



An  
Bord  
Pleanála

## Inspector's Report ABP-302410-18

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<b>Development</b>	Permission to carry out substantial alterations, demolitions and additions to existing decayed house.
<b>Location</b>	Fides, 95 Sorrento Road, Dalkey, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0546
<b>Applicant(s)</b>	Peter and Yana Crowley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Peter and Yana Crowley
<b>Observer(s)</b>	Anne O' Dwyer and others Gerard Hogan and others
<b>Date of Site Inspection</b>	6 <sup>th</sup> November 2018
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site, located on Sorrento Road, opposite the junction with Tubbermore Road has an area of c.0.0358ha. It currently accommodates a single storey, mid terraced dwelling with a floor area of 136 sq. metres. The existing dwelling is in poor condition and in need of complete refurbishment. The façade of the existing house is relatively simple, rendered in pebbledash with a central glazed front door and two sash windows on either side.
- 1.2. The dwelling is set back from the street frontage with a small area of hard landscaping to the front to accommodate off street parking. There is an existing 2 storey extension to the rear and a large back garden. The dwellings on either side are two storey, three bay houses dating from the mid ninetieth century. On the opposite side of the road, there are two storey red brick houses from later in the nineteenth century.

## 2.0 Proposed Development

- 2.1. The proposed development comprises substantial alterations, demolition and additions to the existing house. With the exception of the existing side walls and parts of the front façade, the existing dwelling will be demolished. The development provides for the addition of a new second storey to the dwelling and a large extension to the rear. Part of the rear extension is single storey and is at a lower sunken level with its roof providing a raised terrace to serve the extended living accommodation above. This lower level accommodates 2 new bedrooms. There is also a sunken level terrace to the rear. It is proposed to raise the boundary fence with adjacent properties from 1.6m to 2m to prevent overlooking. The gross floor area of the proposed dwelling is 248 sq. metres.
- 2.2. To the front, it is proposed to remove the existing low boundary planter feature and provide an open frontage to facilitate off street parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1 Permission refused for 2 no. reasons:

1. *Having regard to its design, in particular the composition and proportions of the fenestration within the front façade providing window openings that diminish in scale with height and the proposed roof design, it is considered that the proposed development is out of keeping with the adjoining buildings. It is considered that the proposed development is visually incongruous with existing streetscape and the character of the Dalkey Village Architectural Conservation Area. It is considered that the proposed development does not accord with Policy AR12: 'Architectural Conservation Areas' and Section 8.2.11.3 'Architectural Conservation Areas' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, and would set an undesirable precedent for future development. The proposed development is, therefore, contrary with the proper planning and sustainable development of the area.*
2. *Having regard to its design and layout to the rear, with a large roof terrace at first floor level and a first floor extension immediately adjoining the western site boundary, it is considered that the proposed development would be visually overbearing and would give rise to overlooking. The proposed development would, therefore, unduly impact upon adjoining residential amenities and would set a poor precedent for future development in the area. It is considered that the proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and is, therefore, considered to be contrary with the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (31.07.2018)

- Having regard to policy RES4 in the County Development Plan which actively promotes the conversion, retention and adaption of existing housing stock to facilitate changing housing needs, it is considered that the provision of a new first floor over the existing dwelling is acceptable.

- It is considered that insufficient certainty has been provided in relation to the extent of original fabric to be retained. Note that an Engineer's report certifying that the proposed development would not interfere with the structural integrity of attached properties would be required.
- Note that the extent of interventions to the existing front elevation has been raised as a concern by the Conservation Division. Consider that the design and fenestration details proposed would be discordant with adjoining properties and the established character of the ACA. It may be more appropriate in this instance to retain the ground level front elevation of the existing dwelling in its entirety and add a more appropriately designed first floor and roof element. Also consider that any change to the existing front boundary treatment may negatively impact on the visual amenities within the ACA. The development would neither enhance nor strengthen the streetscape character of the ACA.
- State that in the main the proposed development will provide for a well designed dwelling. There are concerns however, in relation to the extent of development extending to the rear of the property. Consider that the first floor layout would unduly impact upon adjoining residential amenities due to potential overlooking from the first floor external roof terrace and overbearing issues arising from a first floor element located along the western side boundary on adjoining private amenity space. Also note that there may be overlooking from the proposed windows on the side elevations.
- Concerns that there may issues in relation to surface water run off from the higher ground level to the new lower ground level.

### 3.2.2. Other Technical Reports

**Drainage Planning (29.06.2018):** Further information requested regarding attenuation and surface water runoff.

**Transportation Planning (20.07.2018):** No objection subject to condition. The report notes that the proposed development includes the demolition of the granite wall and end piers and the opening of the full length of the property road boundary as a vehicular entrance. It is stated that this is contrary to Section 8.2.4.9 of the County Development Plan regarding vehicular entrances and that there should be no

increase in the length of the property road boundary made available for vehicular access.

**Conservation Report (15.06.2018):** Consider that the design of the front façade should be revised. The report states:

*“In this regard, the composition and proportions of the fenestration should reflect that of neighbouring buildings. Employing widow openings that diminish in scale and height, is out of keeping with the adjoining buildings. The recessed balcony window is at odds with the built form and character of the streetscape and visually discordant with the rhythm of the terrace. The opportunity to reinstate uniformity and rhythm would enhance and strengthen the streetscape character of the ACA. The details and materials of the windows/door may benefit from being of contemporary design, not necessarily ‘sash’ windows to distinguish the building as a later addition. We are satisfied with the height/scale and treatment of the eaves/lack of moulded cornice. However, the flat apex to the roof and the associated rooflights to the front pitch will also have a visual incongruous impact on the Dalkey ACA.”*

**Waste Management (15.06.2018):** Further information requested regarding waste management and detailed Environmental Management Construction Plan.

### 3.3. Prescribed Bodies

- No submissions received.

### 3.4. Third Party Observations

3.4.1 There were three observations on the file. Issues raised overlap and can be summarised as follows:

- Concerns regarding the proposed raised roof terrace and impact on the amenities and privacy of adjoining properties from overlooking and noise intrusion. State that roof terrace is not in keeping with the existing pattern of rear gardens at ground level.
- Consider that windows on the side elevation should be omitted.

- Object to the character and design of the front façade in the context of adjoining dwellings in the ACA and that the original façade of the dwelling should be restored. Consider the roof profile to the rear to be overbearing.
- Concerns regarding surface water drainage and potential damage to the structural integrity of adjoining properties.

## 4.0 Planning History

4.1 No recent relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A: *To protect and/or improve residential amenity*. It is located within Dalkey Village Architectural Conservation Area (ACA). The ACA Report notes regarding Sorrento Road that: *“Fisherman”s cottages dating to the early 19th century, a characteristic building type in Dalkey, are also found on Sorrento Road, and are an important remnant of the rural character of the village. The cottages are generally three bays in length having a rendered finish and a central door opening, a distinctly low front elevation and are without architectural enrichment.”*

5.1.2 Section 8.2.3.4 of the Plan addresses additional accommodation in existing built up areas. This notes the following key points:

- First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining first floor extensions the Planning Authority will have regard to factors such as:
  - Overshadowing, overbearing and overlooking -along with proximity, height and length along mutual boundaries.

- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.
- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

5.13 The plan states:

*“Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.”*

5.1.4 With regard to the demolition and replacement of dwellings, the plan notes that single replacement dwellings within an urban area will be assessed on a case by case basis and may only permit such developments where the existing dwelling is beyond repair due to structural defects. For all applications relating to replacement dwellings, a strong justification / rationale shall be provided by the applicant.

5.1.5 Other relevant policies include:

**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.*

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.

### **Section 8.2.11.3 (i) New Development within an ACA**

*“A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, contemporary design is encouraged that is complementary and sympathetic to the surrounding context and scale. All planning applications for development within an ACA shall have regard to the following criteria:*

- *All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should normally be ‘of their time’ and to the high standards of design with contemporary design encouraged. ‘Pastiche’ design should normally be avoided.*

## **5.2 Guidelines for Planning Authorities: Architectural Heritage Protection**

5.2.1 This document, sets out comprehensive guidance regarding development in Conservation Areas. Section 3.10.1 addresses new development in ACA’s and states:

- *“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 The nearest Natura 2000 site is the Dalkey Islands SPA located c. 0.5km to the east.



## 6.0 The Appeal

### 6.1 Grounds of Appeal

- State that the purpose of the application is to create a family home for the applicants.
- The house which dates back to the 1840's requires substantial renovation. It has been structurally altered over the years and much of the original fabric of the house has been replaced. The application proposes to remove a lot of decayed structure and extensions which have been added to the house that have no cultural or historic value. It is proposed to retain the perimeter walls of the original house. Some internal walls which are part of the original structure will be removed. It is noted the building is not a protected structure.
- The development is considered in the context of the guidance set out in the Architectural Heritage Protection Guidelines. Note that the original side walls and front façade will be retained behind newly insulated and plaster finished walls which will form a link with the past. The discordant pebble dash finish, random rubble architrave as well as teak windows and door will be removed which would have a positive effect on the ACA.
- Consider that the interpretation of the ACA policy guidelines taken by the Conservation Officer and endorsed by the planner are particularly harsh. States that the Conservation Officer of DLRCC seeks a uniformity or possibly a replica of the neighbouring two storey facades. The refusal of façade elements including flat areas of the front roof and the edges of roof lights would have a detrimental effect on the living conditions inside the house. Consider that the development contributes vibrantly to the character of the ACA and that it is a contemporary building and design that harmonises with rather than contrasts with existing building stock.
- State that the proposed façade is a veil or screen to a unified two and a half storey hallway space. The upper storey opens up to the roof space and is lit by centrally arranged flat skylights. The openings and frames around the openings are carefully considered to be contemporary in style. The windows which diminish in scale reflect the floor levels of the interior.

- The design was also considered having regard to the composition of the whole five houses on the terrace and that the façade would act as a form of centre point. There are examples of period cottage style houses further along Sorrento Road with large scale windows. It is considered the development will enrich the townscape.
- Detailed description of the proposed window and door and treatment on the front facade provided. Note that the set back balcony over the doorcase could accommodate seating or flower pots. Such window boxes help enrich our cities and provide passive surveillance.
- The layout of the house is upside down with the bedroom accommodation placed at ground level. The living spaces are located at the upper level and it is critical that these spaces have a connection to the garden. In this regard, the roof of the sunken extension is used as a passing space to get to the garden.
- State the proposed roof terrace is 750mm above the existing ground level with corresponding boundary wall and fence being raised a similar amount to negate the effect of possible overlooking. Note the staggered arrangement of terraces to the rear of no. 95 and the two adjoining properties. State that it is important to assess this when considering impacts on privacy. Consider that the planner could have suggested that the terrace area and the bedrooms under it be further lowered to the existing level of the garden by way of condition. This would have had the effect of removing the raised terrace which would now be a level terrace on the old garden, thus alleviating any potential for overlooking.
- With regard to the lack of a structural engineering report, state that two test holes into the floor slab near the boundary wall to the rear have been dug. These showed that the extent of the foundations of the boundary walls was 700mm below the existing floor slab. It is proposed to drop the floor level by 360mm in the bedrooms and bathrooms to the rear, therefore, the new structural slab would be above the bottom of the boundary walls and so not disturb the earth under them. Engineers would supervise the building work to ensure that existing foundations of boundary walls would not be disturbed. Also note that the rear central bedroom wing is set back some 1.5m away from the boundary walls and, therefore, excavation will have a minimal effect on

neighbouring dwellings. The engineers will carry out a photographic survey of neighbouring properties prior to any development work.

- In terms of the potential overbearing impacts of the sloped roof to the rear, state that set backs or alternative finishes could be proposed and agreed prior to construction and agreed by way of condition. Details of surface water drainage can be addressed by condition.

## **6.2 Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## **6.3 Observations**

### **Gerard Hogan and others**

- Their property is located to the immediate rear of no. 95. Concerned regarding potential overlooking from the proposed terrace.

### **John O' Dwyer and others**

- Their property, no. 94, adjoins the subject appeal site.
- Welcome the development but raise concerns regarding the impact of the proposed roof deck on the amenity and privacy of their rear garden, particularly from noise intrusion. Consider that the proposed deck is a significant raised structure to the rear garden and is not in keeping with the area, where the established pattern comprises gardens and open space at ground level.
- Object to the proposed large side facing windows and their potential to overlook adjoining properties.
- Concern regarding potential structural damage to adjoining properties during the construction phase. Consider that an engineering report regarding the protection of adjoining properties should have been included with the application.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of the appeal and observations and it is considered that no other substantive issues arise. Appropriate Assessment and EIA screening also needs to be addressed. The issues can be dealt with under the following headings:

- Architectural Design and Impact on the Architectural Conservation Area
- Impact on Residential Amenity
- Appropriate Assessment.
- EIA Screening.

### 7.2 Architectural Design and Impact on the Architectural Conservation Area

7.2.1 The proposed development comprises the redevelopment of an existing single storey cottage. The site is located within the Dalkey ACA, and it is likely that the dwelling was a former fisherman's cottage, typical of this area. The property has undergone substantial alterations over the years with its original render finish on the front elevation replaced with pebble dash and an ornamental cobble stone architrave installed around the front entrance. Much of the original front boundary wall has been removed and there is an unsympathetic extension to the rear. The dwelling is in very poor condition and in need of complete renovation.

7.2.2 It is proposed to substantially renovate and extend the existing house. Having regard to its existing condition, this is welcomed. An entire new second storey will be added. I have no objection to the principle of this element, noting the need to extend the extent of habitable accommodation. To the rear, a large two storey, part single storey extension is also proposed with the single storey element sunken down below the existing garden level to provide additional bedroom accommodation.

7.2.3 Concerns have been raised by both the Planning Officer and the Conservation Officer regarding the treatment of the front elevation. It is considered that the proportions and composition of the fenestration is inappropriate and that the flat apex to the roof with roof lights to the front is incongruous. The applicant sets out that the design of the front façade has been given careful consideration, that the fenestration

relates to the interior spaces and that it is a contemporary building and design that harmonises with existing building stock.

7.2.4 The proposed development will effectively create a new building within the ACA.

The only original material to be retained comprises the existing side walls of the dwelling, and whilst it is stated by the applicant that the front façade is retained, it is evident that this will be substantially modified and reconfigured. The Architectural Heritage Guidelines note the importance of design for new structures within an ACA stating that it is preferable to minimise the visual impact and a general presumption in favour of a harmonious design. A high standard of contemporary design is encouraged and pastiche is to be avoided.

7.2.5 In general the treatment of the proposed front elevation is in my view of high quality.

The reinstatement of the original plaster treatment to the façade is welcomed.

However, I would concur with the views of the Planning Authority regarding the appropriateness of the design of the front elevation fenestration, and in particular the central window with recessed balcony feature. It is detailed in the appeal document that this recessed balcony could be used as a seating area or for planting and that it will enrich the streetscape. I however, consider this feature to be incongruous with the streetscape and the general character and simplistic elevational treatment of adjoining dwellings in the terrace. Whilst contemporary design is welcomed, this feature in my view over complicates the treatment of the façade and detracts from the character and rhythm of the terrace. I also have concerns regarding the over scaled design of the windows serving the ground floor and the proportions of the fenestration, is in my view, discordant with the adjoining dwellings. The roof lights to the front in my view should also be omitted to ensure a roofscape more consistent with adjacent dwellings.

7.2.6 The proposed development also proposes the removal of the existing front boundary

in its entirety. The character appraisal for the Dalkey ACA notes that “*Front sites are generally enclosed by low to medium height coursed rubble granite or rendered rubble walls with pedestrian gates. Many of the original front sites have recently been adapted to accommodate off-street parking. This practice has been carried out in an ad-hoc manner resulting in the hard surfacing of traditionally soft landscaped front sites and the removal of original boundary walls and gates.*” Whilst it is

acknowledged that with the exception of the front pier, much of the original front boundary along the site has been lost, the proposed open boundary is inconsistent with adjoining dwellings and in my view inappropriate in the context of the ACA.

7.2.7 In conclusion, I consider the design of the front elevation to be out of character with the exiting streetscape and that it would fail to protect the character of the ACA. It is thus contrary to Policy AR12 of the County Development Plan and the guidance set out in the Architectural Heritage Guidelines.

### **7.3 Impact on Residential Amenity**

7.3.1 The proposed development provides for an extensive extension to the rear. Concerns have been raised by the Planning Authority regarding the layout of the extension, particularly the first floor layout which incorporates a large raised outdoor roof terrace area. It is considered that this element would have overlooking and overbearing impacts.

7.3.2 It is acknowledged in the submitted planning application documents (drawing A5) that there is potential for overlooking from the raised terrace. To counteract this, it is proposed to raise the boundary fences with each adjacent property to 2 metres locally near the terrace. It is stated that the fences would be 1.5m above the raised terrace and thus would obscure any overlooking of adjacent gardens. The appeal submission also notes that the terrace is set well forward of the existing rear patio areas serving the adjoining dwellings, further minimising potential negative impacts.

7.3.3 Notwithstanding an increase in the side boundary fences, having regard to the scale and height of the raised terrace, located 750mm above the existing garden level, it has in my view, the potential to cause noise intrusion and visual disturbance to the adjacent dwellings. Furthermore the side windows proposed in the first floor element also have the potential for overlooking. Whilst I note that the existing two storey extension to the rear has side windows, these are obscured. In this regard, I am not satisfied that the development as proposed would not have a negative impact on the residential amenities of adjacent dwellings.

7.3.4 The applicant has proposed as part of their appeal document that the roof terrace of the bedroom wing could be dropped to the existing garden level. It is stated that in

this case, the recreation area/terrace would be brought back down to garden level and that this matter could be addressed by way of condition.

- 7.3.5 I note however, that apart from one section drawing appended to the appeal with no scale or dimensions, that no detailed drawings of this proposed revision are provided. Whilst such an amendment may relieve potential negative impacts to adjoining residential amenities, there is a paucity of information provided to enable a full assessment of this revision. I also note that this revision would require even further deeper excavation of the rear garden. The appeal submission states that two test holes into the floor slab near the boundary wall to the rear have been dug. These were observed on site. These showed that the extent of the foundations of the boundary walls was 700mm below the existing floor slab. It is detailed that is proposed to drop the floor level by 360mm in the bedrooms and bathrooms to the rear and, therefore, the new structural slab would be above the bottom of the boundary walls. There is no detail however, provided regarding the structural implications of dropping the floor level further.
- 7.3.6 I also note that with the exception of the brief description in the appeal submission, there is no detailed engineers report, structural report or further details of the test holes undertaken. The Dun Laoghaire Rathdown County Development Plan states that a structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling. No such report was submitted with the application or the appeal to support the proposed excavation and works to the ground level to the rear. I am not satisfied, having regard to the information on file, that such works can be facilitated without structural implications to adjoining properties either in the development as proposed or in the revised layout suggested in the appeal.
- 7.3.7 In the absence of such detailed information, coupled with my more general concerns regarding the treatment of the front elevation and rear fenestration, I do not recommend that the issue of lowering the rear elevated terrace is addressed by way of condition.

## **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development, an extension and redevelopment of an existing dwelling within an established urban area, and the 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.

## **7.5 EIA Screening**

7.5.1 Having regard to nature of the development comprising an extension and redevelopment of an existing dwelling and the urban location of the site 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 It is recommended that permission be refused for the reasons set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the design of the front elevation of the dwelling, in particular, the composition and proportions of the fenestration including the central first floor window with recessed balcony and roof lights, it is considered that the proposed development is incongruous with the existing streetscape, visually discordant with the rhythm of the terrace and detrimental to the character of the Dalkey Village Architectural Conservation Area. In this regard, it is considered that the proposed development is contrary to Policy AR12 and Section 8.2.11.3 of the County Development Plan and the guidance set out in the Architectural Heritage Guidelines regarding Architectural Conservation Areas and, therefore, contrary to the proper planning and sustainable development of the area.
2. Having regard to the height and scale of the proposed raised terrace to the rear and the extent of fenestration proposed on the eastern and western elevation at



first floor level, it is considered that the proposed development would be visually obtrusive and would seriously injure the amenities of adjoining residential property by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Erika Casey**  
**Senior Planning Inspector**

**7th November 2018**