



An  
Bord  
Pleanála

## Inspector's Report ABP 301597-18.

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<b>Development</b>	Demolition of existing two-storey extension and construction of two-storey extension to the rear of the dwelling.
<b>Location</b>	86 Albert Road Lower, Sandycove, Dún Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown.
<b>Planning Authority Reg. Ref.</b>	D18A/0152
<b>Applicant</b>	Bernard O'Connell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Margaret Brown
<b>Observers</b>	None
<b>Date of Site Inspection</b>	23/8/18
<b>Inspector</b>	Siobhan Carroll

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the eastern side of Albert Road, Sandycove, Co. Dublin. Sandycove is situated 1km to the east of Dún Laoghaire town centre. The section of Albert Road where the site is located features predominately early 20<sup>th</sup> Century properties.
- 1.2. The site has an area of 0.083 hectares. It contains a double fronted Victorian style villa. The property is currently vacant. It is served by a maturely planted rear garden. The dwelling has a floor area of 181sq m and contains three bedrooms. A two-storey extension was added to the rear of the property. It projects out 7.7m from the rear building line and has a ridge height of 6m.
- 1.3. The southern boundary adjoins residential properties with frontage onto Elton Park. The northern boundary is formed by a rendered wall. The appellant's property to the north of the site contains a two-storey semi-detached dwelling.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following;
  - (1) Demolition of two-storey extension to the rear with a floor area of 68sq m,
  - (2) Construction of part single storey and part two-storey extension to the rear,
  - (3) Internal and external alterations to the original dwelling including the replacement of windows,
  - (4) Widening of the vehicular access to the public roadway,
  - (5) Construction of detached single storey garden store.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 14 no. conditions.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

- The Planning Authority were generally satisfied with the design and scale of the proposed extension. They did consider it appropriate to reduce the length of the extension by 1.5m at ground and first floor level in order to protect the existing residential amenities of the adjacent property and require the omission or reduction of first floor windows to the south elevation.

### 3.2.2. Other Technical Reports

3.2.3. Transport Planning – No objections subject to conditions.

3.2.4. Drainage Planning – No objections subject to conditions.

## 3.3. **Third Party Observations**

3.3.1. The Planning Authority received one observation/submission in relation to the proposed development. The main issues raised are similar to those set out in the appeal.

## 4.0 **Planning History**

None

## 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 'A' 'to protect, provide for and/or improve residential amenity.'
- Chapter 8 – Principles of Development
- Section 8.2.3.4 – refers to Additional Accommodation in built up areas

- The Site is located within the zone of influence of a Recorded Monument (RMP No. 023-018) a wedge tomb/megalithic tomb.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal was submitted by Margaret Brown. The main issues raised concern the following;

- The appellant has objections to some elements of the scheme granted at no. 86 Lower Albert Road.
- The increase in the roof ridge line of the proposed extension would be over two feet higher than that of the existing two storey part pitched roof. The proposed increase in roof height would impact the light to the southern aspect of the appellant's property 'Roxtro' no. 87 Albert Road. The appellant is particularly concerned that the extension would impact light to the kitchen and living room of her dwelling and particularly in Winter months.
- The appellant requests that the Balance flue be located to the rear elevation.
- Two windows proposed at single storey level to the side elevation of the extension would be at a height above the party boundary wall. The appellant requests that these windows be omitted and replaced by rooflights in order to protect the privacy and amenity of her property. Alternatively, the appellant suggests that the windows be located below the level of the top of the boundary.
- The appellant objects to the new rear door proposed close to the location of the kitchen door of her dwelling. Part of the door would be above the level of

the boundary wall and the appellant considers that the proximity of the door to her property would have a negative impact.

- The appellant requests that the issues raised in the appeal are addressed.

## 6.2. Applicant Response

A response to the third party appeal was submitted by Paul O'Connell & Associates on behalf of the applicant Bernard O'Connell. The main issues raised the following;

- The grounds of appeal raised by the appellant were also raised in the objection lodged with the Planning Authority. The Planning Authority considered the objections raised in their determination of the application and the decision was made to grant permission.
- Having reviewed the contents of the appeal, it is considered that there is no new evidence provided that a grant of permission would lead to negative impacts upon her property.
- In the appeal response the applicant outlines his proposals to extend and refurbish the property.
- The applicant highlights in the submission that he wrote to his immediate neighbours to outline his development proposals for the property.
- The appellant Margaret Brown sent a letter in response to his correspondence. In the letter she outlined her concerns in the relation to the scheme.
- The applicant advised his architect to take into consideration the matters raised by Margaret Brown and redesign the proposed extension.
- The applicant requests that the Board review condition no. 3 attached by the Planning Authority which requires the reduction in the depth of the extension by 1.5m as it would reduce the bedroom and en-suite area.
- The applicant also requests that the Board review condition no. 4 attached by the Planning Authority which requires the amendment in the design of the two south facing windows in the bedroom. It is argued that the removal of the

windows or restricting them to high level would create a blank elevation which would appear unbalance.

- The applicant states that should the Board require, they would be amenable to the use of obscure glazing.
- The appellant refers to the height of the proposed extension and compares it with the ridge height of the existing older part of the property. The applicant suggests that it would be more appropriate to compare the height of the proposed two-storey extension with the existing two-storey extension. It is noted that the first floor of the extension would be set back 4.1m from the northern boundary which will increase the flow of natural light into the appellants property.
- Regarding the Balanced Flue it is proposed to locate it 8m from the most easterly point of the neighbouring dwelling.
- In relation to the proposed ground floor windows in the north elevation it is argued that the windows would be obscurely glazed and high level and serving a toilet and utility. This proposal would represent an improvement as the existing windows at that location are clear glazed and positioned at a lower level.
- The proposed “access door” to the north elevation referred to in the appeal would appear to be the door to the proposed outside toilet. As such it would be used infrequently. The proposed east facing passage door is proposed for security purposes to prevent trespass to the rear/side of the property.
- It is submitted that the design greatly improves the light, amenity and security of the neighbouring property to the north.

### **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.

## 7.0 Assessment

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

- Design and impact on Residential Amenity
- Appropriate Assessment

### 7.1. Design and impact on Residential Amenity

- 7.1.1. The grounds of the appeal refer to potential impacts to residential amenity specifically in relation to design elements of the proposal. Those issues raised concern the proposed height of the rear extension, the scale of the extension and potential impacts upon access to light, windows proposed to the north facing elevation, the proposed location of the Balance Flue and the location of an access door close to the party boundary.
- 7.1.2. Regarding height and design of the proposed extension, I consider having regard to the siting, height and design of the existing two-storey rear extension that I would have no objection in principle to the proposed development provided it would not unduly impact upon the residential amenities of existing properties. The ridge height of the proposed extension is 6.4m while that of the existing rear extension is 6m. I do not consider that is of an excessive height in comparison with the existing extension as it is only marginally higher. I also note that a relatively shallow hipped roof is proposed. This I consider serves to reduce the overall visual impact. Furthermore, I note that the roof of the proposed extension would not be visible from the public footpath to the west on Albert Road.
- 7.1.3. In relation to the proposed depth of the extension, it would project out 14m from the main rear building line. In contrast the existing extension projects out 7m from the original property. The Planning Authority attached condition no. 3 which required that the dept of the extension be reduced by 1.5m at ground and first floor level. The applicant has requested that should the Board decide to grant permission that this restriction upon the proposed scheme not be included. I note that a separation

distance of 2.2m is proposed between the side of the extension and the northern boundary. While I note that a section of the first floor of the extension is inset 2m further that the ground floor, I would still have a concern at the proposed depth of the first-floor extension. Accordingly, having regard to the proposed depth of the extension relative to that of the existing almost double the length and the proximity of the neighbouring dwelling to the north, I consider that it would be appropriate to reduce the extent of the ground and first floor extension by 1.5m in length to protect the amenities of the adjoining property in terms of access of light and outlook considerations.

- 7.1.4. The appellant raised concern at the location of windows proposed to the north facing elevation. As indicated on the plans no first floor windows are proposed to this elevation. Two windows are proposed at ground floor level to serve a toilet and utility. In response to the matter the applicant has confirmed that it is intended that the windows would be obscurely glazed. I consider that it would be appropriate to attach a condition to ensure this is carried out.
- 7.1.5. Reference is made in the appeal to the proximity of an access door to the boundary with her property. The closest door which would be located in the northern elevation is a door proposed to serve an outside toilet. The applicant has confirmed it is only intended to use it occasionally and in association with works and maintenance of the garden and the property. Accordingly, given the proposed infrequent use of the facility, I consider that it would not unduly impact upon the appellants property.
- 7.1.6. The applicant has confirmed that the Balanced Flue is proposed to be located 8m from the most easterly point of the neighbouring dwelling. I consider this is an adequate separation distance.
- 7.1.7. In their response to the appeal the applicant has requested that the Board consider condition no. 4 attached by the Planning Authority which required that the first floor bedroom windows on the south elevation of the rear extension be omitted or comprise high level windows with a cill height of 1.5m. It is the applicant preference that the windows as proposed be permitted.
- 7.1.8. I note that the existing elevation of the two-storey extension features 1 no. first floor window to a toilet and a rooflight. Having reviewed the plans and elevations and having regard to the separation distance of 7m to the southern boundary I am



satisfied that the proposed first floor windows would not unduly impact upon the amenities of the neighbouring property to the south.

- 7.1.9. The appeal site is located within the zone of influence of Recorded Monument (RMP No. 023-018) a wedge tomb/megalithic tomb. Should the Board decide to grant permission, I would recommend that attachment of a condition requiring archaeological monitoring.

## 7.2. **Appropriate Assessment**

- 7.2.1. 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 reasons and considerations 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 seriously injure the visual 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 proposed development shall be amended as follows:
  - a) The depth of the proposed extension shall be reduced by 1.5m at ground and first floor level.
  - b) The high level ground floor windows in the north elevation serving the toilet and utility shall be fitted with obscure glazing.

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 interests of visual and residential amenity.

3. 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. Details of the surface water drainage system in compliance with Sustainable Urban Drainage measures (SUDS) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health to ensure a proper standard of development.

4. 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.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

8. 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

31<sup>st</sup> of August 2018