



An
Bord
Pleanála

Inspector's Report PL06D.248431

Development	Demolition of house, construction of new dwelling house, front garden wall and sliding gate and all associated site works.
Location	10 Ulverton Road, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0890
Applicant(s)	John O'Keefe & Yvonne Pettitt
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	Ann Mulcahy
Date of Site Inspection	20 th July 2017
Inspector	Colin McBride

1.0 Site Location and Description

The appeal site, which has a stated area of 0.056 hectares, is located on the eastern side of Ulverton Road in Dalkey, Co. Dublin. The appeal site is occupied by an existing dwelling (no. 10), which is a part single-storey, part two-storey dwelling located to the rear of the site. Immediately to the north of the site is no. 12, which is a two-storey detached dwelling, to the south is no. 8 (Dreghorn), which is a single-storey detached dwelling. To the east is the rear garden of no. 43 Carysfort Road, with the appeal site backing on to the side boundary (western side) of the rear garden serving the existing dwelling. Existing boundaries on site consist of stone walls with the front boundary having a low stone wall with wooden fencing panels on top.

2.0 Proposed Development

2.1. Permission is sought for the demolition of an existing dwelling while retaining the original boundary walls and construct a replacement part single-storey, part two-storey house. Permission is also sought to construct a new front boundary wall with a sliding gate at the widened vehicular entrance. The proposed dwelling has a floor area of 267sqm. The proposed dwelling is setback from the road frontage and has similar building line to the existing dwelling to the south. The proposed dwelling is focused around an external courtyard adjacent the southern boundary with a two-storey portion to the west, single-storey portion to the north running along the boundary, a two-storey portion to the east and rear of the site and a covered walkway along the southern side of the courtyard. The maximum ridge height of the dwelling is 7.805m (two-storey section to the front of the site). The external finishes consist of masonry walls and natural slates on the mono-pitch roof profile. The proposal provides for a front garden with off-street car parking for two vehicles and the central courtyard has an area of 72qm with a further 8sqm area of open space at the south eastern corner of the site.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions. Conditions of note include...

Condition no. 7: The first floor study window to the southern side elevation shall be fitted with obscure glazing.

3.2. Local Authority and External reports

- 3.2.1. Transportation Planning (17/01/17): Further information required including revisions to the front boundary wall to ensure adequate visibility or widening of the vehicular access to 3.5m, revisions to pride the sliding gate inside the front boundary wall.
- 3.2.2. Drainage Planning (10/01/17): No objection subject to conditions.
- 3.2.3. Conservation Division (25/01/17): No objection.
- 3.2.4. Planning report (02/02/17): Further information required including revisions to address concern regarding the impact of the proposal on the dwelling to the south and the issues raised by Transportation Planning.
- 3.2.5. Transportation Planning (31/03/17): No objection subject to conditions.
- 3.2.6. Planning report (07/04/17): The proposal was considered to be acceptable in the context of the visual amenities of the area, the amenities of adjoining properties and traffic safety. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is zoned Objective 'A' with stated objective 'to protect and/or improve residential amenity'.

5.1.2 The site is located within the Dalkey Architectural Conservation Area (ACA).

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Ann Mulcahy, 'Dreghorn', Ulverton Road, Dalkey, Co. Dublin. The grounds of appeal are as follows...

- The appellant has concerns regarding the negative impact of the proposal on her property, which is located immediately to the south of the appeal site.
- The appellant notes that scale and proximity of development (including revised plans in response to further information) to the boundary of the site adjoining their property constitutes overdevelopment and would have an overbearing impact, overshadow the appellant's property and be contrary Development Plan policy.
- The appellant is critical of the extent of the development of the site relative to site boundaries and existing boundary walls. The appellant is critical of impact of new boundary walls that are out of scale with that on adjoining sites as well as the impact of the southern elevation of the two-storey portion directly north of her dwelling with it noted it will be overbearing and cause overshadowing. The appellant raises concern regarding the two-storey section and stairwell in

terms of its physical and visual impact as well as noting the potential to impact the appellant's security.

- The design and scale of the proposal is considered out of character with the streetscape at this location and in appropriate with an area designated as an ACA.
- The scale and design of the front boundary wall is considered inappropriate and detrimental to the streetscape.
- The development is described as substandard development having regard to its impact on the adjoining property through overlooking and overshadowing.

6.2 Responses

6.2.1 Response from Dun Laoghaire Rathdown County Council.

- It is noted that the grounds of appeal do not raise any matters which would justify a change in attitude.

6.2.2 Response from Donaghy & Dimond Architects on behalf of the applicants, John O'Keefe and Yvonne Pettitt.

- The applicants note that the development approach taken has regard to the location of the site within an ACA and that the demolition of the existing dwelling is justified due to it not being a protected structure, not contributing significantly to the streetscape and its poor condition.
- It is noted that the design will integrate well at this location and contribute positively to the streetscape and is a sensitive infill development within the ACA.

- It is noted that the design, scale and layout of the development is satisfactory in regards to visual amenities of the area and has adequate regard to the amenities of adjoining residential properties.
- The applicants note the proposal is not overdevelopment of the site with the level of site coverage 37%. It is noted there is sufficient separation between the proposal and the adjoining development the extent of development along the southern boundary of the site is acceptable. It is noted that the design and scale of development along the southern boundary was revised and the structure along this boundary is an external canopy. It is noted that this structure can be omitted if the Board consider it necessary.
- It is noted that an overshadowing analysis was undertaken and it was demonstrated that the proposal would have negligible impact.
- It is noted that proposal would be satisfactory in regards to overlooking and it noted that the proposal eliminates instances of overlooking of adjoining properties from the existing dwelling on site.
- The appellant has submitted revised plans should be considered necessary with omission of the 1m end wall section, which acts as a gate stop to be replaced by a gatepost and omission of the covered canopy to the walkway.

6.2.3 Response from Ann Mulcahy, 'Dreghorn', Ulverton Road, Dalkey, Co. Dublin..

- The applicants note that the development approach taken has regard to the location of the site within an ACA and that the demolition of the existing dwelling is justified due to it not being a protected structure, not contributing significantly to the streetscape and its poor condition.

6.3 Submissions

6.3.1 Two submissions made to the Planning Authority by Joe & Anne McGouran, no. 12 Ulverton Road, Dalkey Co. Dublin and Ann Mulcahy, 'Dreghorn', Ulverton Road.

- The submissions raise concerns regarding the impact of the proposal on the character of the area and the residential amenities of their properties, with concerns regarding overshadowing and overdevelopment of the site.

6.3.2 A further submission was received by the Planning Authority from Ann Mulcahy, 'Dreghorn', Ulverton Road, Dalkey Co. Dublin.

- The submission is critical of the applicant response and its assessment of the appeal submission. The response reiterates the concerns raised in the appeal submission.

7.0 **Assessment**

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

Principle of the proposed development

Design, visual/adjoining amenity

Development control standards

Traffic

Appropriate Assessment

7.2 **Principle of the proposed development:**

7.2.1 Permission is sought to demolish an existing dwelling and construct a replacement dwelling on site. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity' and is located in an established residential area. The nature of the proposed use is consistent with existing development in the area

and the zoning objective of the site. The acceptability of the proposal is contingent on the design and scale of the proposal being appropriate in the context of the visual amenities of the area, the amenities of adjoining properties and traffic safety.

7.2.2 The proposal entails demolition of an existing dwelling on site. The existing dwelling is vacant and in a rundown but not a derelict condition. Under Section 2.1.3.4 of the County Development Plan in regards to existing housing stock it is noted that “in certain specific circumstances the Council will encourage the retention of existing houses that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type - particularly those in areas consisting of exemplar 19th and 20th century buildings and estates”. In this case the existing dwelling is located in an ACA, but is not a protected structure. The existing dwelling would not be of significant architectural merit and due its design and the fact it is located to the rear of the site and not visible from the public road, the existing dwelling does not contribute significantly to the streetscape. I would consider that demolition of the dwelling is acceptable in this case.

7.3 Design, visual/adjoining amenity:

7.3.1 As noted above the site is located within an Architectural Conservation Area, with the area characterised by 19th and 20th century dwelling with a variation in the type of scale of dwellings in the vicinity of the site. The proposed dwelling is a part two-storey part single-storey dwelling. A model of the proposal was submitted. The dwelling when viewed from Ulverton Road appear as a two-storey dwelling with a ridge height of 7.805m (pitched roof section). This ridge height is not constant across the width of the portion to the front with the height of the structure stepping down to 4.95m for the external walled section. There is a variation in building lines at this location with the existing dwellings at no.s 8, 10 and 12 all having different building lines. The proposal seeks to provide the new dwelling on the same front building line as the dwelling to the south. In terms of scale relative to adjoining dwelling, the dwelling to the south (no. 8, Dreghorn) has a ridge height of 5m with the dwelling to the north (no. 12) having a higher ridge height of 9.2m. A 2.735m high wall is

proposed along the front boundary to tie in with the front boundary wall in front of no. 12. I would consider the design and scale of the proposal when viewed from the public road and surrounding area is acceptable and provides for a scale of development that is a gradual transition in scale between the dwelling to the south at no. 8 and the dwelling to the north at no. 12. I am also satisfied that the design and scale of the development would have no significant or adverse impact on the character of the designated ACA or the streetscape at this location.

7.3.2 In regards to adjoining amenity, no 8 to the south is a single-storey dwelling with a two-storey extension to the rear. No 8 appears to be split into three apartment units. No. 12 to the north of the site is a two-storey dwelling with a single-storey annexe that extends along the boundary with appeal site. To the west of the site is the rear garden associated with no. 43 Carysfort Road. The appellants' property is located to the south (no. 8). In terms of impact on the appellant's property, the proposal provides for the two-storey portion of the development on the same building line as no. 8 and setback from the boundary with an external courtyard area with a 4.95m high wall around it located immediately north of no. 8. The proposed dwelling also features a single-storey section with a mono-pitch roof that is tight to the boundary with no. 8 and then an external walkway with a canopy located along the boundary with the appeal site. I am satisfied that the overall scale and design of development adjacent the boundary with the appellant's property is satisfactory and would have no significant or adverse impact in terms of overshadowing, overlooking or result in any diminished amenity. It is notable that the applicants have submitted revised plans that omit the roof/canopy over the walkway along the southern boundary of the site if deemed necessary. The applicant revised the design of this walkway in response to further information omitting the wall on the southern side of it in favour of pillars. I would consider that scale of the canopy (approved plans) and the fact it is an external area taken in conjunction with the existing boundary treatment, would have no significant or adverse impact on adjoining amenity. In this regard I do not consider it necessary to be removed, however I would consider that the alterations proposed do provide for less development along the southern boundary of the site and do not compromise the overall design or residential amenities of the future

residents or the proposed dwelling. In this regard I would recommend that the revised plans submitted on the 01st day of June 2017 be approved.

7.3.3 In regards to impact on the dwelling to the north the proposal provides for a two-storey portion to the front and a single-storey portion running along the northern boundary adjoining no. 12. The two-storey portion is setback from the northern boundary and has no significant impact on adjoining amenity. The single-storey portion has a flat roof section where it adjoins the northern boundary with roof lights and then a pitched roof section setback from the boundary with high level windows providing light to the proposed dwelling. The scale of development along the northern boundary is not excessive relative to adjoining development at no. 12 with no. 12 having a long single-storey extension of similar scale to the development proposed. I would be satisfied that the design and scale of the proposed development would be satisfactory in regards to the amenities of the adjoining property to the north at no. 12.

7.3.4 The proposal provides for a two-storey section located to the rear of the site. To the north is a two-storey residential property that backs onto the appeal site, to the east is the rear garden of no. 43 Carysfort Road and to the south is a detached dwelling on Ormeau Drive. The existing dwelling on site is located tight to the boundaries to the north, east and south and has a first floor level similar to the pattern of development proposed apart from a new open space area at the south eastern corner of the site. Where the proposed dwelling adjoins the boundaries it is single-storey with the first floor setback from the boundaries with adjoining properties. The scale of the first floor section is modest and is setback a sufficient distance from adjoining properties so as to have no overbearing impact or result in an unacceptable level of overshadowing of such. The first floor bedroom and study area is served by two window on the eastern elevation, a window on the southern elevation and a number of high level windows on the western elevation. The two windows on the eastern elevation could be determined to overlook the rear garden associated with no. 43. It is notable that the existing dwelling on site does feature two windows at first floor level tight to the boundary with no. 43 and that the

proposed situation is similar with a better degree of separation. The first floor bedroom and study area proposed is also served by a window on the southern elevation and high level windows on the western elevation. Notwithstanding the design and orientation of the existing dwelling on site, I would consider that the two windows on the western elevation are unacceptable. I would recommend a condition be applied omitting these windows and replacing them with high level windows/window. I would consider that the window on the southern elevation is acceptable and is sufficiently separated from the adjoining property, however I would recommend that it is fitted with obscure glazing similar to the condition attached by the Planning Authority.

7.3.5 I would consider that subject to some conditions that the overall design and scale of the proposed development has adequate regard to the residential amenities of adjoining properties and provides for a development that would be in accordance with the proper planning and sustainable development of the area.

7.4 Development control standards:

7.4.1 In terms of development control standard the proposal provides for two main area of private open space, a central courtyard area with a floor area of 72sqm in addition to a smaller area of 8sqm at the south eastern corner of the site. The requirement under the County Development Plan is for 75sqm of private open space for a dwelling with three bedrooms or more. In this regard the proposal is compliant with development plan standards.

7.4.2 The proposal entails the provision of off-street car parking with sufficient space for two vehicles. This standard is in compliance with the minimum Development Plan standards, which require two off-street car parking spaces per dwelling. I am satisfied that the proposal is compliant with the minimum development control standards set down under the 2016-2022 Dun Laoghaire Rathdown Development plan and that the proposal is of sufficient quality in terms of residential amenity.

7.5 Traffic:

7.5.1 The existing dwelling on site has a vehicular access off Ulverton Road. It is proposed to revise the existing access in term of width and layout. It is notable that the proposal was revised in response to further information with a widened vehicular access of 3.5m provided and approved. Having regard to the fact the proposal is for a replacement dwelling for the existing one on site, the proposal entails no intensification of traffic. Visibility at the proposed vehicular access is of a good standard and the widened vehicular access is satisfactory in term of its layout. I am satisfied the proposal would be acceptable in the context of traffic safety.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1 Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area, would not contravene the policies or provisions of the current development plan for the area and would be acceptable in terms of traffic safety and convenience. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by An Bord Pleanála with the appeal documentation on the 16th day of March, 2017 and the further plans received by An Bord Pleanála on the 01st day of June, 2017, 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 two windows on the eastern elevation at first floor level shall be omitted and replaced by a high level window/windows.
- (b) The window on the southern elevation at first floor level shall be fitted with obscure glazing and maintained permanently as such.

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

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interest of public health.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colin McBride
Planning Inspector

24th July 2017