



An
Bord
Pleanála

PL06D.247528

Development

The construction of a new two storey four/five bed family home, with dormer attic accommodation and front and rear dormer windows, single storey kitchen extension to rear, new vehicular entrance onto Adelaide Road including new piers and gates and alterations to existing front boundary wall, new 2m high boundary wall between existing house, and new site and all other associated and necessary site works.

Location

“Annacreevy”, Adelaide Road,
Glenageary, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D16A/0605

Applicant(s)

Pierce & Judy Casey

Type of Application

Permission

Planning Authority Decision

Grant, subject to 15 conditions

Type of Appeal	Third Party -v- Decision
Appellant(s)	Ulric & Susan Kenny
Observer(s)	None
Date of Site Inspection	31 st January 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the eastern side of Adelaide Road and to the south west of Glenageary DART Station. This Road is a north/south route that runs between Summerhill Road/Glathule Road (R119) and Glenageary Road Upper (R118). It is composed of almost exclusively residential properties throughout its length.
- 1.2. The site lies within a portion of Adelaide Road that comprises late 19th Century dwelling houses that are detached, of substantial form, and sited within extensive grounds of mature landscaping. These dwelling houses are sited centrally within their respective house plots and their grounds are enclosed by walls with, typically, tall deciduous and coniferous trees to the front of these plots. The resulting streetscape is of sylvan character.
- 1.3. The site itself is of rectangular shape and it extends over roughly the northern quarter of the residential property known as “Annacreevy”, i.e. an area of 0.1234 of 0.4151 hectares. The existing principal dwelling house lies to the north of this site. This dwelling house has been extended to the north and to the south and it is served by several out buildings. Vehicular access to the overall house plot is from a point in the north western corner and this gated entrance way is accompanied by a single storey gate lodge.
- 1.4. The site comprises a portion of the front garden, i.e. the existing south western corner, and a tennis court. It is bound by walls to three of its four sides. The remaining side is, variously, open and continuous with the front garden and one that abuts the edge of the patio that serves the conservatory with balcony over that accompanies the southern elevation of the original dwelling house.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a detached two storey dwelling house, which would accommodate four/five bed over a floorspace of 434.5 sqm. This dwelling house would be sited centrally within the site and in a position forward of the front and rear building lines of the existing dwelling house. The principal elevation would have feature ground and first floor bay windows and a dormer window in its front roof plane. This window would serve habitable accommodation within the attic

and two further dormer windows would, likewise, be installed on the rear roof plane. The northern side elevation would be accompanied by a single storey lean-to element and the rear elevation would be accompanied by a flat roof single storey element.

- 2.2. The proposal would also entail the provision of a new vehicular entrance onto Adelaide Road in a position towards the south western corner of the overall existing house plot, i.e. at the far end of the front boundary wall from the existing vehicular entrance. This entrance would be accompanied by piers and gates would be installed within it. The proposed dwelling house would be served by front and rear gardens and the aforementioned open boundary would be enclosed by means of a 2m high wall.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 15 conditions, including the following one:

Prior to the commencement of development on site, the applicant shall submit for the written agreement of the planning authority, revised drawings showing the proposed new dwelling modified as follows:

(a) The single storey, north side elevation entrance hall, plant room and utility room element omitted, and the proposed house relocated in the proposed site closer to the new north boundary, with equal separation distances to both the north and south side boundaries.

(b) The first floor, south elevation master bedroom window omitted.

(c) The proposed vehicular entrance further recessed eastwards into the proposed site, for a minimum set-back of 6m from the edge of the adjacent public roadway (Adelaide Road).

Reason: *To protect the residential and visual amenities of the area and in the interest of public safety and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner discusses the advice of the Conservation Officer, which is set to one side in the light of the size of the site, the proximity of adjacent dwelling houses on either side upon which the design of the proposed dwelling house would be modelled, the set back of the proposed siting of this dwelling house from the street front, and the wide variety of designs of dwelling houses in the surrounding area.

3.2.2. Other Technical Reports

- Conservation Officer: No objection to the principle of development, however, in accordance with CDP policies, the proposed pastiche design would be inappropriate within a candidate ACA.
- Surface Water Drainage: No objection, subject to conditions.
- Transportation: No objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No objection, standard observations made.
- DoAHRRGA: (At the appeal stage) the following condition is requested:

A style book should be submitted prior to the commencement of the development, to describe in detail using part elevations/sections/plans as appropriate to an appropriate scale, high quality modern architectural details to mark the proposed house as distinct from the period properties along this side of the road. This approach should aim for a coherent design using a limited palette of high quality materials and finishes, with product information supplied as required. Details to be revised include the canted front bay, render mouldings around the opes, dormer windows, eaves treatment, chimney stacks, front porch and door cases, for the written agreement of the planning authority. The applicant's architect is recommended to discuss the intended approach with the Architectural Conservation Officer prior to preparing the style book.

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

Site

- D97B/0208: Two storey rear extension: Permitted.
- D98A/0675: Dormer bungalow/gate lodge/granny flat: Permitted.
- D99A/0879: Removal of car port and construction of a two storey coach house with a staff dwelling on the upper floor: Permitted, subject to the dwelling being used as ancillary accommodation to the principal dwelling house.
- D99A/0880: Single storey gate lodge in lieu of D98A/0675: Permitted.
- D00A/0641: Retention of four 6m high tennis court lights to side garden: Refused on the grounds of visual obtrusion and residential amenity.
- D02A/0080: Four 4m high tennis court lights: Permitted at appeal PL06D.129612.
- V/070/16: Part V exemption certificate granted on 22nd August 2016.

Adjoining site to the south

- D02A/1105: New entrance gates and piers and revised driveway: Permitted.
- D04A/0743 & D15A/0848: Renovation and extension of dwelling house Aylesbury: Permitted, subject to the omission of a zinc front entrance porch.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as being subject to zoning objective “A”, “To protect and/or improve residential amenity.” The western portion of the site is shown as being within a candidate ACA and the trees in this Area are the subject of an objective “To protect and preserve trees and woodlands.” Policy AR17 states that “It is Council policy that development proposals within a candidate ACA (cACA) will be assessed having regard to the impact on the character of the area in which it is to be placed.”

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The appellants begin by outlining the built history of the area. They draw attention to a restrictive covenant on their adjoining residential property Aylesbury, which forbids the addition of a second dwelling house on the plot, and they speculate that the appeal site is subject to a similar covenant. They also draw attention to the CDP and the Architectural Heritage Protection (AHP) Guidelines, which emphasises the paramount importance of design in ACAs, and to the advice of the Conservation Officer, who objected to the design of the proposal.

They proceed to cite the following grounds of appeal:

- The planning authority has failed to recognise that the character of the candidate ACA (cACA) differs between the two Roads, i.e. Marlborough Road is composed of closely spaced early 20th Century dwelling houses while Adelaide Road is composed of earlier dwelling houses which are sited centrally in large sylvan plots.
- The scale and mass of the proposed dwelling house would rival that of the existing dwelling house on the plot, i.e. Annacreevy. Thus, this dwelling house would not be subservient to the existing one and so it would contrast with the other dwelling houses that have been added to existing house plots on Adelaide Road.
- The existing dwelling houses, Annacreevy and Aylesbury, sit comfortably within their respective house plots. The introduction of the proposed dwelling house between these two would lead to a situation wherein this dwelling house would have an overbearing relationship with the former dwelling house, which would also entail overlooking and a loss of privacy, and it would overshadow the conservatory on the southern side of the latter dwelling house.

- The proposed dwelling house would be sited in a position forward of the main body of each of the existing dwelling houses on either side. The front elevation of this dwelling house would be unduly large and its expansive size would not be relieved by subsidiary elements. Furthermore, the proposed new entrance would erode the contribution that the existing front boundary stone wall and adjacent trees make to the character of the cACA. If permitted, then an adverse precedent would be established that would fly in the face of the pattern of shared entrances and the earlier Board decision to permit the sub-division of the dwelling house at No. 23 Marlborough Road but not the provision of a second vehicular entrance.
- The proposed sub-division of the plot on which Annacreevy and its gate lodge are cited would depart from the original pattern of development in the area and it would establish an adverse precedent for more of the same, which would potentially utterly change the character of the area.
- The design of the proposed dwelling house would be a pastiche of 19th Century architecture and, as such, it would contravene national and local policies on good conservation practice. Notwithstanding this concern, the roofscape of this dwelling house would entail a flat element that would contrast with the more intricate roofscapes of existing dwelling houses.
- While the site lies within a cACA, the likelihood is that formal designation will occur within the lifetime of the current CDP and so the character of this Area should not, in the interim, be imperilled. This character is similar to that of Silchester Road, which is an existing ACA. It should be protected in accordance with the advice of the AHP Guidelines, which state that the visual impact of any proposed structure on its setting should be minimised, advice which would be contravened by the proposal.
- The proposal would also contravene policies and advice set out in the CDP. The impact upon trees has not been elucidated as no tree survey has been undertaken.
- Attention is drawn to the case planner's report on D15A/0848 for the refurbishment and extension of the dwelling house known as Aylesbury. This report comments favourably upon the generous separation distances between

the proposed extension and the common boundary with Annacreevy, distances which would not be replicated under the current proposal.

6.2. Applicants Response

The applicants begin by setting out some background information to the proposal, i.e. the applicants' quest to downsize from the existing dwelling house Annacreevy and the ultimately unsuccessful pre-application discussions that were held with the appellants. The original built history of the site needs to be updated in line with more recent developments that reflect the existence of a living city. Alongside the conservation policies cited by the appellants, attention is drawn to the CDP's promotion of densification, partly by means of infill development. Citation of the AHP Guidelines is incomplete as the following salient advice is omitted:

The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed.

The appellants' submission contains several factual inaccuracies/omissions, i.e. under condition 2(a), the proposed dwelling house would not be sited 1m but between 2.640 and 3.412m back from the common boundary in question, the trees to be removed would be non-mature mostly evergreen varieties, and the appellants themselves removed trees, with considerably screening properties, from their side of the said boundary.

They proceed to respond to the above cited grounds of appeal as follows:

- Attention is drawn to the case planner's summation of the proposal, the site, and its context and the fact that, due to relatively high boundary walls and heavy hedgerow and tree cover, existing dwelling houses are largely screened from roadside views. Attention is also drawn to the anomalous siting of the existing dwelling house Annacreevy in an off centre position, thereby leaving room for the proposed dwelling house to be sited on one side of it.

- The AHP Guidelines do not require that new dwelling houses be subservient, e.g. single or dormer bungalows, but that they respect the scale of existing ones. This would be done insofar as the proposed dwelling house would have a floorspace of 434.5 sqm, which would be smaller than Annacreevy at 622.5 sqm and Aylesbury at 567 sqm.
- The extent of the presenting side elevation of the proposed dwelling house to Aylesbury would have no impact as it would be to the north of this dwelling house and it would only contain two upper floor obscure glazed en-suite windows. Likewise, the predicted “approximate” overshadowing of the existing dwelling house Annacreevy would only be slight.
- Streetscape impacts would be minimal as there are very few vehicular entrances from Adelaide Road and so the proposed one would be easily assimilated. The existing dwelling house Annacreevy is set back further into the plot than comparable dwelling houses and the proposed one would align with the dwelling house Aylesbury, the front portion of which is presently being enlarged under permitted application D15A/0848. Thus, there is greater reason again to take the front building line as relating to this portion rather than the main body of the dwelling house.
- Concern over the sub-division of the plot fails to recognise the CDP’s promotion of densification by means of infill development. Concern over precedent is insufficient reason to justify objection, as each proposal must be considered on its merits.
- The critique of the design of the proposed dwelling house is contested for the following reasons:
 - The applicant’s architect is known for his expertise in designing traditional dwelling houses.
 - The comparable dwelling houses on Adelaide Road exhibit a variety of different period design influences: the proposed dwelling house would continue this pattern.
 - Attention is drawn to the cACA, which encapsulates the front gardens and front portions of the dwelling houses on Adelaide Road only, thus

signalling that it is these features and their relationships to one another that are of conservation interest. The proposal would replicate these features and their said relationships.

- The specification of a portion of flat roof to facilitate headroom in the attic is a feature that is not uncommon in traditional dwelling house design and it would also facilitate the specification of a green roof.
- The front elevation would feature a two storey bay on the RHS and a centrally placed dormer window to the roof plane. The entrance would be recessed and accommodated in a single storey lean-to element on the northern side elevation. The front elevation would thus be well-designed.
- The ground floor layout would follow the traditional pattern of formal rooms to the front and everyday ones to the rear.
- The proposal should not be assessed as if it were in an ACA as there is no certainty that the cACA will be formalised. Attention is however drawn to the ACA on Silchester Road, a comparable area, and to the absence of any prohibition of new dwelling houses therein.
- The proposal would be consistent with the CDP.
- Comparison with the appellants' on-going works at Aylesbury are mis-placed as each proposal must be assessed on its own merits.
- The plans submitted by the appellants are critiqued as follows:
 - The level of tree loss is exaggerated.
 - Extensions to Aylesbury are omitted.
 - The depiction of future plot sub-divisions is irrelevant.
 - The existing sub-division of the Adelaide House plot is omitted.
 - The front building line is depicted inconsistently.

6.3. Planning Authority Response

“It is still considered overall that the proposed development is acceptable in its size and design, and would not have serious negative impacts on the adjoining properties or streetscapes.”

6.4. Appellant Response

- The appellants acknowledge that pre-application consultations occurred but, as the applicants were unwilling to entertain significant modifications to their proposal, these were discontinued.
- The applicants downsizing claim is critiqued on the basis that the proposed dwelling house would be similar in size to the original existing dwelling house, i.e. before it was extended.
- The appellants’ plans clearly show the setback of Annacreevy from adjacent dwelling houses.
- The applicants’ citation of CDP densification policies fails to acknowledge that these are general policies and that Policy AR17 and Section 8.2.3.4(vii) are of specific relevance to the site.
- The applicants fail to recognise that the AHP Guidelines are of relevance to cACAs, otherwise their candidature could be undermined by the occurrence of inappropriate development in advance of formalisation.
- The tree situation at Annacreevy and Aylesbury differ, i.e. in the former fine mature specimens would be lost, while in the latter *Leylandii* have been removed and they will be replaced by a yew hedge.
- The applicants’ citation of Adelaide House as an example of a comparable dwelling house, within the grounds of which additional dwelling houses have been erected fails to recognise that the house plot was not undivided under the 1908 OSI map.
- The 1908 OSI map also shows Annacreevy as being originally centrally sited within its house plot, i.e. again before it was extended.

- The proposed dwelling house would block overlooking of Aylesbury from windows in the southern side elevation of Annacreevy. However, as the separation distance in question is 42m, such overlooking is not significant and its negation would not compare with the obtrusiveness of the proposed dwelling house.
- The appellants are satisfied that the submitted overshadowing analysis is accurate.
- The applicants' claim that the current works to Aylesbury (permitted application D15A/0848) would result in a more robust front building line is misplaced, as a proposed porch was omitted by condition leaving only a proposed conservatory.
- The appellants' concern over the inappropriateness of the design of the proposed dwelling house is underlined by reference to the following quotation from the Conservation Officer's report:

The present proposal is considered to be injurious to the architectural integrity and character of the candidate ACA. Designing in a pastiche manner is not appropriate in its context and only serves to confuse the historical narrative of the street and undermine the architectural interest of the existing buildings.

- The planning authority's approach to proximity of new build to boundaries differs between Annacreevy and Aylesbury, with a lesser clearance distance being required in the former than in the latter.
- The applicants' critique of the appellant's plans is set aside as being inaccurate under each of the points raised.

7.0 Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Conservation,

(iii) Amenity, and

(iv) AA.

(i) Land use and density

7.1.1 The subject house plot is located within an area that, under the CDP, is the subject of zoning objective “A” and so residential use is permissible in principle. This plot is already in such use and, under the current proposal, an intensification in the same would arise, by means of the introduction of an additional dwelling house. It has previously been added to by means of the introduction of a gate lodge and staff accommodation within a coach house. The former is a dwelling in its own right while the latter is required to be occupied on a basis ancillary to the principal dwelling house. The applicants state that the impetus for the dwelling house now proposed is their quest to “down size” and yet remain in the area.

7.1.2 National and local planning policies generally promote the densification of existing serviced sites within urban areas. The subject house plot is such a site, albeit one that lies within a candidate Architectural Conservation Area (cACA). This plot has an area of 0.4151 hectares and so it is of generous size, notwithstanding the modest additions referred to above, which have been sited in the northern portion of the plot. Precedent exists within the existing Silchester Road ACA for the addition of a new build dwelling house. Thus, for example, at Montrose, such a dwelling house has been constructed to the rear of the retained original dwelling house (permitted application D13A/0427). Accordingly, I do not consider that there is any land use or conservation objection to the principle of an additional dwelling house within the subject housing plot.

7.1.3 I conclude that there is no land use or conservation objection to the principle of adding a dwelling house to the applicants’ residential property Annacreevy.

(ii) Conservation

7.2.1 Under the CDP, the front portion of the site lies within a cACA. The existing dwelling house at Annacreevy is the most northerly of four comparable dwelling houses on the eastern side of Adelaide Road. Each of these dwelling houses dates from the late 19th Century, is of substantial form, and is set within an

extensive plot. While the front and rear building lines of the other three dwelling houses broadly align, the existing dwelling house at Annacreevy is sited further back on its plot. The boundaries of the cACA coincide with the front boundaries of each of the said house plots and the rear building line of three of the four aforementioned dwelling houses. Accordingly, the front portion of the existing dwelling house at Annacreevy only lies within this Area. The proposed dwelling house would be sited in a position whereby its front elevation would align with the front building line of the nearest existing dwelling house to the south at Aylesbury. However, as its depth would exceed that of the original elevation of this dwelling house, only its front and central portions would lie within the cACA.

7.2.2 The CDP addresses cACAs under two policies, i.e. AR16 & 17. The former Policy states that such Areas will be assessed to determine if they meet the requirements and criteria for formal designation set out in the Planning and Development Act, 2000 – 2015. The latter Policy states that development proposals for cACAs will be assessed having regard to the impact that they would have on the character of the Area within which they would be placed.

7.2.3 The appellants draw attention to the character of the cACA in question. They observe that this Area would include, along with a single dwelling house on the western side of Adelaide Road and dwelling houses on the southern side of Station Road, dwelling houses on Marlborough Road to the east and south of the above cited dwelling houses on the eastern side of Adelaide Road. They also observe that the character of this Area is not uniform: thus the two major Roads differ markedly with the relevant portion of Adelaide Road being composed of substantial 19th Century dwelling houses set within their own extensive grounds, while Marlborough Road is composed of more modest, predominantly 20th Century dwelling houses, which are more tightly sited on elongated plots.

7.2.4 During my site visit, I, too, observed this difference in character between the said Roads. I also observed that the character of the existing Silvester Road ACA, which adjoins Adelaide Road to the west, bears some similarities to the character of Adelaide Road. As noted under the first heading of my assessment, there is an example of a new build dwelling house on this Road, albeit on a deeper and more elongated plot than that of the applicants'

residential property. I, therefore, accept the appellants' contention that the character of primary relevance to the assessment of the proposal is that of Adelaide Road and the applicants' contention that there is precedent, in principle, for the incorporation of a new build dwelling house within a residential property that is not simply a gate lodge.

7.2.5 The applicants draw attention to Adelaide House to the north of their residential property and to the incidence of new build mews type dwelling houses within its vicinity along the southern side of Station Road. The appellants draw attention to an extract from the Ordnance Survey map of 1908, from which it can be deduced that three of the four of these mews type dwelling houses lie on land that was not within the grounds of Adelaide House. The remaining dwelling house is sited in a position adjacent to the entrance of Adelaide House and so it "reads" as a gate lodge to this House. Thus, the development to date of this residential property is similar to that of the applicants'. It does not, however, provide a precedent for their currently proposed dwelling house.

7.2.6 Returning to the question of character, I note that the pattern of dwelling houses in question is one wherein the principal dwelling house is clearly seen to be such. Thus, while these dwelling houses have been/are being extended and they are accompanied by outbuildings, they are self-evidently the main building on each of their plots. The proposed dwelling house would be comparable in size to the original dwelling house at Annacreevy, albeit it would be smaller than this dwelling house in its extended form. This dwelling house would be sited in a position forward of the existing one and so it would be prominent when viewed from within that portion of the house plot that would be retained as the grounds to the existing dwelling house.

7.2.7 The applicants have explained the rationale for the aforementioned siting with respect to the adjacent dwelling house to the south at Aylesbury. They state that the proposed front elevation of this dwelling house would align with the front building line to this existing dwelling house. The appellants have responded by referring to the front gabled element of their dwelling house, which, they contend, should not be accepted as the main body of this dwelling house. A front porch proposed for the northern side of this projecting element was omitted by condition from a recent permission and while a conservatory to

the south will proceed, the former rather than the latter space is the one that presents to the application site and the proposed new build dwelling house.

7.2.8 I consider that the stepped form of the front elevation of the dwelling house at Aylesbury reduces the strength of any front building line and so I am more concerned about the relationship which the proposed dwelling house would have with the existing dwelling house at Annacreevy than with the one it would have with the dwelling house at Aylesbury. In this respect, I note, too, that the separation distances between the proposed dwelling house and the former dwelling house would be considerably tighter than between this dwelling house and the latter one, i.e. 8 – 9m compared to 18 – 18.5m.

7.2.9 The proposal dwelling house is designed to resemble the existing period dwelling houses on the surrounding portion of Adelaide Road. Thus, its principal elevation would have feature ground and first floor bay windows on one side under a fan shaped roof. All the window openings on this elevation would have arched heads and they would be fitted with painted timber framed sliding sash windows. A piked roof dormer window would be sited towards the centre of the front roof plane. The roof ends would be hipped and the roofscape would be punctuated by sturdy chimneys. The other elevations would incorporate features and detailing that would, likewise, reflect the Victorian architecture of the existing dwelling houses. Thus, the design of the proposed dwelling house would be a pastiche.

7.2.10 Both parties draw attention to advice in the AHP Guidelines set out under Section 3.10.1 entitled “Proposals for new development”. This advice describes the design of such proposals as being of “paramount importance”. It counsels that the visual impact upon the building’s setting should be minimised and that replicas should only be entertained in situations such as terraces where a missing dwelling house is being replaced. Contemporary design solutions that respect the scale of existing buildings and provide points of continuity in the finishing materials specified are envisaged as being the norm.

7.2.11 The applicants contend that the design of the proposed dwelling house would be appropriate as it would reflect that of the existing dwelling houses in the

vicinity. During my site visit I observed that these dwelling houses share some commonalities in their design. However, as detached ones set within their own wooded grounds, such similarities as do exist are not readily capable of being viewed together. I do not, therefore, consider that the replica clause in the aforementioned Section is applicable. Rather the normal approach outlined in this Section should have been adopted in the design of the proposed dwelling house. The planning authority's Conservation Officer recognises this, as does the DoAHRRGA, which seeks by condition to retrospectively recast the design of this dwelling house along contemporary lines. I have considered such a condition, but consider that it would be at once both too extensive and too open ended to be reasonably attached. Furthermore, it would not address the problematic siting of the proposed dwelling house in relation to the existing one at Annacleevy, a siting which would militate against the need to minimise the visual impact of this dwelling house upon its setting.

7.2.12 The applicants question the application of advice intended for ACAs to cACAs. They consider it premature to do so. The appellants have responded by stating that failure to consider the impact of a proposal on the character of a cACA could lead to the undermining of the special interest of the Area in question that prompted its selection as a candidate in the first place. I concur with this response and I note that the commentary to Policy AR17 of the CDP states that "All proposals for new development should preserve or enhance the established character of the buildings and streetscape."

7.2.13 The appellants have submitted a plan (drawing no. 1523-OA-1000) in which they superimpose the footprint of the proposed dwelling house within the grounds of the residential properties on the relevant portion of Adelaide Road. They thereby illustrate that, if permitted, the current proposal would establish an adverse precedent that could, if replicated, lead to a further incremental and cumulative erosion of the character of the cACA. The applicants have responded by stating that this would not arise as each proposal would be required to be assessed on its merits. While I recognise that the applicants have cited a truism of the planning system, I recognise too the validity of the appellants' case that, in the presence of comparable development

opportunities, the current proposal, if permitted, would establish a precedent that would make objection to future similar proposals very difficult.

7.2.14 The CDP shows the site as lying within an area within which trees and woodlands are protected. The proposal would entail the loss of trees as a result of the siting of the proposed dwelling house and the formation of a new entrance and driveway to serve the same. While the application is not accompanied by a tree survey, the submitted existing and proposed site layout plans (drawing no. PL_002) show an outline of the existing trees that would be retained or removed along with an outline of replacement/additional tree planting. During my site visit, I noted that one of the trees that would be removed is a mature specimen conifer (possibly a blue spruce) and that this tree is *prima facie* one that should be retained, as it makes a positive contribution to the sylvan character of the Area. I noted, too, a number of other immature trees that would be removed, the loss of which at this point in time would not be so noticeable and where the scope for satisfactorily replacement would, again *prima facie*, be more achievable.

7.2.15 The appellants consider that the proposed entrance way would erode the contribution that the stretch of unbroken wall to the front boundary of the applicants' residential property makes to the cACA. During my site visit, I noted that this entranceway would be sited at the opposite end of the frontage from the existing one and in a position adjacent to the appellants' own entrance way. It would thus be consistent with the retention of the maximum amount of unbroken wall to the front boundary.

7.2.16 I conclude that the introduction of the proposed dwelling house into the setting provided by, in the first instance, the existing dwelling houses at Annacreevy and Aylesbury and, in the second instance, by comparable dwelling houses on Adelaide Road would, due to the siting, size, and design of this dwelling house lead to an excessive and confusing visual impact that would militate against the preservation or enhancement of the character of the cACA and thus contravene Policy AR17 of the CDP. Furthermore, this dwelling house would establish an adverse precedent for similar development in the future and it would lead to the removal of at least one mature specimen coniferous tree.

(iii) Amenity

7.3.1 The proposed dwelling house would be sited in a position whereby its front south western and its rear south eastern corners would be 2m and 1.25m from the common boundary between the site and the appellants' adjoining residential property Aylesbury. The presenting southern elevation would have an eaves and (apparent) ridge heights of 7.65m and 10.65m, respectively, and its length would be 17m.

7.3.2 The appellants object to the proposed dwelling house on the grounds that its size and proximity to their northern boundary would cause it to appear as visually obtrusive (cf. their drawing no. 1523-OA-1001). They also object on the grounds that the views from first floor windows in the said presenting southern elevation and in the rear elevation would overlook their residential property and thus lead to a loss of privacy therein.

7.3.3 The applicants have responded by drawing attention to draft condition 2, which requires that the proposed dwelling house be sited further back from the common boundary and that the secondary bedroom window in the presenting elevation be omitted. They state that with the said set back the separation distance would increase to 3.412m and 2.640m, respectively.

7.3.4 The applicants also draw attention to the fact that the proposed dwelling house would be inserted between their existing dwelling house and the said common boundary and so views from first floor windows and a full depth balcony would be effectively blocked. The appellants have set aside this "gain" on the basis that overlooking is diminished by the existing width of the intervening side garden/tennis court. During my site visit, I observed the views available from the said balcony. I also observed that, at present, these views are more expansive due to the absence of tree cover from the appellants' side of the boundary, although they report that this is to be addressed as part of their on-going works.

7.3.5 I consider that ordinarily the aforementioned separation distances would be adequate to ensure that residential amenity is safeguarded. However, in this case, as a function of the character of the cACA discussed under the second heading of my assessment, amenity is influenced by the generous set backs of

dwelling houses from their surrounding boundaries. I consider that, in these circumstances, the proposed dwelling house would be too dominant from the appellants' perspective and that, while the interruption of views from the said balcony would offset this impact upon amenity, it would still erode the existing level of amenity unduly.

7.3.6 The appellants have expressed concern that the proposed dwelling house would overshadow the applicants' existing dwelling house to the north and that the conservatory on the southern side of this dwelling house would be particularly affected by the resulting loss of sunlight. They have submitted drawing no. 1523-OA-1002, which gives a plausible estimate as to the extent of such overshadowing. I concur with this concern, although I recognise that any diminishment in the resulting amenity value of the existing dwelling house would affect a property that is in the ownership of the applicants.

7.3.7 I conclude that the proposed dwelling house would fail to safeguard the amenity that presently results from the existing layout of the applicants' residential property and which is typical of such properties on the surrounding portion of Adelaide Road.

(iv) AA

7.4.1 The site is not located either in or near to a Natura 2000 site. It is a fully serviced suburban site and so I do not consider that the proposal for the same would have any significant effect upon the conservation objectives of any Natura 2000 site.

7.4.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of 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.

8.0 Recommendation

In the light of my assessment, I recommend that the proposal be refused.

9.0 Reasons and Considerations

1. Having regard to the pattern of comparable development on Adelaide Road within the vicinity of the site and the fact that this part of the Road has been selected as a candidate Architectural Conservation Area in the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the proposed dwelling house would, due to its siting and size, be a visually obtrusive presence within the immediate setting provided by the existing dwelling houses known as Annacreevy and Aylesbury and as such it would depart from the layout of these residential properties wherein the existing dwelling house is self-evidently the principal building. Furthermore, this dwelling house would, due to its pastiche Victorian design, be a confusing presence that would militate against the legibility of the older adjacent dwelling houses. Consequently, the proposed dwelling house would fail to preserve or enhance the established character of the candidate Architectural Conservation Area and so it would contravene Policy AR17 of the County Development Plan. To accede to this dwelling house would risk the creation of an adverse precedent that would make it difficult to resist similar proposals in the future, thereby incrementally and cumulatively eroding further the said character of this Area. The proposed dwelling house would thus be contrary to the proper planning and sustainable development of the area.
2. The proposed dwelling house would, due to its siting, size, and design, be visually obtrusive when viewed from the adjacent dwelling houses known as Annacreevy and Aylesbury and their respective grounds. It would also lead to the overshadowing of the former dwelling house and the overlooking of the grounds to the latter dwelling house. Consequently, this dwelling house would seriously injure the amenities of residential properties in its vicinity and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

7th February 2017