



An
Bord
Pleanála

Inspector's Report ABP-301155-18

Development	Permission for the demolition of an existing extension and shed and construction of a new single storey extension.
Location	29 Carysfort Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17B/0579
Applicant(s)	Conor and Helen Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party (Appeal against condition)
Appellant(s)	Conor and Helen Kavanagh
Observer(s)	None
Date of Site Inspection	13 th June 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.00917 hectares is located at No. 29 Carysfort Road, Dalkey, Co. Dublin. The dwelling on the site is a mid terrace cottage with an extension to the rear. The rear garden is very limited in size. The houses in this terrace are served by a laneway to the rear. The site is located within the Dalkey Architectural Conservation Area. The site is located within a zone of archaeological potential.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached. There are also photographs within the file from pre-planning consultations with the Planning Authority.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Demolition of existing extension to the rear.
 - Construction of a flat roof extension to the rear of the property. This has a stated floor area of 22 square metres and a height of 4.3 metres.
 - Replacement of front windows with painted hardwood windows.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to conditions. Noteworthy conditions include the following:

- Condition 2 required the single storey extension to be reduced in height to a maximum of 3.5m above existing ground level.
- Condition 3 required the replacement windows on the front elevation to be traditional style timber sliding windows that replicate the style and design of windows at No. 31 and 27 Carysfort Road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report expressed concern regarding the amenities of property to the east and recommended that the permission was granted subject to a condition reducing the height of the extension.

3.2.2. Other Technical Reports

- Conservation Section: No objection subject to conditions.
- Drainage Planning: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None on site. Pre planning under **PAC/312/17**.

PA D06A/0394 - No. 27 (to east) - Permission granted for existing extension to rear, internal refurbishment and construction of a new single storey extension to the rear (a protected structure).

PA D/06A/0554 – No. 31 (to west) – Permission granted for works to the existing single storey dwelling house a protected structure to include (a) demolition of bathroom extension and shed structure to rear of property (b) construction of a two storey living room extension to rear of property (c) refurbishment of existing dwelling

to provide new kitchen dining bedroom and bathroom accommodation (d) reduced ground floor level to new extension and garden to rear of property (e) the conservation and repair of existing historical features.

5.0 Policy Context

5.1. Development Plan

Site Zoning A- To protect or improve residential amenity.

Site is located in the Dalkey Architectural Conservation Area.

Section 6.1.3 deals with Architectural Heritage.

Section 6.1.4 deals with ACA's.

Section 8.2.11 Archaeological and Architectural Heritage.

The Architectural Heritage Protection Guidelines for Planning Authorities (2004) set out certain principles in relation to Architectural Conservation Areas.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- Appeal Condition 2 only- requested that the Board remove this condition.
- Inconsistent with previous decisions made by the Planning Authority for extensions to the rear of Nos. 27 and 31.
- The height restriction imposed by Condition 2 would require the applicant's parapet to be significantly lower than the parapet of the extension to No. 31 and lower than the ridge of the extension to No. 27. This would mean that the

condition would impose restrictions on the applicant that are more onerous than both of the immediate neighbours who have identical houses.

- The extension to No. 31 was granted in 2006 when the houses were protected structures. They have since been taken off the list of protected structures.

6.2. **Planning Authority Response**

- The Planning Authority had no further comments and refers the Board to the previous planner's report

6.3. **Observations**

- None.

6.4. **Further Responses**

- None.

7.0 **Assessment**

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of the decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal shall be confined to this single condition. Accordingly, I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the Planning and Development Act 2000 as amended in this case.

7.2. Condition No. 2 requires that the proposed single storey extension to the rear shall be reduced in height to a maximum of 3.5m above existing ground level. The Local Authority Planner in their report was primarily concerned in relation to the amenities of property to the east.

- 7.3. The site is located within the Dalkey ACA but is not a protected structure. The Conservation Report states that they have no difficulties with the principle of the proposed development.
- 7.4. The houses in this terrace are very small with limited private open space to the rear. Extensions have been built to most of the existing houses including the adjacent dwellings at Nos. 27 and 31. It is proposed that the extension would be the same height as No. 31. The objective of the Dalkey ACA is to protect the external streetfront character of the area and I am satisfied that the proposed extension will have no impact on this. The proposed development would primarily be visible from the private laneway to the rear of the house. I am of the view that the proposed extension is acceptable in design and respects the amenities of adjacent dwellings and will not result in undue overshadowing or loss of light. I note that the rear gardens of houses in this terrace are south facing. I do not consider that the proposed extension would detract from the residential amenities of adjacent dwellings.
- 7.5. I note that the proposed development is the same height and a similar design to the extension built to the house to the west of the site. I inspected the dwelling on the adjacent site both internally and externally on the site visit and am satisfied that the proposed extension would have limited visual impact.
- 7.6. I consider that having regard to the context of the development and the precedent established on the adjacent sites to the east and west, Condition No. 2 is unwarranted.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 for the reason set out below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, the established pattern of development in the area and the nature, scale and design of the proposed development, it is considered that having regard to the context of the dwelling within a terrace of dwellings and the precedent established by adjacent dwellings, it is considered that Condition No. 2 is not warranted.

Emer Doyle
Planning Inspector

18th June 2018