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 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 of working, access, noise management measures and off-site disposal of construction/demolition waste.

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

6.

(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) All trees within and on the boundaries of the site shall be retained and maintained with the exception of the following:

(i) Specific trees, the removal of which is authorised by the planning authority.

(ii) Trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeons report and which shall be replaced with agreed specimens.

(c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to and agreed in writing with the planning authority before any trees are felled.

**Reason:** In the interest 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 within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or directly to the shore.

**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 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.

Colin McBride  
15<sup>th</sup> March 2016