



An  
Bord  
Pleanála

## Inspector's Report ABP 301313-18.

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<b>Development</b>	One bedroom first floor residential unit
<b>Location</b>	52 Sandycove Road, Sandycove, Dún Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown.
<b>Planning Authority Reg. Ref.</b>	D18A/0028
<b>Applicants</b>	Mr. T & Mrs. P O'Higgins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	(1) Anthony & Maureen Kerr & Edward & Liz Mc Goohan (2) Dr. Muiris O'Ceidigh
<b>Observers</b>	None
<b>Date of Site Inspection</b>	15/6/18
<b>Inspector</b>	Siobhan Carroll

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the northern side of Sandycove Road. Sandycove is situated 1km to the east of Dún Laoghaire town centre. There are a mix of retail and commercial units in the surrounding premises along Sandycove Road. They include an Estate Agents, Bookshop, Restaurant, Wine Shop, Interior Design Shop and Public House.
- 1.2. The site has an area of 135sq m. The site comprises an area of 8sq m at ground floor within unit no. 52 Sandycove Road. No. 52 is a commercial unit formally occupied by a boutique. It is presently vacant. The main area of the site comprises the roof of no. 52 Sandycove Road.
- 1.3. Burdett House a Protected Structure adjoins the site to the west. It is a Victorian semi-detached dwelling built circa 1837. It contains two-storeys over a basement. The site adjoins no. 2 Burdett Avenue to the north and no. 51 Sandycove Road a two-storey double bay property to the east.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a one bedroom first floor residential unit above a commercial unit. The residential unit has a floor area of 61.5sq m. Access via ground floor with elevational changes. Two rooflights are proposed to the front and two rooflights are proposed to the rear. Open space area of 9.9sq m to the west of the first floor. Change of use of ground floor area of 8sq m from commercial to residential to accommodate stair access to the proposed residential unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 11 no. conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The quantity and quality of internal accommodation and private open space and the overall design of the residential unit was considered acceptable. The proposed design of the first floor extension was considered sympathetic and in harmony with adjoining properties no's 50 & 51 Sandycove Road and Burdett House. The current proposal has addressed the concerns regarding the design and scale of the extension previously proposed under Reg. Ref. D17A/0798.

### 3.2.2. Other Technical Reports

### 3.2.3. Conservation Officer – No objections.

### 3.2.4. Transport Planning – No objections subject to conditions.

### 3.2.5. Drainage Planning – No objections.

## 3.3. Prescribed Bodies

### 3.3.1. No reports received

## 3.4. Third Party Observations

### 3.4.1. The Planning Authority received three observations/submissions in relation to the proposed development. The main issues raised are similar to those set out in the appeals.

## 4.0 Planning History

**Reg. Ref. D17A/0798** – Permission was refused for the construction of a one bedroom first floor residential unit with a floor area of 76sq.m and an overall height of 7.62M with No.3 roof lights to mansard roof on north elevation and No. 2 roof lights to flat roof, balcony to south elevation with pedestrian access from ground floor with elevational alterations and part change of use of ground floor, 8sqm from commercial to residential. Permission was refused for the following reason;

1. The proposed development, whilst acceptable in principle, would, due to its massing, proximity to adjoining properties and material finishes, have a negative impact on the setting of No. 1 Burdett Avenue, a Protected Structure, the residential amenity of No. 2 Burdett Avenue, a Protected Structure, and the streetscape along Sandycove Road, and would thus seriously injure the amenities, or depreciate the value of property in the vicinity and also would be contrary to Policy AR1 : Record of Protected Structures and Section 8.2.3.4 and Section 8.2.11.2 of the Dún Laoghaire Rathdown County Development Plan 2016-2022. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

Reg. Ref.D17A/0550 & PL06D.249145 – Permission was granted for alterations, renovations and restoration of Protected Structure to include widening access and demolition of rear extension and reconstruction of rear extension at Burdett House, 1 Burdett Avenue, Sandycove, Co. Dublin.

Reg. Ref. D10A/0139 – Permission was granted for the subdivision of existing retail unit No.2 to provide for third, self-contained retail unit at 52, Sandycove Road, Sandycove, Co. Dublin which is within the original curtilage of 'Burdett House' No.1, Burdett Avenue, a protected structure.

Reg. Ref. D99A/0788 – Permission was granted for a change of use to part of ground floor from use as dwelling to use as offices. Development included glazed entrance/extension to the office and signage. Development located to the southern side of No. 1 Burdett Avenue.

Reg. Ref. D97A/0781 – Permission was the division of existing auctioneers office into two units, retaining the existing use in the larger and providing retail/office use in the smaller unit.

## 5.0 Policy Context

### 5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective 'NC' 'to protect, provide for and/or improve mixed-use neighbourhood centre facilities'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas
- RPS No: 1267 - Burdett House – Burdett Avenue, Sandycove, Co. Dublin is a Protected Structure.

### 5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011

- Section 13.5 refers to Development within the Curtilage of a Protected Structure.
- Section 13.8 refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area.

### 5.3. Sustainable Urban Housing: Design Standards for New Apartment, Guidelines for Planning Authorities, 2018

- Policy to encourage more refurbishment and small-scale urban infill schemes;
- Removes requirements for car-parking in certain circumstances to support sustainable transport modes and in the interests of enhancing the economic deliverability of apartment schemes.
- Minimum Apartment Floor Areas: 1- bedroom apartment (2 persons) 45 sq m.
- Minimum floor area for private amenity space: One bedroom – 5sq m.

## 5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura 2000 sites are Dalkey Island SPA c.1.8km to the east and Rockabil to Dalkey Island SAC c.2km to the east. South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA are located c. 2.6km to the north-west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

(1) Anthony & Mareen Kerr & Edward & Liz McGoohan

- The appellants live at the adjoining houses at no. 2 & no. 3 Burdett Avenue. The properties are protected structures.
- The proposed height of the building at 7.7m is of concern. The development would extend back 10m from the front wall.
- It is noted that the rear garden of no. 1 Burdett Avenue has been built over and is occupied by a flat roof building. The proposed development would extend this and further detract from the setting of the protected structure.
- The location of the proposed roof terrace is of concern as it would give rise to noise and disturbance.
- The proposed new wall to the northern elevation would be very intrusive.
- It is considered that the assessment of the Planning Authority did not adequately address the potential impact upon the neighbouring protected structures.
- The provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) is cited. Section 8.2.11.2 states, *“All development proposals potentially impacting on Protected Structures shall have regard to the Department of Arts, Heritage & the Gaeltacht, ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).*
- Section 8.2.3.4(i) of the Development Plan refers to first floor rear extensions and it states that such proposals will be assessed having regard to

overshadowing, overbearing, overlooking, along with proximity, height and length along mutual boundaries. It is questioned whether the Planning Authority had adequate regard to that section of the plan.

- Council policy also requires that the design and external finishes of extensions generally harmonise with existing structures. In the case of the proposed scheme the adjoining and abutting house which are protected structures should be assessed in this regard.
- Section 8.2.11.2(iii) of the Development Plan refers to development within the curtilage of protected structures and states that development will be assessed in terms of scale, height, massing and alignment on protected structures. Also in relation to the quality of materials and palette of materials proposed and the impact on existing features and landscape elements. It is set out in the appeal that the Planning Authority failed to adequately consider those criteria.
- Under Reg. Ref. D17A/0798 permission was refused for a comparable proposal. The Conservation Officer had concerns about the proximity of the apartment to Burdett House. In the Planning Officer's report the free standing nature of Burdett House was noted and the closing off of the aspect from its side facing window.
- Burdett Avenue contains one of the best streetscapes in Dún Laoghaire, with the location of many fine period houses and the marine view towards Dublin Bay.
- It is set out in the appeal that there should be consideration of the location of the proposed development within the curtilage of Burdett House. It is contended that the proposed development would obstruct views of important rooms of the protected structure.
- The proposed development would constitute overdevelopment of no. 52 Sandycove Road and would cause overbearing and overshadowing of the adjoining residential properties. This would result in a loss of residential amenity.

- The report of the Planning Officer refers to Section 2.1.3.4 of the Development Plan which supports living over the shop. This section of the plan encourages residential use of the upper floors of existing residential premises.

(2) Dr. Muiris O'Ceidigh

- The site at no. 52 Sandycove Road is a commercial premises which is owned by the applicants. It is in the original curtilage of the protected structure at no. 1 Burdett Avenue.
- Under Reg. Ref. 17A/0798 permission was refused for a residential unit above the commercial property at no. 52 Sandycove Road. While the size of the proposed development has been reduced from that refused under that proposal, it is considered that the issues raised in the refusal have not been satisfactorily addressed.
- The proposed development would compromise the integrity of the protected structure at no. 1 Burdett Avenue. The development of a first floor unit over the ground floor commercial unit would further compound the existing loss of rear garden to no. 1 Burdett Avenue.
- The development would negatively impact on the setting of no. 1 and no. 2 Burdett Avenue which are protected structures.
- The proposal would overshadow the rear gardens of neighbouring properties at no. 2 and no. 3 Burdett Avenue. The proposed development would obstruct the view from the first floor side window of no. 1 Burdett Avenue.
- Noise would be generated with activity on the proposed roof terrace and would damage the amenities of neighbouring residential properties.
- It is considered that the proposed design does not integrate with surrounding development. The extension with a contemporary design would be located between a regency building no. 1 Burdett Avenue and a red brick Victorian building. The proposed zinc roof is considered incongruous and the off-white brick finish would not harmonise with the adjacent properties.



- It is considered that the proposed development is not in compliance with Section 8.2.11.2 of the Development Plan which refers to development in proximity to a protected structure. No parking is provided which will lead to additional parking in an area where there is a high demand for on-street parking. The proposed roof terrace would be within 2.747m of the side window of Burdett House.
- The view from the side window would be directly obstructed by a 1.9m opaque glass panel. It is considered that the proposed development would detract from the streetscape in Sandycove village.
- It is requested that permission is refused for the reasons set out in the appeal.

## 6.2. Applicant Response

- The history of the development of Sandycove is set out in the response to the appeals. It is noted that at the time of Griffith's valuation of around 1864 that buildings were erected on lands east of Burdett Avenue and that a structure had been built to the rear of Burdett House on part of the site of no. 52 Sandycove Road.
- In the late 19<sup>th</sup> and into the 20<sup>th</sup> century the two-storey commercial premises at 48-51 Sandycove Road were developed. Approximately forty years ago an infill commercial development was carried out at no. 52 Sandycove Road in the back garden of no. 1 Burdett Avenue. It comprises a single-storey flat roof and brick faced building. The premises was formally in use as an auction rooms. Currently, the building is in partial use as an Estate Agents. It is noted that the flat of the building is in need of refurbishment.
- In response to the appeals reference is made to the criticism of the construction of the single storey building at no. 52 Sandycove Road over forty years ago. Notwithstanding the design of the building, the reality of the existence of the building should be acknowledged.
- It is stated in the public notice that the site is within the original curtilage of no. 1 Burdett Avenue. Effectively, that part of the curtilage was alienated from no. 1 Burdett Avenue. The two properties no. 1 Burdett Avenue and no. 52

Sandycove road were in distinctly separate uses and have been in separate ownership.

- The Conservation Officer advised in a pre-planning application that the relevant Development Plan policy is 8.2.11.2(iii) Development in proximity to a Protected Structure. The application therefore should be assessed having regard to that section of the plan.
- The design is considered appropriate in terms of the contemporary design and the proposed materials and finishes. It is considered that the design compliments the streetscape.
- Regard the provisions of Section 13.8.3 of the Architectural Heritage Protection Guidelines, it states that *“the extent of the potential impact of the of proposals will depend on the location of the new works the character and quality of the protected structures, its designed landscapes and its setting ...etc.”*
- The proposal is modest in scale and sufficiently remote from the Protected Structure so that it would have no material impact. Accordingly, the special interests of no. 1 Burdett Avenue, protected structure would not be compromised by the proposed development.
- The first floor side window in the east elevation of no. 1 Burdett Avenue faces onto the roof of no. 52 Sandycove Road. This window serves a first floor bedroom. The bedroom is also served by a window in the south elevation. It is considered that the outlook from the window in the east elevation would not be affected to any major extent.
- A hipped roof is proposed to the apartment and the nearest part of the roof would be 4m from the east elevation of no. 1 Burdett Avenue. The proposed terrace would be located 2.5m from the window and the terrace would be enclosed with a 1.9m glass screen to prevent overlooking.
- Using the 25° rule in relation to overshadowing, the proposed development would not exceed a line drawn at an angle of 25° from the centre of the window and therefore it would have no significant impact on the window.

- The proposed development would not result in a loss of privacy to neighbouring residential properties. There would be no overlooking from the proposed windows to the apartment. The glass panels to the terrace would be finished with a non-transparent glass.
- The proposed design acknowledges the main characteristics of the existing adjoining buildings in terms of building line, roof profile and height along Sandycove Road. It is noted that the development would have little visual presence on Burdett Avenue.
- The scale of the apartment is relatively modest and is set back 1.876m from the boundary with no. 2 Burdett Avenue. The proposed development would not be overbearing or excessive in height or depth.
- Shadow diagrams were submitted with the appeal response. The drawing indicated that the proposed development would cause minimal additional overshadowing.
- The appeals refer to an adverse impact due to increased noise and disturbance from the proposed terrace. Such an impact is considered unlikely. The terrace will be separated from existing properties by 1.9m barrier. The proposed one bedroom apartment would be occupied by 1-2 people. If the Board has concerns about the location of the terrace can be reduced by 50% to 5sq m the minimum area set out in the apartment guidelines.
- Regarding the matter of car parking, it is noted that the Planning Authority accepted that it would be appropriate to develop the apartment in an urban area without car parking. The area is well served by public transport including bus and DART and there is existing on-street parking in the area.
- The appeal submitted by Mr & Mrs Kerr and Mr & Mrs Mc Goohan, stated that the policy in respect of living over the shop is not relevant. It is reasonable for the Planning Authority to have regard to policy 8.2.3.4(ix) as the proposed development would add to the vitality of Sandycove village.
- The current proposal represents a significant reduction in the plan area of the scheme which was refused under Reg. Ref. D17A/0798.

- The proposed development is in accordance with the proper planning and sustainable development of the area. It is requested that the Board grant permission for the proposal.

### 6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

### 6.4. Further Responses

A further response was received from the appellants Anthony & Maureen Kerr & Edward & Liz Mc Goohan. The main issues raised are;

- In respect of no. 52 Sandycove Road being treated as a separate planning entity from no. 1 Burdett Avenue, it is stated that because they were treated separately in the past by the Planning Authority it does not necessarily mean it is correct to do so now.
- The proposed development would have a gross overbearing impact from the rear rooms and rear garden of the appellants property.
- The streetscape image submitted by the applicant indicates the elegance of Burdett House pared down. It is considered that the existing structure no. 52 Sandycove Road is intrusive and that the proposed first floor development would negatively impact the neighbouring protected structures.
- Policy 8.2.3.4(ix) refers to "living over the shop". This policy relates to the use of vacant space and making the best use of existing accommodation and therefore does not relate to new buildings.

A further response was received from the appellant Dr. Muiris O'Ceidigh. The main issues raised are;

- The history of the property no. 1 Burdett Avenue is detailed.
- The appellant is of the opinion that the structure at no. 52 Sandycove Road is unauthorised.

- The conditions attached by the Planning Authority for the grant of permission do not refer to the protected structure status of the buildings at no. 1 and no. 2 Burdett Avenue.
- The development would due to its incongruity and general appearance negatively impact upon the streetscape character of Sandycove Village.
- The proposed development is within the curtilage of the protected structure no.1 Burdett House. The proposal does not compliment the neighbouring Georgian period property.
- The use of section 8.2.3.4(ix) which refers to 'Living over the Shop' is not a relevant policy to be used to assess the proposal.
- It is considered that there is no basis for a parking exemption for the proposed. The Sandycove area experiences issues with a shortage of on-street car parking.

## 7.0 **Assessment**

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

- Impact upon Protected Structures
- Design and impact on Residential Amenity
- Car parking
- Appropriate Assessment

### 7.1. **Impact upon Protected Structures**

- 7.1.1. The grounds of appeal refer to the potential impact of the proposed development upon the adjoining and adjacent protected structures. As indicated on Map no. 3 of the Dún Laoghaire Rathdown Development Plan 2016-2022 the three dwellings to the west and north-west of the site are Protected Structures. These are Burdett House (No. 1 Burdett Avenue), Virginia, no. 2 Burdett Avenue described as a house

is a Protected Structure (RPS No. 1260). Ballygihen Lodge, no. 3 Burdett Avenue described as a house is a Protected Structure (RPS No. 1246).

- 7.1.2. Burdett House (No. 1 Burdett Avenue) is a Protected Structure (RPS No. 1267). A Conservation Report submitted with application was prepared by Jones & Kelly Architects who are specialists in Conservation. The report provides a historical context to the site and Burdett House. Burdett House was constructed circa 1837. It is a semi-detached, three bay, two-storey over basement property. The building is prominent within the streetscape as the corner site location means the property addresses Sandycove Road and Burdett Avenue. As noted in the Conservation Report the single storey flat roof commercial building no. 52 Sandycove Road is not protected itself however it lies within the original curtilage of Burdett House.
- 7.1.3. The report of the Planning Officer also refers to the location of subject site within the original curtilage of Burdett House. In the response to the appeals the applicant's Planning Consultants stated that in effective, the subject site which comprises that part of the curtilage was separated from no. 1 Burdett Avenue. It is noted that the two properties no. 1 Burdett Avenue and no. 52 Sandycove Road were in separate uses and have been in separate ownership.
- 7.1.4. Section 8.2.11.2 (iii) of the Development Plan refers to development in proximity to a protected structure, it states that any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. It is required that the overall guiding principle to assess proposals will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged with use of pastiche design discouraged as it confuses the historical record of the existing building and diminishes its architectural integrity.
- 7.1.5. Section 13.5 of the Architectural Heritage Protection Guidelines for Planning Authorities refers development within the curtilage of a Protected Structure. It advises that where a formal relationship exists between a protected structure and its ancillary buildings or features new construction which would interrupt that should rarely be permitted. It is also advises that the relationship between the protected

structure and the street should not be damaged including that views of the principal elevations of the structure should be protected.

- 7.1.6. Section 13.8 of the guidelines refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area. It advises that the extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure and its setting. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.
- 7.1.7. While, I note that the site (no. 52 Sandycove Road) is located within the original curtilage of Burdett House, I would concur with the assertion that it is now separate from no. 1 Burdett Avenue. This has resulted from the evolution of the structures and their uses. Accordingly, while the single storey building no. 52 Sandycove Road directly adjoins Burdett House it is a separate structure.
- 7.1.8. The grounds of appeal refer to alleged unauthorised development at no. 52 Sandycove Road. In response to this I would note the planning history which refers to the subject single storey flat roof building. Permission was granted under Reg. Ref. D97A/0781 for the division of existing auctioneers office into two units, with a retail/office use in the smaller unit and retention of the existing use in the auctioneers office. Permission was granted under Reg. Ref. D10A/0139 for the subdivision of existing retail unit No.2 to provide for third, self-contained retail unit at 52, Sandycove Road.
- 7.1.9. In relation to the matter of the design of the proposed first floor apartment and its potential impact upon the character of the Burdett House, Protected Structure, I would note that the development would be set back 4.2m from the first floor of Burdett House. When viewed from Sandycove Road the new first floor development at no. 52 would read as a clearly separate structure from Burdett House. The new development would directly adjoin the existing two-storey properties at no. 50 and no. 51. A hipped roof is proposed to the apartment. The eaves and ridge of the roof will match that of the adjoining building. The ridge height and eaves level of the subject roof is circa 900mm below that of Burdett House to the west. This will serve to ensure that proposed development would not unduly impact upon the prominence of Burdett House within the streetscape. The proposed first floor development would

be in-line with the established front building line of the single storey building on which it would be located. This building line is set forward 3m from the side building line of Burdett House as it addresses Sandycove Road.

- 7.1.10. The proposed external finish would feature a zinc roof and brick finish. This would provide a simple contemporary design. The proposed windows to the front elevation have been designed to match the adjoining building. The proposed roof profile would integrate with the surrounding buildings including Burdett House. Accordingly, due to the height and design of the proposed first floor element I do not consider that the proposal would unduly impact upon the streetscape character or upon Burdett House.
- 7.1.11. Regarding potential impacts upon the neighbouring protected structures to the north-west at no. 2 and no. 3 Burdett Avenue, having regard to location of the proposed development relative to the two properties, I do not consider that the proposal would unduly impact upon the character or setting of the protected structures.
- 7.1.12. Having inspected the site and reviewed the proposed elevations I am of the opinion that the proposed new development has been designed having specific regard to protecting the character and context of Burdett House and the surrounding streetscape.
- 7.1.13. Accordingly, having regard to the overall design of the scheme I am satisfied that it can be appropriately integrated into the site and that it would fully respect the character and context of Burdett House and the neighbouring properties to the north-west no. 2 and no. 3 Burdett Avenue.

## **7.2. Design and impact on Residential Amenity**

- 7.2.1. The grounds of the appeal refer to potential impacts to residential amenity specifically in relation to overshadowing, loss of outlook and noise and disturbance.
- 7.2.2. Regarding the matter of overshadowing I have examined the proposed plans and elevations and having regard to the location of the appellants' properties and specifically in relation to potential impact to properties at no.1, 2 and 3 Burdett Avenue to the west and north-west. As part of the response to the appeals a Shadow Study analysis was prepared by Jones & Kelly Architects. The diagrams indicated shadowing at 9am, 12pm, 3pm and 6pm at the spring equinox, March 21<sup>st</sup>, the summer solstice June 21<sup>st</sup> and the winter solstice December 21<sup>st</sup>. These



indicated at midday on March 21<sup>st</sup> there would be some very limited additional shadowing of the adjoining rear garden of no. 2 Burdett Avenue.

- 7.2.3. At 9am on June 21<sup>st</sup>, there would be some shadowing of the remaining roof area of no. 52 Sandycove Road but not as far as the rear of Burdett House. Shadow diagrams for each month at midday were also provided. These indicate that there would be marginal additional shadowing at midday of the rear garden of no. 2 Burdett Avenue in February, October and November. Given the level of additional shadowing would be very limited and that it would not impact the dwellings directly, I am satisfied that the proposed development would not unduly impact the amenities of neighbouring properties in terms of overshadowing.
- 7.2.4. In relation to the matter of visual impact of the proposed development on the appellants properties in terms of outlook or overbearing impact I note that it has been designed to be set back from the party boundaries to the north and west. The building would be set back 1.87m from the boundary with no. 2 Burdett Avenue. Furthermore, I would note that the wall which would address the northern party boundary extends for 5.7m. Therefore, having regard to those design aspects of the proposal, I am satisfied that it would not unduly impact the neighbouring properties to the north.
- 7.2.5. A first floor side window to the eastern elevation of Burdett House addresses the roof of no. 52 Sandycove Road. The window serves a bedroom. I note that the window would be set back over 4m from the proposed development and that the bedroom is also served by a window in the southern elevation. Given the setback provided, I am satisfied that the proposed development would not unduly impact upon the first floor side window of Burdett House.
- 7.2.6. Regarding the proposed terrace, an area of 9.9sq m is proposed to adjoin the western side of the building with access from the kitchen/living room. As set out in table 8.2.5 the Development Plan an area of 6sq m would be required to serve a one bedroom apartment. The Design Standards for New Apartment, Guidelines for Planning Authorities, 2018, require a minimum of 5sq m of private amenity space for a one bedroom apartment. The area proposed is double the requirement as set out in the Guidelines. The appeals refer to noise and disturbance which would be generated as a result of the roof terrace. In response to this I note that it is set back

from the northern boundary by 3m and 2.8m to the western boundary. Furthermore, the proposed apartment contains one bedroom and therefore the occupancy would be limited to a maximum of two persons. The applicant has stated that they are amenable to reducing the area of the terrace to 5sq m should the Board consider it appropriate. Having regard to the siting and design of the proposed terrace including the use of 1.9m opaque glazed screening, I consider that it provides a satisfactory level of privacy for future residents and also protects the amenities of adjacent properties.

### **7.3. Car Parking**

- 7.3.1. The appellants have raised concern in relation to car parking and question whether adequate parking is available to serve the proposal. Due to the nature of the site within the footprint of an existing building no on-site car parking can be provided. Section 8.2.4.5 of the Development Plan refers to car parking standards. It is advised in this section of the plan that in limited circumstances the Council may consider the development of car-free housing on suitable small-scale sites where there is access to high levels of public transport and located close to town centres. This policy is echoed in the New Apartment Guidelines.
- 7.3.2. The site is located 600m from Sandycove/Glathule Dart Station and is circa 1km from Dun Laoghaire Main Street. Having regard to the excellent public transport options serving the area and proximity to a town centre location, I am satisfied that car parking could be omitted at this location as there is flexibility in Section 8.2.4.5 of the Plan in such locations.
- 7.3.3. The report of the Transport Planning Section had no objection subject to the attachment of a number of conditions. Including that an adequately sized bicycle storage area is provided. The ground floor plan indicates a bicycle storage area at the eastern wall. The Transport Planning Section had concerns that as indicated on the plan the area could accommodate a standard bicycle. However, their report noted that an area could be provided for the storage of a bicycle either horizontally or vertically. Should the Board decide to grant permission, I consider that a condition can be attached to address the matter.
- 7.3.4. The Planning Authority attached a condition requiring the payment of a special development contribution of €2,750.00 (based on 250 times the daily parking rate for

one on-street vehicle). The Planning Authority stated that the condition was attached to be expended on the Monkstown Village Traffic Improvement Scheme and Cross Avenue and Environs Road Safety Improvement Scheme. However, I consider as development plan policy would allow for car-free housing for small scale development at this location, that it is not appropriate to attach such a condition.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, and the location of the site within an established urban area, and its distance 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. It is recommended that permission be granted permission for the reason set out below.

#### **9.0 Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2016-2022 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the Burdett House Protected Structure or of neighbouring Protected Structures and would not seriously injure the amenities of the area or of property in the vicinity. 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 1.9m high glass panels surrounding the first floor terrace shall be permanently fitted with opaque or frosted glass.

**Reason:** In the interests of visual and residential amenity.

3. 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 and to ensure a proper standard of development.

4. Prior to commencement of development, details of the proposed bicycle parking area shall be submitted to and agreed in writing with the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

**Reason:** In the interest of visual amenity.

6. Prior to commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

**Reason:** In the interests of amenities, public health and safety.

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 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, 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.

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Siobhan Carroll  
Planning Inspector

11<sup>th</sup> of July 2018