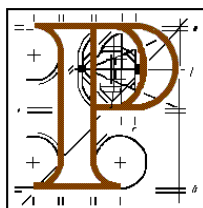


## An Bord Pleanála



### Inspector's Report

**Appeal Reference No:** 06D.245944

**Development:** Permission for demolition of existing garage to side of existing dwelling, and sections of main dwelling to the rear. Construction of two storey extension to rear of existing dwelling including accessible roof terrace at first floor level and single storey sauna at rear of site, inclusive of associated landscaping works. Widening of vehicular entrance to 3.6 metres. Refurbishment and renovation of existing dwelling inclusive of all associated site works at 27 Knocknacree Park, Dalkey, Co. Dublin.

#### Planning Application

Planning Authority: Dun Laoghaire Rathdown Co. Co.  
Planning Authority Reg. Ref.: D15A/0636  
Applicant: Dr. Markus Grimmeisen and Leticia Medina Andres  
Planning Authority Decision: Grant permission

#### Planning Appeal

Appellant(s): Mr. and Mrs. Ken and Muriel Ryan  
Type of Appeal: Third Party  
Observers: Mary Prendiville  
Date of Site Inspection: 31<sup>st</sup> March 2016

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located at No. 27 Knocknacree Park, Dalkey, Co. Dublin. The site is within an established residential area and has a stated area of 0.095 hectares.

The existing dwelling on the site is a detached property with a stated floor area of c. 170 square metres. The ground level at the rear of the site is approximately 9 meters higher than the front of the site. The dwelling and site have spectacular sea views. There is good screening on the boundaries at the rear of the site.

Knocknacree Park is an unusual estate dating to the 1960's and has a distinct character. The houses were designed in a style reminiscent of Californian architecture of the 1950's and 1960's. The houses are individually designed, but to an overall style.

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:

- Demolition of the existing garage to the side of the dwelling and sections of the main dwelling to the rear.
- Construction of two storey dwelling to the rear of the existing dwelling, including accessible terrace at first floor level and single storey sauna at the rear of the site.
- Widening of vehicular entrance to 3.5m.
- Refurbishment and renovation of existing dwelling inclusive of all associated site works.

Revised details and plans submitted with the appeal response dated the 29<sup>th</sup> day of January 2016 provide for the following:

- Revised rear elevation - Appendix B1 - to provide for 200 x 75mm timber fins to act as a visual barrier on first floor glazing.
- Omission of glazed bi-folding doors and provision of full height solid timber bi-folding doors with 500mm full height single slit window - Appendix C2.

## **3.0 PLANNING HISTORY**

### **Pre-planning PAC/507/15**

Pre-planning issues discussed:

- Ensure no overlooking from the proposed terraces;
- Design is contemporary and in keeping with the existing building. It is noted that adjacent buildings have 2 storey elements to the rear, visible from the front of the building;
- Provide overshadowing drawings.

#### **4.0 PLANNING AUTHORITY DECISION**

##### **4.1 TECHNICAL REPORTS**

###### **Planning Report**

The planners' report noted that five No. submissions were received. It considered that the design was contemporary and in keeping with the character of the area. It considered that the proposed development would not detract from the amenities of the adjoining properties by reason of overlooking or overshadowing.

###### **Drainage Planning**

This section required further information.

###### **Transportation Planning**

No objection subject to conditions

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

Dun Laoghaire Rathdown issued a notification of decision to grant permission subject to 9 No. standard conditions.

#### **5.0 GROUNDS OF APPEAL**

A third party appeal against the Council's decision was submitted on behalf of Mr. and Mrs. Ken and Muriel Ryan. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Concern regarding overlooking from first floor terrace and single storey store, sauna and walkway to the sauna.
- Scale and extent of glazing proposed on first floor.
- Over-dominance of two storey extension.
- Concern regarding visual impact of structure supporting the walkway and the balustrade along the walkway.
- The 'overlooking study' submitted with the application does not show the kitchen and dining room windows in the east elevation of No. 28.

- Concern regarding loss of light to kitchen and dining room windows.

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

### **6.1 Planning Authority Response**

The Planning Authority response can be summarised as follows:

- The Board is referred to the previous planner's report.
- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### **6.2 First Party Response**

The First Party response can be summarised as follows:

- Proposed terrace would not give rise to views to living areas of No. 28.
- Shadow diagrams have been prepared which demonstrate that the proposed development would not have an adverse impact on neighbouring residential amenity.
- No views of the rear elevation/ courtyard at No. 28 would be possible from the proposed first floor extension.
- The rear of the garden at No. 28 is the only position where an oblique view may be possible. To prevent any possible view in this regard, it is proposed to clad the rear elevation with deep timber fins (200 x 75mm).
- The photographic image in Appendix C1 illustrates that there is no potential overlooking from the store. To prevent any possible view from the store it is proposed to provide a 2.8m high solid timber door and a 500mm wide full height window.
- Levels of the proposed walkway and sauna are consistent with the existing garden.

### **6.3 Third Party Response**

A third party response submitted on behalf of Ken and Muriel Ryan to the first party response can be summarised as follows:

- The rear elevations of houses in the vicinity of No. 27 are all single storey.
- The first floor terrace will overlook the Ryans kitchen and dining room from a distance of under 6m.
- The shadow study submitted is inadequate.

- Excessive glazing in rear elevation will impact negatively on privacy of No. 28.
- Fins proposed on rear elevation will add a further structural element which will render it even more overbearing.
- Concerns remain in relation to overlooking from the store.
- Walkway should not be permitted.
- Sauna is a 'house' use and not a 'garden' use and will give rise to an unacceptable intensification of use.
- External design and finishes bear no relationship to adjoining dwellings.

#### **6.4 Observations**

An observation has been submitted from Mary Prendiville which can be summed up as follows:

- Scale excessive and out of keeping with existing houses.
- Loss of light and overlooking of kitchen and study windows.
- Overlooking of patio and rear garden.

#### **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.'

Section 8.2.3.4 of the Development Plan refers to residential extensions.

#### **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 Residential Amenity
3. Visual Impact
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 Residential Amenity**

The main issues raised in the appeal relate to potential for overlooking from the first floor terrace, first floor glazing, single storey store facing the rear courtyard, walkway from first floor leading to the sauna and sauna at the rear of the garden. Concern is also raised in relation to loss of light to the kitchen and dining room windows of No. 28 in the eastern elevation.

The existing dwelling on the site consists of a detached single storey four bedroom property with a stated area of 170 square metres. It is proposed to construct a two storey extension to the rear of the existing dwelling with an accessible roof at first floor level. The upper floor will be fully glazed for its full width and provide for an accessible terrace between the single storey and two storey elements and a terrace/ connection to the garden. The garden connection from the first floor leads to a sauna at the rear of the garden.

Having regard to the proximity to adjoining houses and the contours of the site, I share the concerns raised in relation to overlooking from the first floor terrace and the walkway to the garden. I consider that these elements of the proposal should be omitted by condition.

I do not consider that there would be significant overlooking from the rear first floor elevation as this element projects 3.3 metres from the line of the existing rear elevation of No. 28. I accept that there would be views from the garden of No. 28 towards the first floor glazing. I note that the family bathroom and hallway at this location comprise of full height glazing. In order to prevent any possible view in this regard revised details submitted in the appeal response proposed to clad the rear elevation with deep timber fins which would act as a visual barrier and obstruct any view to the first floor corridor. I am satisfied that this measure addresses the concerns raised.

I consider that there would be no significant impact in terms of overlooking from the proposed sauna. The existing levels of the garden at this location are similar to the proposed sauna level. Whilst I accept that there would be an intensification in the use of the garden at this location, having regard to existing hedgerows and boundaries, I am satisfied that the proposed sauna would not unduly impact on the residential amenities of adjoining properties.

I consider that there would be no significant impact in terms of overlooking from the single storey store. The floor level of the store would be approximately 0.8m above the level of the existing garage at this location. Appendix C1 attached to the appeal indicates the view towards the adjoining site from the proposed ground floor level of 106.21 OD. To prevent any possible view from the proposed store, it is proposed to omit the glazed bi-folding doors and provide for a solid timber bi-folding door and a 500mm wide single slit window. I am satisfied that these measures address the concerns raised.

I note that the appellants expressed concern in relation to the impact on the availability of light to east elevation windows of No. 28. The two windows of concern are the ground floor windows of a kitchen and dining room. The location of these windows is illustrated in the appeal response dated the 29<sup>th</sup> of February 2016. These windows are located in close proximity to the shared boundary and there is a high hedge between both properties. Whilst there may be some impact on the availability of light to these windows, I consider that the impact of same would be very minor.

I am of the view that the revised drawings and details submitted with the appeal address the concerns raised in relation to overlooking from the glazing at first floor level and overlooking from the single storey shed. I consider that the terrace between the single storey and two storey parts of the house should be conditioned so that it is accessible for maintenance only. I consider that the terrace connection to the garden should be omitted by condition.

### **Visual Impact**

The main concern raised in relation to the proposed two storey extension was that it would be overbearing and over-dominant. It was stated in the appeal 'that the design concept, where there is strong and free inter-visibility between heavily trafficked living areas and neighbouring patio and garden areas, is inappropriate in any suburban situation. It is particularly inappropriate, inserted into a context where single storey aspect has prevailed since the construction of the dwellings.'

On my site inspection, I noted that whilst the rear elevations of houses in the immediate vicinity of No. 27 are single storey, the vast majority of houses are two storey to the front on this side of the road and in the cul de sac at the end of the estate in order to take advantage of the spectacular views. Having regard to my site inspection, the pattern of existing development in the area, the contiguous elevation submitted with the application, and the 'A1 Precedent Study' submitted with the appeal, I consider that the design proposed is appropriate to the context of the site and will not have a detrimental visual impact at this location.

## **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 provisions of the Dun Laoghaire-Rathdown County Development Plan 2016- 2022, to the pattern of existing development in the area and to the design and scale of the proposed extensions, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area 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 as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of January 2016 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 width of the proposed widened vehicular entrance shall be a maximum of 3.5 metres.



**Reason:** In the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development, details and samples of all proposed external finishes shall be submitted to, and agreed in writing with the planning authority.

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

4. (a) The proposed first floor terrace connection to the garden shall be omitted and the proposed first floor terrace between the existing dwelling and the proposed extension shall be accessible for maintenance purposes only.

**Reason:** In the interest of protecting the residential amenities of adjoining property.

5. 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.

6. 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.

7. 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.

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Emer Doyle  
Inspector  
12<sup>th</sup> April 2016