



An
Bord
Pleanála

Inspector's Report PL06D.247608

Development	Demolition of single storey extensions to the rear and side of an existing house and construction of extensions to rear and side with all associated alterations and site works
Location	7 Knocknacree Park, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0645
Applicant(s)	Catherine and Mark Taylor
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third Party
Appellant(s)	Louise & George Brady
Observer(s)	G. & A. Whelan
Date of Site Inspection	9 th February 2017
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located in Knocknacree Park, which is a suburban, cul-de-sac estate of approx. 40 houses in Dalkey. The cul-de-sac is located between Ardeevin Road and Adbrough Road to the south of the village centre and is accessed by means of Cunningham Road. The estate dates from the 1960s and comprises large detached houses on generous sites, with long back gardens. Knocknacree Park is a mature suburban development with a mixture of 2-storey and split level houses and bungalows. The design of the individual houses is somewhat varied, but there is a consistency in approach and style. It is on sloping ground with the houses to the south at a higher level than those to the north. There are extensive sea views available from properties within the estate.
- 1.2.** No. 7 is located at the western end on the northern side of the road, with a north-facing rear garden. The site area is given as 0.764ha. The existing house is 2-storey with a pitched roof. The gable ends face the street and the rear garden. The ground levels slope steeply to the north, with a drop in levels of approx. 2m from the front to the rear garden. The levels fall away further towards the rear of the site.

2.0 Proposed Development

- 2.1.** It is proposed to demolish the single-storey side and rear extensions (33m²) and to construct a two-storey extension to the rear and sides (79m²). The new structure would extend across the width of the existing dwelling, but as it would be a full two storeys, with a flat roof, it would envelope the rear portion of the A-frame roof, filling out each side of the slope. The structure would be tiered at the rear with a flat roof at first and ground floor levels. The lower flat roof would become a terrace. From the front, the western side extension would appear as a dormer feature which would be set back approx. 8.5m behind the front gable wall of the house. To the east, where the existing setback from the boundary is greater, the proposed extension would read more like a 2-storey side extension which would replace the existing single-storey entrance and would include a timber panel feature.
- 2.2.** The proposed building is set back from the side boundaries with No. 6 to the west (1.15m) and No. 8 to the east (1.025m). The footprint would extend northwards to a

point which is more-or-less level with the rear building line of the existing building at No. 6, and would project beyond the rear building line of No. 8 by 800mm.

2.3. It is proposed to widen the vehicular entrance from 2.8m to 3.5m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to ten conditions which were generally of a standard nature. Condition 2 required the screening of the proposed ground floor terrace at the rear and the submission of details of same, and Condition 3 prohibited the use of the flat roof area above the ground floor rear extension and side of the master bedroom as a terrace. Condition 4 required submission of details/samples of materials and finishes of the side dormer and Condition 6 required all finishes to harmonise with those of the main dwelling in terms of colour and texture. Condition 5 restricted use to a single dwelling house. Condition 8 required that the gate piers do not exceed 1.1m in height to ensure good visibility for pedestrians and vehicles. It is noted, however, that there are no conditions requiring the payment of development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 The report generally reflected the decision of the planning authority. It was considered that the design, scale and layout of the extension were appropriate and generally in compliance with the Development Plan policies and standards. In particular, it was considered that the 8.5m setback behind the front building line would significantly reduce the bulk of the extension and that the positioning of the flat roof below the ridge line together with the recessing of the first floor extension at the rear would further reduce the visual impact. The Area Planner considered that the proposed development would not give rise to any significant overlooking issues provided that conditions were attached to prevent use of the flat roof over the ground floor extension and to ensure that the ground floor terrace was appropriately screened.

3.2.1.2 It was recommended that planning permission be granted subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Transportation Planning (7/10/16) – no objections subject to conditions restricting the height of the new gate piers, the footpath to be dishd and strengthened, construction of driveway in accordance with SUDs and measures to be taken to ensure no dirt/mud/debris being left on public road during construction.

3.2.2.2 Drainage/Water Services (5/10/16) – no objection subject to standard recommended conditions.

3.3. Third Party Observations

3.3.1 5 no. third party submissions were received by the P.A. The main concerns are summarised in the Area Planner's report and fall into the following main topic headings:

- Visual amenity - Design and scale would result in a structure which would be visually dominant in the streetscape and out of character with the area. It would be obtrusive and overbearing and the massing would be inconsistent with previous developments in the street. The existing symmetry between dwellings would be obliterated.
- Residential amenity – would result in overlooking and overshadowing of adjacent houses. The proposed terrace and flat roof would result in loss of privacy. The eastern side extension is too close to the eastern boundary. Concerns were raised regarding impacts of demolition of extension.
- Drainage – the soakaway should be designed to ensure adequate run off.

4.0 Planning History

4.1 06D.246196 – D15B/0382 - No. 12 Knocknacree Park – permission granted for demolition of single-storey extension and construction of 2-storey rear extension. Note previous scheme (D15B/0089) had been refused by the P.A. and an appeal against this decision (244982) had been withdrawn.

- 4.2 PL06D.245944 - D15A/0636 – No. 27 Knocknacree Park – permission granted for demolition of garage at side and rear extension and construction of 2-storey rear extension. This property is on the southern side of the estate road and to the east.
- 4.3 D14A/0758 – No. 31 Knocknacree Park – permission granted for garage conversion and front and rear extensions.
- 4.4 D06B/0141 – No. 6 Knocknacree Park – permission was granted for a 2-storey extension to the side and for extensions to the rear comprising dormer at FF level, extension and deck at GF and a garden room at Lower ground level. This property is directly adjoining to the west.

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

- 5.1.1 The site is zoned Residential, the objective for which is “To protect and/or improve residential amenity”, (Zoning Objective A2). Relevant policies include RES4 which seeks to improve and conserve housing stock and to densify existing built-up areas, having regard to the amenities of the existing residential communities, and to retain and improve the residential amenities in established residential communities. Chapter 8 contains the Development Management guidance, policies and objectives, the most relevant section of which is 8.2.3.4, which relates to additional accommodation in residential areas.
- 5.1.2 It is stated that first floor extensions will be considered on their merits but that they will only be permitted where the P.A. is satisfied that there would be no significant negative impacts on the surrounding residential and visual amenities. Roof alterations/expansions will also be considered against a number of criteria including the position of the structure in the streetscape and its proximity to adjacent structures; the existence of roof variations in the streetscape; and whether the proposal would be in harmony with the rest of the structure and with adjacent structures. The overriding consideration is stated to be the design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens.

6.0 The Appeal

6.1 Grounds of Appeal

- 6.1.1 The third party appeal was submitted by Thornton O'Connor Town Planning on behalf of Louise and George Brady (No. 31 Knocknacree Park). The main points raised may be summarised as follows:
- 6.1.2 **Contrary to zoning** - There is no objection in principle to the redevelopment and modernisation of the dwelling. However, the design and scale of the proposed development would seriously injure the residential amenities of the appellants' property. As such, it directly contravenes the residential zoning objective. It is noted that the P.A. decision does not seek to reduce the scale of the extension.
- 6.1.3 **Size of extension** - Notwithstanding a reference in the Planner's Report to an extension of 46m², it is pointed out that the size of the extension is 79m², which is equivalent to a 2-bed apartment. There is no objection to the quantum of floorspace but such a significant extension requires relief in the massing to avoid a structure with an overbearing impact. The grounds of appeal include figures depicting 3-dimensional massing studies to demonstrate that this relief would not be achieved by the proposed development.
- 6.1.4 **Planning history on street** - A review of the planning history on the street reveals that the current proposal is out of step with the previous decisions by the P.A. and the Board in that it represents overdevelopment and would have a significant adverse effect on visual amenity by reason of being overly dominant, visually obtrusive and overbearing. A detailed discussion of this review is provided and is supported by the massing studies referred to at 6.1.3 above. It is noted that the discussions refer to the planning history at No. 6 (raised by the applicant's agent), which was considered to be less relevant.
- 6.1.5 **Precedent at 12 Knocknacree Park** - Reference is made to the planning history on the street, with particular reference to No. 12 Knocknacree Park, which is on the same side of the street as the appeal site, and as such, more directly relevant. The previous refusal on this site is referenced in some detail (D15B/0089).

- 6.1.6 **Scale, bulk, mass** - The scale, bulk and volume of the first floor extension are totally inappropriate to the design and scale of the adjacent properties and the streetscape. The development would be highly visible from both the ground and first floors of the appellants' property, (photos included to demonstrate), and would, therefore, have a severely negative impact on the residential amenities of their home. Reference is made to a 1m:3m ratio, (suggested rule of thumb), in respect of separation distance to height of extension, which would require a separation distance of 2m from each of the respective side boundaries, rather than the 1.025m and 1.15m, respectively, that is proposed.
- 6.1.7 **Ameliorative effect of setback is erroneous** – The Area Planner considered that the 8.5m setback behind the front building line would provide visual relief, but it is submitted that this effect was overestimated. This is because the provision of an extension across 2 floor levels with a width of 12.4m and a depth of 12m, in combination with a massing relatively devoid of relief, results in a bulky and obtrusive structure, (see massing studies in grounds of appeal).
- 6.1.8 **The design of the extension distorts the symmetry of the dwelling** – this results in the massing being completely unbalanced and presents an incongruous development to the street. Furthermore, the roof design is overly elaborate and out of character with the area. The design is not, therefore, in accordance with the requirements of 8.2.3.4 of the CDP.
- 6.1.9 **The upper terrace will result in overlooking** – this terrace, with 2 sets of steps from the garden, will overlook the adjacent properties at Nos. 6 and 8 Knocknacree Park. It is submitted that even with the screening required by the P.A. condition, overlooking from this large terrace would still occur, due to the natural topography of the area.
- 6.1.10 **Clarification needed re the balconette** – there is an inconsistency in the submitted plan regarding the proposed balconette at the front, as the plan shows a window and the elevations show double doors. If it is proposed to provide double doors leading onto this feature, it is considered to be totally inappropriate and is likely to lead to overlooking of houses to the south.

6.2 Planning Authority Response

6.2.1 The P.A. responded on the 30th November, 2016. The planning authority refers the Board to the Planner's report.

6.3 Observations on grounds of appeal

6.3.1 Gerard & Agnieszka Whelan

6.3.1.1 The observation was submitted by Michael Martin (Architect) on behalf of Mr. & Mrs. Whelan. The observers, (of no. 6 Knocknacree Park), fully endorse the grounds of appeal. Use has been made, with the permission of the appellants, of the 3-D modelling to illustrate the points made in the original submissions to the P.A. regarding the impacts on the residential amenity of their property.

6.3.1.2 **Overlooking** – there is an existing window in the gable wall of No. 6 facing the proposed extension. There is a new window planned as part of the proposed development in the side elevation facing this bedroom window. This would result in direct overlooking, (photographs and modelling illustrates the point).

6.3.1.3 **Overshadowing** – the proposed extension would overshadow the said bedroom window as well as the existing terrace and living room area of No. 6

6.3.1.4 The proposed development would neither protect nor improve the residential amenity at Knocknacree Park.

6.4 First party response to the grounds of appeal (20/12/16)

6.4.1 The response to the grounds of appeal was submitted by Hughes Planning and Development Consultants on behalf of the first party. The response is mainly in the form of a rebuttal of the grounds of appeal. The following points were of note:-

6.5.2 It is submitted that the proposed development has been designed to ensure that there is no detriment to the amenity of adjoining neighbours. The appellants' dwelling is stated to be 45m from the dwelling that is to be extended.

6.5.3 It is submitted that the 3D models are unreliable and disingenuous and exaggerate the effect of the proposed development. They contain no scale or reference that they were prepared by a reputable source.

6.5.4 It is clarified that the proposed extension is 79m² and that the existing floor area is 248m², but that it is proposed to demolish 33m². Thus the total floor area of the

extended dwelling would be 294m². It was also clarified that the 'balconette' is in fact a 'Juliet balcony', which is a glass screen in front of a window opening to prevent a person falling from the window.

7.0 Assessment

7.1 It is considered that the main issues arising from the appeal are as follows:-

- Visual amenity
- Residential amenity
- Access and parking.

7.2 Visual amenity

7.2.1 Knocknacree Park is somewhat unusual in that the design and scale of the individual (mostly detached) houses varies significantly throughout the small estate. The houses are arranged around two turning-heads in a cul-de-sac road which is on an east-west axis. The topography of the area is such that the ground levels fall away steeply from south to north. The houses on the southern side of the road are generally 2-3 storeys in height with large picture windows, gaining maximum advantage of the spectacular sea views available to the north. In contrast, the houses on the northern side of the road tend to be single-storey or 2-storey at the front and take full advantage of the sloping ground to the north with many houses having 3 storeys at the rear, several of which have expansive glazed areas overlooking the sea. The front elevations on this side also tend to be low-key and the entrance halls to most of these houses tend to be below the level of the road.

7.2.2 The estate was built around the 1960s and it would appear that the intention at the outset was to incorporate houses with many different designs in a fairly informal layout. As a result, the range of designs includes many different roof profiles, a variety of materials and finishes, and houses in a range of shapes and sizes. The appeal property is a dormer bungalow that has an A-frame steeply sloping roof with the gable end fronting the road. The house to the immediate east (No. 8) has the same design style and I could see only one other house with this design style, (No.4). Other design styles include shallow pitched roof profiles with A-symmetrical ridge lines, steeply pitched roof profiles with the gable-ends facing East-West, (such

as No. 6), and some bespoke designs. In addition, many of the houses have been altered and extended with contemporary design approaches. These factors, together with the detached layouts and mature landscaping, provide a considerable degree of flexibility in terms of absorbing change. It is, therefore, considered that the issue of precedent created by previous grants of permission is of little relevance in this instance, other than being evidence of a changing environment.

- 7.2.3 The scale of the proposed extension is quite substantial at 79m², which represents an increase in floor area of approx. a third, (taking account of the demolition of 33m²). However, this should be viewed in the context of the large site area and detached layout, as well as the fact that several houses within the estate have been extended to a similar extent in the recent past. In terms of the CDP Development Management guidance (8.2.3.4), the form of the proposed structure falls into three categories, namely a roof extension, a first floor rear extension, and two side extensions. It is considered that the proposed extension is appropriate in terms of the residual rear garden and the proximity and length along mutual boundaries.
- 7.2.4 It is considered that neither the 2D plans/elevations nor the 3D modelling images accurately portray the likely impact in terms of the visual amenity of the street. On the ground, the main body of the house is below the street level and due to the depth and orientation of the existing building, it is considered that the proposed extension would not be an obtrusive feature when viewed from the street. It is acknowledged that when viewed from the appellants' property, which is elevated above the level of the street, the eastern side extension would be quite prominent and would be likely to disrupt the excellent sea views that are currently available from this location. This is mainly because of the angle of the view. However, given the distance between the appellants' residence and the proposed extension, (in excess of 50m), it is considered that this impact would not be sufficient justification, in itself, for a refusal of permission.
- 7.2.5 The scale mass and bulk of the extension is most evident at the rear, where a similar approach has been taken at No. 6. I would agree with the Area Planner that the depth of the setback (8.5m) has an ameliorative effect on the impact from the front, and that this effect is increased further by the fact that the main house is setback an additional 10.8m from the street. The setback from the side boundaries is maintained to the west and increased to the east relative to the existing setback. The rear

building line is marginally increased. The western side of the extension reads as a side dormer. I would accept that the height and extent of the eastern side extension would alter the symmetry of the house, but due to the setback from the street and the proposed materials/finishes, it would not be considered to be a discordant feature in the streetscape. Given the wide variety of house designs, many with A-symmetrical roof profiles, the proposed extension would not look out of place in this instance. It is considered that the proposed development would not seriously injure the visual amenities of the area.

7.3 Residential amenity

- 7.3.1 The proposed development does not extend to any appreciable extent beyond the rear building line, with the exception of the terrace at ground floor level. The rear section of the extension would also extend closer to the boundary with No. 6 than at present, (1.15m as opposed to 2.4m), but this is largely confined to the ground floor level, as the first floor is recessed at the side and rear. On the eastern side, the existing extension at ground floor level abuts the boundary. It is now proposed to set the building back from this boundary by 1.025m and to recess the north-eastern corner by a further 2.57m. It is considered, therefore, that given the proposed footprint as described above, the proposed extension is unlikely to result in any significant overshadowing of the adjoining properties.
- 7.3.2 It is noted, however, that No. 6 has a First Floor bedroom window in the side gable facing the proposed extension. This window is located such that it currently faces the single-storey annex, (which would be demolished), and is virtually on the common boundary. The proposed extension would be recessed approx. 1.8m further north than the present annex and as such is unlikely to result in increased overshadowing. The observers (No. 6) have expressed concerns that a first floor window on the side elevation would directly overlook this bedroom window. I note that there is reference in the western elevation to a proposed obscure glazed window at FF level, but this is not shown on the FF plan drawing. Given that the entire FF western elevation would comprise an ensuite, a stairwell and a wardrobe, it is considered that any such window should be omitted.
- 7.3.3 The P.A. has addressed the issue of potential overlooking from the ground floor terrace and prohibited the use of the flat roof at first floor level. I would agree with

this approach. The first party response addressed the issue raised by the appellants regarding “two sets of steps” as a misinterpretation of the drawings, as “the steps from the rear garden simply constitute the ground floor level patio area”. I also noted during my site inspection that there is an existing terrace at ground floor level, which is elevated above the garden, and that there are currently no overlooking issues due to the boundary treatment on each boundary. The first party has similarly addressed a misinterpretation of the drawing in respect of the ‘balconette’ on the front elevation, as it was clarified that this is a ‘Juliet balcony’ with a glass screen for safety purposes. I would agree that given the distances involved and the nature of front garden areas, that the proposed feature would not result in undue overlooking or loss of privacy.

- 7.3.4 The third parties have asserted that given the issues of concern regarding the impact on the visual and residential amenities of the area, as highlighted in their submissions, the proposed development would contravene the Zoning Objective in the Development Plan, which is to protect and/or improve residential amenity. It is considered that, in light of the above assessment, the proposed development would not seriously injure residential amenity and is in accordance with the zoning objective for the area.

7.4 Access and parking

- 7.4.1 The proposal to widen the entrance is considered to be appropriate subject to the conditions recommended by the Transport Section of the planning authority. Should the Board be minded to grant permission, therefore, conditions should be attached restricting the width of the entrance to 3.5m and the height of the piers to 1.1m in the interests of the safety of pedestrians and vehicles entering and exiting the site.

8.0 Recommendation

8.1 I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1 Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location and would not seriously injure the amenities of the area. 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The first floor window shown on the western elevation shall be omitted.
 - (b) The ground floor terrace at the rear shall be screened to prevent overlooking of adjoining properties.

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the architectural heritage and visual amenities of the area.

3. No access shall be permitted to any of the flat roofs at first floor level save for maintenance.

Reason: In the interest of residential amenity.

4. The entrance shall have a maximum width of 3.5 metres and the entrance piers shall have a maximum height of 1.1 metres.

Reason: In the interests of pedestrian and traffic safety.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

6. Details of the materials, colours and textures (including samples) of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall be implemented in the first planting season following the completion of development.

Reason: In the interest of visual and residential amenity.

8. 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.

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.

Mary Kennelly
Planning Inspector

10th February 2017