



An
Bord
Pleanála

Inspector's Report ABP 302067-18.

Development	Demolition of dwelling and construction of 2 no. dwellings.
Location	Newlands, Coliemore Road, Dalkey, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown
Planning Authority Reg. Ref.	D18A/0365
Applicants	Wayne & Amber Byrne
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Wayne & Amber Byrne
Observers	None
Date of Site Inspection	5/10/18
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.0932 hectares and is located on the landward side of Coliemore Road in Dalkey County Dublin. The site is located within Dalkey Architectural Conservation Area (ACA). The area has a mix of building styles and types. The western end of Coliemore Road contains predominately Victorian period properties. The properties in the immediate vicinity of the site are no's 99 and 100 to the west. They are mews style two-storey cottages built circa 1922. The cottages directly adjoin the roadside.
- 1.2. The adjoining property to the east no. 98 is a semi-detached cottage. To the east along Coliemore Road no's 94-96 are single storey Victorian cottages built circa 1893. These properties directly adjoin the roadside.
- 1.3. The site accommodates a single storey detached dwelling with a floor area of circa 176sq m. The dwelling is set back circa 14m from the northern roadside boundary. The roadside boundary along Coliemore Road is formed by a rendered capped wall circa 1.6m. The front garden contains a mature hedge along this boundary. The section Coliemore Road adjoining the site is relatively narrow at approximately 5m in width and consequently there is no footpath along the southern side of the road.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the existing bungalow and all associated building within the site, and the construction of 2 no. 4-bedroom dwellings. The units are part one-storey/part two-storey over basement. The development will include modifications to the existing boundary wall and access arrangement to include the provision of two new entrances (3.5m in width) for each of the units. The development will also include all associated site development works above and below ground including site services and landscape works.
- 2.2. The proposed scheme as revised under the first party appeal reduces the height of the proposed dwellings by 750mm and 1000mm respectively, a shared vehicular access to the basement car parking is proposed with a 750mm high roadside boundary wall.

3.0 Planning Authority Decision

3.1. Decision

1. The proposed dwellings, by reason of their scale, mass and bulk, and the loss of the front boundary, would be visually obtrusive, incongruous, and overly dominant when viewed along the streetscape from Coliemore Road and the surroundings and, therefore, fails to enhance or strengthen the built character of the Dalkey Architectural Conservation Area and does not accord with Policy AR12 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. It is also considered that the proposed dwellings by reason of their scale, bulk, mass and proximity to the adjoining site boundaries would result in overdevelopment of the site and would unduly impact on the residential and visual amenity of the adjoining dwellings, and if permitted would set an undesirable precedent for similar development in the area. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that Planning Authority had no issue with the removal of the dwelling on site. The proposed design of the scheme including the loss of the boundary treatment and the bulk and scale of the dwellings was considered visually obtrusive and overly dominant in the streetscape. It was recommended that permission be refused.

3.2.2. Other Technical Reports

Conservation Officer – Refusal recommended.

Transport Planning – Further information sought regarding sightlines at the vehicular entrances.

Drainage Planning – No objection subject to conditions.

Waste Management – No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – No objection

An Taisce – The height, design, mass and scale of the proposed development was considered excessive and out of character. The proposed development would negatively impact upon the character of Dalkey ACA. Insufficient sightline distance available at the proposed vehicular entrances. Visual impact of the proposed development and impact upon protected views was also raised. An Taisce request that permission be refused.

3.4. **Third Party Observations**

The Planning Authority received three observations/submissions in relation to the application. The issues raised concerned the design and scale of the proposal, the removal of the existing roadside boundary, safety of proposed vehicular entrances and overlooking and loss of privacy.

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.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- The site is located within the Dalkey Architectural Conservation Area (ACA).
- Policy AR12: Architectural Conservation Areas
- It is Council policy to:
 - i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).

- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

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

- 5.2.1. Section 3.10.1 - sets out Criteria for Assessing Proposals within an Architectural Conservation Area

Proposals for new development

- 5.2.2. When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design. However, replacement in replica should only be contemplated if necessary, for example, to restore the character of a unified terrace and should be appropriately detailed. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

5.3. Natural Heritage Designations

- 5.3.1. Dalkey Island SAC is 260m to the east of the appeal site.
- 5.3.2. Rockabill to Dalkey Island SAC is 560m to the east of the appeal site.

5.3.3. South Dublin Bay and River Tolka Estuary SPA 3.8km to the north-west of the site.

5.3.4. South Dublin Bay SAC 4km to the north-west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Brock McClure Planning and Development Consultants on behalf of the applicants Wayne & Amber Byrne the main issues raised can be summarised as follows;

- The proposal is for the development of two family homes. The applicants and their children intend to live in one dwelling with Mrs Byrne's mother living in the second property.
- A revised design has been submitted with the appeal providing a reduction in the scale, mass and height of the development.
- It is requested that the Board have regard of the relevant planning history in the vicinity.
- It is noted that the reconstruction of front gates and boundaries on a number of properties have been carried out in the area. They include the setting back of entrances on Coliemore Road. It is requested that the Board consider the prevailing trend of recessed gates in the vicinity.
- The Visual Impact Assessment prepared by James Horan Architectural Illustration concluded that the impact of the proposed development is moderate or imperceptible from the views shown.
- It is submitted that the overall proposal is acceptable with the ACA notwithstanding the assessment of the Planning Authority.
- It is noted that the report of the Conservation Officer supports the contemporary design. However the Conservation Officer expressed concern at the loss of the front boundary wall.
- It is proposed to setback that roadside boundary primarily on the grounds of traffic safety.

- The report of the Planning Authority raises no concerns in relation to impact upon residential amenity of adjoining property to the south and west. The impacts in relation to the bulk and scale of the development as noted by the Planning Authority are understood to be in relation to the properties to the east.
- The proposed revised design further reduces the proximity of the dwellings to site boundaries. It is proposed to reduce the height of House A by 750mm and House B by 1m. The width of House A would be reduced by 100mm and House B would be reduced by 600mm. The proposed roadside boundary comprises low granite wall of 750mm. This will maintain the roadside boundary while providing satisfactory sightlines.
- It is submitted that the revisions submitted with the appeal address the reasons for refusal in relation to the scale, bulk and mass of development.
- Clare Hogan Conservation Architect carried out a review of conservation issues and prepared a report. As set out in the report, there is a variety of built character on Coliemore Road. There are a mix of architectural styles and periods. It is stated in the report that the modern interventions built in the late twentieth century on Coliemore Road are lacking in architectural quality with the exception of no. 7 which is noteworthy.
- The revised design has been addressed in the conservation report. The proposal seeks to retain the character of Coliemore Road. The proposed roadside boundary wall is considered sensitive to its context in terms of the proposed materials and symmetry. The design references the entrance screen at the Loretto Convent.
- It is submitted that the proposed reduction in the height and width of the houses and the low roadside boundary wall would reduce the visual dominance of the proposal.
- Regarding the matter of overdevelopment design and the impact upon residential of adjacent property, it is understood this refers to the properties adjoining the eastern site boundary. The first party disagree that the development as proposed would negatively impact adjoining property.

- It is set out that the reduction in height and width would reduce the perception of overdevelopment of the site. The revised scheme would provide that the height of the dwellings would be less than 1m above the ridge height of the existing bungalow.
- The applicants confirm that they are happy to accept a grant of permission for the revised scheme as submitted with the appeal should the Board be minded to grant permission.

6.2. 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

The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issues of vehicular access, appropriate assessment screening and environmental impact assessment also need to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design and Visual Impact
- Vehicular access
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Principle of the proposed development

- 7.1.1. Permission is sought to demolish an existing dwelling and construct two dwellings 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 reliant 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 considerations.

7.1.2. The existing dwelling is in habitable condition and is currently occupied. 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”.

7.1.3. The existing dwelling subject of this application ‘Newlands’ is located in Dalkey Architectural Conservation Area, however the property is not a protected structure. The subject dwelling is a bungalow constructed in the 1960’s it would not be of significant architectural merit and due its design and the fact it is setback from the roadside boundary and the presence of high mature trees and hedging on the site mean that the dwelling is not highly visible from the public road, therefore I would consider that the existing dwelling does not contribute significantly to the streetscape. Accordingly, I consider in principle that demolition of the dwelling would be acceptable in this case. It is advised in the Architectural Heritage Protection Guidelines that when it is proposed to demolish an undistinguished building in within an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.

7.2. Design and impact upon the Architectural Conservation Area

7.2.1. In relation to nature of the proposed development and the proposed design it is noted that the Planning Authority refused permission on the basis that the proposed development due to the scale, mass and bulk, and the loss of the front boundary, would be visually obtrusive, incongruous, and overly dominant when viewed along the streetscape from Coliemore Road. It was stated in the refusal that the development would not enhance the built character of the Dalkey Architectural Conservation Area and that it would result in overdevelopment of the site.

- 7.2.2. The appellants contend that the proposed development is fully respectful of its location within Dalkey Architectural Conservation Area. They note that there is variety in the built character on Coliemore Road with dwellings from different periods representing a mix of architectural styles.
- 7.2.3. The report of the Conservation Officer acknowledges that Coliemore Road is an attractive road which is characterised by a series of unfolding views. It is noted in the report that the boundary treatment along Coliemore Road provides spatial enclosure which give the road its special character and sense of place. The character of development in the area is described as varied in type and house design. It is noted that most dwellings on Coliemore Road are large scale and set back behind boundary walls. The dwellings which adjoin the public road by contrast are modest in scale. While, the report of the Conservation Office states that there is no objection to the principle of the development of the contemporary buildings, the design the bulk, scale and mass of the dwellings were considered excessive for the site context. It was concluded that the development would negatively impact upon the streetscape character of the ACA. The report referred to the need for future development to reflect the existing morphology of the area and it advocated the omission of garage podiums which were deemed incongruous within the ACA.
- 7.2.4. In response to the refusal issued by the Planning Authority the applicant has submitted a revised scheme as part of the appeal to address the issues raised. The revised design provides a reduction in the height and width of each dwelling. It is proposed to reduce the height of House A by 750mm and House B by 1m. The width of House A would be reduced by 100mm and House B would be reduced by 600mm. To address the matter of the loss of the roadside boundary a low granite wall of 750mm is proposed. It is submitted that the proposed revisions provided with the appeal address the reasons for refusal in relation to the scale, bulk and mass of development.
- 7.2.5. Clare Hogan Conservation Architect prepared a report of conservation issues. It is noted in the report, there is a mix of architectural styles and from a variety of architectural periods on Coliemore Road. It is acknowledged in the report that the removal of the existing boundary wall would result in the loss of a characteristic feature within the ACA and that its removal would increase the visual impact of the proposed dwellings. The report states that the revised design with the low granite

wall would retain the character of that section of Coliemore Road and contribute to the character of the ACA. It is the considered opinion of the Conservation Architect that the boundary wall design references the entrance screen of Loreto Convent built circa 1842. The assessment of the Conservation Architect concludes that the revised design provides a reduction in the height and massing of the development and that the contemporary design is of a high standard which would ensure the protection of the character and special interest of the ACA.

- 7.2.6. James Horan Architectural Illustration prepared a Visual Impact Assessment which was submitted with the appeal. Photomontages were provided from 3 no. viewpoints. The Visual Impact Assessment provided a description of the impact of the development from the three viewpoints. When viewed from Coliemore Road to the east of the site, it is stated in the assessment the development would be visible but that the proposed landscaping and high quality finishes to the boundary wall would add visual interest. In relation to the revised design I note that the height of the dwellings would be reduced by between 750mm and 100mm and that the height of the basement wall would be reduced by circa 590mm, however given the context of the surrounding dwellings which are also sited adjoining the road the proposed dwellings are much larger in mass and scale when compared to the single storey cottages to the east and the mews style cottages to the west. The insertion of the proposed dwellings within the streetscape and from viewpoint no. 1, would, I consider significantly alter the character of this section of Coliemore road which is as described by Council's Conservation Officer as exhibiting spatial enclosure which gives the road its special character and sense of place. Accordingly, when viewed from the east on Coliemore Road, I consider that the proposed development it would appear visually dominant in the streetscape.
- 7.2.7. When considered from viewpoint no. 2 to the west on Coliemore Road the proposed dwellings would appear setback from the road and the proposed low granite wall would provide some definition along the roadside boundary. However, I consider with the graduated nature of the boundary treatment and landscaping that the sense of enclosure provided by the existing boundary wall would be lost and the overall streetscape vista eastward would appear more open. I note that the proposed development would not be visible from viewpoint no. 3 from Rockfort Avenue to the south.

- 7.2.8. Policy AR12 of the Dún Laoghaire-Rathdown Development Plan 2016-2022 refers to development within Architectural Conservation Areas and requires that design of new development are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design. As advised in the Architectural Heritage Protection Guidelines, the scale of new structures in an ACA should be appropriate to the general scale of the area.
- 7.2.9. While, I am satisfied a scheme of contemporary design could be considered within the ACA and that the proposed materials and finishes including a render finish, granite stone and timber door and windows are of high quality, it is my considered opinion that the proposed scale, mass and bulk of the proposed development and its siting would render the proposal visually obtrusive and overly dominant within the streetscape.
- 7.2.10. In relation to potential impacts upon residential amenity, I note that the proposed dwellings would be well setback from the neighbouring dwellings to the south and west. A separation distance of 4m would be provide from House B and the closest dwelling to the east no. 98 Coliemore Road. Accordingly, I would consider that the proposed development would not unduly impact upon the residential amenities of adjoining properties.
- 7.2.11. In conclusion, I would concur with the assessment of the Conservation Officer that the established morphology of Coliemore Road is characterised by larger scale properties setback from the roadside with the properties adjoining the roadside relatively modest in scale. The subject scheme would significantly alter this establish pattern of development and introduce dwellings of significant bulk and scale which would negatively impact the special design character of the Dalkey ACA at this location. Accordingly, I recommend that permission be refused on that basis.

7.3. **Vehicular access**

- 7.3.1. The existing property is served by a gated vehicular entrance to the south-eastern corner of the site. As proposed under the originally application two vehicular entrances would be developed to access basement carparking to serve each dwelling.
- 7.3.2. A Transport and Technical Note for the development was prepared by Transport Insights, Transport Planning Consultants. The document addresses the issues

raised in the report of the Council's Transport Planning Section concerning the proposed sightlines at the vehicular entrances.

- 7.3.3. The revised scheme as indicated on drawing no. PL04 Rev A, submitted with the appeal would provide a single vehicular entrance to a shared basement garage. 4 no. car parking spaces are proposed. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement being 2 spaces per three bed dwelling or larger dwelling. The proposed dwellings each contain 4 no. bedrooms. Accordingly, the proposed car parking provision is in accordance with development plan requirements.
- 7.3.4. A recessed entrance with a roadside boundary wall circa 750mm high is proposed. Drawing no. 20180377_03v1.3 submitted with the appeal indicates the proposed sightlines at the entrance. Sightlines of 40.4m are available to the west and 39.1m is available to the east. Coliemore road has a speed limit of 50km/h and the section of road where the entrance is proposed is narrow with a road width of circa 5m. A traffic survey was conducted on Coliemore Road adjacent to the site and a spot speed survey was carried out which confirmed that the 85th percentile speeds on Coliemore Road of 33km/h in the westbound direction and 35km/h in the eastbound direction.
- 7.3.5. As per Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) (2013) 45m of forward visibility is required at the entrance with a design speed of 50kph and 33m of forward visibility is required at the entrance with a design speed of 40kph. Having regard to the narrow road width at this location which results in lower vehicle speeds consequently lower forward visibility would be required and having inspected the site, I am satisfied that sightline distance proposed is acceptable.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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.

7.5. Environmental Impact Assessment

- 7.5.1. Having regard to the nature and scale of the development which consists of the demolition of one dwelling and development of two dwellings in a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that permission is refused.

9.0 Reasons and Considerations

1. The site is located on Coliemore Road in an area which has an attractive and coherent architectural character which forms part of Dalkey Architectural Conservation Area. Having regard to the pattern of development in the area, specifically the sense of spatial enclosure which is a feature of this section of Coliemore Road which also contributes to the experience of streetscape vistas to the east along Coliemore Road and which defines the special character and contributes to the sense of place within this section of the streetscape, it is considered that the proposed development by reason of its scale, mass and bulk, and the loss of the existing front boundary, would be visually obtrusive, incongruous, and overly dominant when viewed along the streetscape from Coliemore Road. The proposed development would be contrary to Policies AR12, of the Dún Laoghaire-Rathdown Development Plan 2016-2022 and would create an undesirable precedent for similar types of development in the area. The proposed development would be out of character with and unduly detract from the character of Dalkey Architectural Conservation Area and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

22nd November 2018