



An
Bord
Pleanála

Inspector's Report 06D.247335

Development	Demolition of existing single- and part two-storey extension of a new part single- and part two-storey extension to an existing house.
Location	'The Breakers', 68 Coliemore Road, Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D16A/0303
Applicant(s)	Heather Darling
Type of Application	Permission
Planning Authority Decision	Grant planning permission and refuse planning permission.
Type of Appeal	First and Third Parties
Appellant(s)	Conor & Áine O'Hanlon. Heather Darling Tim & Jacqueline McDonnell
Observer(s)	None

Date of Site Inspection

16th December 2016.

Inspector

Michael Dillon

1.0 Site Location and Description

1.1. The site, with a stated area of 0.0211ha, is located on the west side of Coliemore Road in Dalkey. There are double yellow lines on either side of the road in the vicinity of this site. There is a semi-detached single-storey house on the site, with a small first floor to the rear – a study of approximately 9.0m² (including staircase access). There is off-street parking for two cars within the front garden curtilage. A pedestrian pathway along the northern boundary of the site gives access to a part single- and part two-storey house (no. 69) built immediately behind the house on the appeal site: this house is currently undergoing renovation. The pedestrian access to his house is flanked by granite walls. The level of the site rises away from the road towards the rear of the site – the level difference being approximately 2m, with the level of the house being above the level of the street. The house has no open space to the rear – the only amenity space available being to the front of the house. There is a two-storey-plus-dormer semi-detached house (no. 70) located to the northwest of the house on the appeal site. There is a single-storey house with rooflights (no. 28) on the opposite side of Coliemore Road: this house opens directly onto the public footpath.

2.0 Proposed Development

2.1. Permission sought on 5th May 2016 for development as follows-

- Demolition of extension to rear of house and replacement with a larger part single- and part two-storey extension (increase in overall floor area of the house from 83m² to 110m²).
- New first floor roof terrace built into existing single-storey pitched roof.
- Re-arrangement of internal layout of house.
- New vehicular entrance arrangement (motorised sliding gate) with one on-site parking space.
- Disposal of surface water to soakway beneath new driveway.

2.2. Following a request for additional information, the following was received on 8th or 11th August 2016 (which date is not clear – although the Notification of decision to grant planning permission refers to the latter date)-

- Revised site plan to show no. 70 Coliemore Road to the northwest.
- Details of northern boundary wall and rubble stone facing.
- Redesign of first floor extension (reduction of approximately 3m²).
- Replacement flat roof for proposed first floor extension.
- Redesigned high-level first floor study window.
- Reduced area first floor terrace.
- Manual sliding gate proposed at vehicular entrance.
- Aerial photograph, with house plan superimposed.
- Revised public notices.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 5th September 2016, Dún Laoghaire-Rathdown County Council issued a split decision to grant and to refuse planning permission.

3.1.1. Grant Permission

Subject to the following conditions of note-

1. Development to be carried out in accordance with plans and particulars received with the application, as amended by particulars received on 11th August 2016.
2. Requires submission of revised plans to maintain vehicular entrance in present position.
5. Alterations to the stone wall northern boundary shall be made so that new work matches existing stonework.
6. Relates to agreement of external finishes with the planning authority.

7. Requires payment of a development contribution of €1.99 for surface water public infrastructure.

8. Requires payment of a development contribution of €45.53 for roads public infrastructure.

9. Requires payment of a development contribution of €29.55 for community & parts public infrastructure.

3.1.2. Refuse Permission

Permission was refused for proposed new access and driveway arrangement on grounds of detrimental impact on the architectural character of the area.

4.0 **Planning History**

Ref. D16B/0165: Permission granted for new window in eastern gable of the house to the west (no. 69)) and one rooflight in the north elevation and three rooflights in the southern elevation. This permission has been effected.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant document is the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The site is zoned 'A' – "To protect and/or improve residential amenity. The site is located within an area of archaeological potential – associated with the adjacent Coliemore Harbour – located on the opposite side of the road. There is an objective to protect sea-ward views from Coliemore Road. Policies AR5 and AR8 recognise that there are buildings which make a positive contribution to the historic built environment of the county, that are not included on the RPS or located within an Architectural Conservation Area.

5.2. **Natural Heritage Designations**

The closest European site is Dalkey Islands SPA (Site code 004172) – approximately 50m to the east. The Rockabill to Dalkey Island SAC (Site code 003000) is located slightly further again to the east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. First Party Appeal

The appeal from ABA Architects, agent on behalf of the applicant, received by the Board on 30th September 2016, is against the refusal only, and relevant planning issues can be summarised in bullet point format as follows-

- It is considered that the reason for refusal hinges around section 8.2.4.9.(ii) of the Plan in relation to vehicular entrances.
- The proposed entrance is narrower than what exists at present, and will result in increased length roadside boundary wall.
- It is the intention of the applicant to relocate the single original gate pillar to the end of the new wall at the right hand side of the new entrance. Should the Board see fit, the new wall could be completed in rubble granite with lime mortar and pointing – instead of the rendered wall which currently exists at this house.
- The existing vehicular entrance is a change on what would originally have existed at this site.
- The introduction of a green front garden space immediately abutting the new wall would represent a visual improvement in the area.
- The new wall will be of the same dimensions and height as the existing wall.
- The road safety issues in relation to movement of this entrance is marginal. The Transportation Section of the Council had no objection to the relocation of the entrance.

The appeal is accompanied by an annotated photographic record of granite and replacement granite walls in the area.

6.1.2. Third Party Appeals

Two third party appeals have been received from the following-

1. Arthur Gibney & Partners, agent on behalf of Conor & Áine O'Hanlon of 28 Coliemore Road (house opposite the appeal site), received by the Board on 29th September 2016.

2. BPS Planning Consultants, agent on behalf of Tim & Jacqueline McDonnell of 70 Coliemore Road (house to the northwest of the appeal site), received by the Board on 3rd October 2016.

The relevant planning issues raised can be summarised in bullet point format as follows-

- The occupants of the house on the opposite side of Coliemore Road are concerned in relation to overlooking from the 1st floor terrace area – both into ground floor windows and open space to the north of the house. It is noted that the Conservation Officer for the Council was similarly concerned in relation to works to the roof of this house. The roof terrace cannot be considered essential to the enjoyment of this house. A terrace cut into the pitched roof of a small 19th Century villa does not make architectural sense.
- The new extension to this house will impact negatively on the amenities of no. 70 Coliemore Road – to the north and northwest. No. 70 has front, side and rear gardens. There is a terrace to the side of the house which affords views over Coliemore Harbour and the sea. There are windows in the side elevation of no. 70 which address the appeal site.
- The proposal to introduce a new 1st floor roof terrace, new first floor window and new ground floor window in the north elevation of the development would all result in loss of privacy for occupants of no. 70. At present there is no overlooking from no. 68, other than a narrow window at first floor level. The separation distance is insufficient to protect residential amenity.
- Additional information drawings submitted by the applicant, failed to indicate the location of the terrace area to the side of no. 70, which is raised above street level.
- Permission for this development should be refused on grounds of unacceptable impact on the residential amenities of no. 70 which would be contrary to the zoning objective of the area.

- A roof terrace is not needed for this house – where there is already a front garden amenity area. The Council would appear to favour a roof terrace for this house because it has no back garden. However, the front garden enjoys fine views and has sunshine most of the day.
- No. 70 has private amenity space to the front and side of the house – due to views and sunlight availability.
- The ground floor window in the northern elevation should be either refused or conditioned to be in obscured glazing.
- A roof terrace in a 19th Century building would be contrary to Policy AR5 ‘Buildings of Heritage Interest’ and Policy AR8 ‘Nineteenth and Twentieth Century Buildings’. The proposal would alter the roofscape of the street. The Conservation Officer for the Council was similarly concerned with the impact of the development on the roof of this building. Reducing the size of the roof terrace (from 27.5m² to 23.6m²) does not lessen the impact of this terrace on residential amenity or visual appearance. If this element of the development is not refused permission, then at least a screen should be erected to preserve the amenity of the occupants of no. 70.
- The occupants of no. 70 have no objection to the proposed first floor extension – simply the roof terrace and the window in the northern elevation.
- Any grant of planning permission should require the 1st floor window to be relocated back to its original position.
- The roof terrace will be visually prominent when viewed from Coliemore Road.
- Permission for a roof terrace would set an undesirable precedent for other similar-type development.

6.2. Applicant Response to Third Party Appeals

The response of David Mulcahy Planning Consultants Ltd, agent on behalf of the applicant, Heather Darling, received by the Board on 25th October 2016, can be summarised in bullet point format as follows-

- This part of Dalkey is characterised by a variety of building styles, arranged in a relatively tight urban grain.
- There is no statutory recognition in the Development Plan that the site is located in a 'High Amenity Area'.
- Given that permission was granted, it is clear that the planning authority did not consider that the development would have a significant impact on the amenity of no. 70 or no. 28 Coliemore Road.
- The height of the proposed first floor extension is lower than what exists at present.
- The roof terrace will provide a useful element of private open space in a house that has no rear garden.
- There is no overlooking issue relating to no. 28. The ridge of the roof is 1.7m – higher than average eye level. No. 28 is already overlooked by no. 68, as the latter house is elevated above the level of the street. The façade of no. 28 is a public façade – directly onto the street.
- The side garden terrace of no. 70 receives very little sunlight owing to its location to the north of no. 68.
- The principal amenity space of no. 70 is the large rear garden. Front gardens and side gardens can often be viewed from the street, and are not afforded such high priority in relation to privacy as rear gardens.
- The ground floor window in the northern elevation overlooks the parking area within the curtilage of no. 70. The proposed new porch extension of the house will obscure the view from this window towards the side garden terrace of no. 70. A condition requiring this window to be in obscured glazing is entirely unnecessary.
- There is an existing first floor window in the extension to the rear of this house – addressing no. 70. Boundary treatments obscure any view of the side garden terrace of no. 70 from this window.
- Whilst the new first floor extension will be closer to no. 70, the new window will be narrower (600mm as opposed to 750mm).

- It is noted that the occupants of no. 70 have recommended to the Board that this window be relocated back to its original position *vis a vis* the back wall of the existing house. Whilst the applicant is opposed to this, if the Board consider it absolutely necessary to protect the amenity of no. 70, then the applicant would reluctantly accept a condition to relocate it back to its original position. It should be noted that it was brought forward by 1,164mm in order to obtain a better sea view and to direct the views in a more forward direction which adds to the privacy of number 70.
- It is noted that the occupants of no. 70 have no objection to the first floor extension – just to the window in the northern elevation.
- The northern boundary of the roof terrace will be set back 2.168m from the gable wall of no. 68. The sloping roof will remain in situ. A glazed balcony treatment is also to be provided on the north side. The terrace will not give rise to overlooking of no. 70. It is designed to take advantage of sea views to the north. The side garden terrace of no. 70 is already well-screened by shrubs.
- The applicant would reluctantly accept a condition requiring an opaque glazed screen 1.6m high, should the Board consider such essential to maintain the residential amenity of no. 70.
- This roof terrace will be the only private open space available to the occupants of the house.
- The roof terrace would not detract from the historic appearance of this area, as it will not be visible from the front of the house and only partially visible from the side.

The response is accompanied by a revised northern elevation drawing showing a 1.6m high glazed screen (from deck level) – which could be included as part of the development – should the Board consider it absolutely necessary.

6.3. Planning Authority Response

The response of Dún Laoghaire-Rathdown County Council, received by the Board on 25th October 2016, can be summarised in bullet point format as follows-

- The planning authority would highlight the special streetscape character at this location – particularly in relation to the revised entrance arrangements.
- The site is already well-served by the existing vehicular access arrangements.
- The new entrance would be relocated closer to a bend in the road – thereby further reducing already sub-standard sightlines.
- The Board is directed to reports already on the file in relation to the 3rd party appeals.

6.4. **Observations**

By letters dated 9th November 2016, the Board referred the appeal to the following for comment-

- An Taisce.
- Development Applications Unit of Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- The Heritage Council.

There were no responses received.

7.0 **Assessment**

The principal issues of this appeal relate to residential amenity and traffic safety.

- 7.1. There is no open space to the rear of this house – the entire being infilled with a single-storey extension. The only amenity space for this house is to the front. Most of the front garden area is taken up with a paved parking area and a paved terrace. The raised terrace affords fine views to the sea. The front garden area is oriented east-northeast and would enjoy good morning sunshine. It is proposed to augment this open space area through the creation of a roof terrace – carved out of the rear pitch of the existing slate roof of the single-storey 19th Century villa house on the site. The floor area of this terrace was reduced to 23.6m² by way of additional information submission. This terrace is to be accessed from a first floor study room. The terrace is to be entirely located behind the ridgeline of the existing roof – and will only be visible is limited views from Coliemore Road – to the north. I would not consider that

this terrace will result in any overlooking of no. 28 Coliemore Road (on the opposite side of the road) for the reason of separation distance and height of the existing ridgeline. The terrace space will be enclosed by roof on three sides and the wall of the study on the other. The principal views are designed to be to the north towards Coliemore Harbour. The front garden and side elevation and side garden terrace of no. 70 to the north intervene. The application provides for improved front garden space for this house with a paved terrace. I do not see that a roof terrace is necessary for the amenity of this house – particularly one which would result in overlooking of a side garden terrace within the curtilage of no. 70 to the northwest. The applicant has offered to erect a 1.6m opaque glazed screen on the terrace in order to protect the amenities of no. 70. This would be almost as high as the ridgeline of the roof of the house. The effect of such would be to create a box-like open space area with no real views outwards. I would consider that the terrace should be omitted from the proposal on grounds of impact on the residential amenities of no. 70. I would not consider that the roof terrace would impact negatively on the character of a 19th Century villa – in view of the extensions which have already taken place to the rear of the house and to the fact that the roof terrace will not be particularly visible from the road. The house is not a Protected Structure and no is it located within an Architectural Conservation Area.

- 7.2. There is an existing small first floor extension to the rear of this house, with pitched roof. The floor area of this room is approximately 9m² (including staircase access). This extension has a 750mm wide clear window in its northern elevation – looking towards Coliemore Harbour across the front garden area of no. 70. This first floor extension is visible from the road, but does not dominate views of the house. The proposed first floor extension was redesigned by way of additional information submission of 11th August to change the layout, roof design and interior accommodation. A small bathroom has now been excluded. The occupants of no. 70 state that there is no objection to the size of the first floor extension (study), and I would see no difficulty with its size. The existing 750mm window in the northern elevation is located approximately 1.6m back from the rear wall of original house. It is proposed to replace this window by a narrower one (600mm) but to bring it closer to no. 70 – through increasing the size of the study. The window will also be relocated closer to the back wall of the original house. This is to allow for the

positioning of the staircase and to provide views of Coliemore Harbour. The applicant has stated a reluctant willingness to relocate this window further back in order to protect the amenity of no. 70. However, this would have the effect of repositioning the window above the staircase and would reduce its amenity value. On balance, I would not consider it necessary to relocate this window as suggested by the appellants. The proposed window is already narrower. The view from the window is intended towards Coliemore Harbour and not towards the terrace of the occupants of no. 70. It is open to the occupants of no. 70 to plant vegetation to screen their terrace, if it is felt that there will be overlooking. I would not agree with the contention of the occupants of no. 70 that there would be overlooking from this window vis a vis windows in the side elevation of no. 70. Windows in the side elevation of no. 70 already address the side elevation of no. 68 and the front elevation of no. 69 to the rear. This is a suburban area and it is to be expected that there will be some inter-visibility amongst windows of houses.

- 7.3. The proposed ground floor window in the northern elevation of the proposed development will overlook the front garden parking area of no. 70. I would note that there is an intervening pedestrian access to no. 69 to the rear of the appeal site. The window will afford residents views of Coliemore Harbour. It is open to the occupants of no.70 to carry out screen planting if they feel that their property is being overlooked. There is no need for obscured glazing in this window.
- 7.4. The house on this site is not a Protected Structure and nor is it located within an Architectural Conservation Area. It is not reasonable to claim that areas such as this have buildings which make a positive contribution to the historic built environment, without actually identifying such buildings or such areas. This is an attractive residential area – rendered more so by the fine views out to sea and to Dalkey Island. If the area is of such architectural importance, then it should be designated accordingly in the Development Plan. In any event, I do not see that the proposed changes to this house would greatly impact on the architectural integrity of the area. The applicant correctly points out that there are a wide variety of styles and designs in the buildings present.
- 7.5. The existing house has two on-site parking spaces. There is a narrow pavement fronting Coliemore Road and double yellow lines on either side of the road. The site is located on the inside of a slight bend. Sight distance in either direction is already

restricted. I note that the Transportation Section of the Council had no objection on traffic safety grounds. I would not see that relocating the entrance to the opposite end of the roadside frontage would make any material difference in traffic safety. In this new location, it would immediately abut the vehicular entrance of no. 67, to the south. The roadside opening will be narrowed – thereby improving visual amenity. There would originally have been a pedestrian access only to this modest 19th Century villa. The applicant has indicated an intention to reinstate the existing granite pillar. The applicant has further offered to replace the rendered wall with a rubble granite wall. This would improve the visual amenities of the area. The applicant also intends to reinstate a small front garden area – an improvement on the hard surfaced areas which dominate the front garden curtilage of this house at present. I would see no difficulty with the vehicular access arrangements as proposed. Permission should be granted for this element of the development.

- 7.6. The proposed development will result in a marginal increase in the footprint of the house. There will be no impact on the area of archaeological potential surrounding Coliemore Harbour.
- 7.7. There is an attractive rubble granite wall on the northern boundary of this site. This wall is to be partially removed. That portion removed will be replaced with rubble granite facing. This was acceptable to the Council, and I would see no difficulty. It is not clear if the applicant has right-of-way over the pedestrian access to no. 69 to effect this work, and this matter was not raised by any of the parties to the appeal.
- 7.8. It is proposed to connect the development to the existing sewerage network. There will be no impact on European sites within the area.

8.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the

proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.

10.0 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 11th day of August 2016, 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. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

3. The proposed vehicular entrance arrangements shall be as per drawings received by the planning authority on the 5th day of May 2016.

Reason: In the interest of clarity.

4. The existing granite pier of the vehicular entrance shall be re-used in the reconfigured vehicular entrance to the site. The proposed roadside boundary wall shall match what currently exists on the site in terms of height and scale – except that it shall be of exposed granite rubble construction.

Reason: In the interest of the visual amenities of the area.

5. All alterations to the stone wall along the northern boundary of the site shall be carried out so that all finishes harmonise in colour and texture to match the existing boundary wall.

Reason: In the interest of visual amenity.

6. Windows in the northern elevation of the proposed development shall be as shown on drawings submitted to the planning authority on the 11th day of August 2016.

Reason: In the interest of clarity.

7. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

8. The proposed roof terrace shall be omitted from the development.

Reason: To protect the residential amenities of no. 70 Coliemore Road.

9. Water supply and drainage arrangements, including the attenuation of surface water, shall comply with the requirements of the planning authority and Irish Water for such works and services.

Reason: In the interest of public health.

10. 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.

Michael Dillon
Planning Inspector

20th December 2016