



An
Bord
Pleanála

Inspector's Report ABP-302553-18

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| Development | Demolition of existing dwelling and replacement with a new three storey, five bedroom detached dwelling. |
| Location | Sunnyside, Vico Road, Killiney, Co. Dublin |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D18A/0219 |
| Applicant(s) | Ian Curley |
| Type of Application | Permission |
| Planning Authority Decision | To Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Susan Mc Donnell on behalf of Dalkey Community Council P & M Crowe Elizabeth Purcell Ros and Elisabeth MacMahon |
| Observer(s) | Lydia Bourke |
| Date of Site Inspection | 26 th November 2018 |
| Inspector | Erika Casey |

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.16 ha and accommodates a detached, split level dwelling known as 'Sunnyside', located along the south eastern side of Vico Road, in close proximity to Dalkey Village. It is not a protected structure. The dwelling presents as a single storey structure to the front onto Vico Road. It is located at a lower level to the existing road with the rear garden set out in a series of terraces that run down the hillside to the Bray to Dublin DART line, located to the south. There are significant site level changes across the site and due to the existing site topography, a three storey extension has been constructed to the rear, with each level served by an external terrace. The original dwelling as it presents to Vico Road was constructed in c. 1860 and the rear modern extension was added in the 1990's, although virtually no surviving material of the original dwelling remains.
- 1.2. 'Strawberry Hill House' (a protected structure) is located to the south east of the site. There is a stone wall and planting along this boundary. A series of steps run along the eastern flank of the house, providing access to the terraced levels to the rear. A detached dwelling known as the 'Billows' is located to the south west. Mature planting and a stone wall which varies in height form the boundary treatment between these two properties. Access to the site is from Vico Road by way of an electronic sliding gate with ramped access to a level parking area. A stone wall forms the front boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing three storey, four bedroom detached dwelling on the site with a floor area of c.558 sq. metres and the construction of a new three storey, five bedroom detached dwelling with an area of c. 582 sq. metres. The development also includes all site development works and landscaping.
- 2.2. The dwelling integrates with the contours of the site and is served by three external terraces to the rear. It has a modern contemporary design, with extensive glazing to the rear to take advantage of the coastal views. The dwelling has a grassed flat

roofed profile and the exterior will be finished in cut stone cladding with horizontal bands of render. Colour tones will be warm off white. It will be served by private open space with an area of 1,398 sq. metres. Existing trees and hedgerows are to be retained as is the existing entrance and car parking arrangement within the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2: The glazing within the following windows and glass panels on the western side elevation shall be fitted with manufactured opaque or frosted glass:

- a. A living room/study at level 0.
- b. A TV room at level -1.
- c. All western side glazing within each proposed external terrace.
- d. The opaque glass shall be permanently maintained on site. The application of film, to the surface of clear glass is not acceptable.

Condition 4: All rock excavation on site shall be carried out by a specialist company and by means of a hand operated hydraulic rock splitter as recommended within the report submitted by Cora Consulting Engineers ref: CORA – 1807 – LO/JP-02, received on 2/8/18.

Condition 9: All necessary measures shall be taken by the Applicant to maintain the integrity of the retaining wall along Vico Road.

Condition 10: The Applicant shall ascertain and strictly adhere to all/any requirements of Irish Rail prior to the commencement of development in site.

3.2. Planning Authority Reports

3.2.1. Planning Reports (04.05.2018 and 29.08.2018)

- It is considered that a replacement dwelling on the site would significantly improve living conditions of future residents in terms of both layout and energy performance. Extensive works would be required to bring the existing dwelling

up to a liveable standard, and given the extent of defects noted within the condition survey submitted, it is likely that extensive demolition and remodelling works would be required to remedy issues on site and such works would be unlikely to provide an energy rating and efficiency that would be achieved over the lifecycle of the proposed replacement dwelling.

- It is considered that the demolition would not unduly impact upon the character of the ACA.
- It is considered that the proposed dwelling has been well designed and integrates well within the site. The proposed layout and design would essentially render the dwelling invisible when viewed travelling along Vico Road and would provide for improved views across Killiney Bay.
- It is considered that the proposed increase in the western boundary wall and introduction of planting will help reduce direct overlooking, however, it is considered that additional measures such as obscured glazing should also be provided in glazing located in close proximity to the western site boundary and within the western sections of the glazed terraces. The dwelling is set back a sufficient distance from the adjoining property to the east to avoid any overlooking impacts.
- The Applicant has provided substantial details including adequate and appropriate mitigation measures to ensure that disturbance to adjoining residents, the public road and sensitive environments is limited during the construction phase.

3.2.2. Other Technical Reports

Drainage Planning (23.04.2018) No objections subject to conditions.

Transportation Planning (23.04.2018 and 20.08.2018): No objections subject to conditions.

Conservation Department (17.04.2018 and 17.10.2018): Notes the following key points:

- It is evident that the original structure has been significantly altered and extended and few if any original features remain internally. The architectural character of the original structure has been severely compromised and bears

no relationship to the original dwelling. Policy AR5 does not apply in this instance and the proposal for demolition is acceptable in principle.

- The new dwelling works with the topography of the site and the building line on the seaward side is set back from that of the existing dwelling on the site, ensuring that it will have less of an impact on properties to either side. In addition it will afford enhanced views from Vico Road to the sea. The design, materials and finishes are of a very high quality and as such the development is considered to accord with County Development Plan policies and objectives for new development within an ACA.

Waste Management Section (01.05.2018 and 21.08.2018): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Rail (17.04.2018): Provides a number of recommendations to ensure that adequate protection is afforded to the rail line during construction.

3.4. Third Party Observations

3.4.1 There were a number of third party observations on the application. Issues raised are similar to those raised in the grounds of appeal summarised in section 6.0 below and in brief are:

- Development is incongruous with the Architectural Conservation Area, will have an adverse visual impact and set an undesirable precedent.
- Consider that there is inadequate justification for demolition of the existing dwelling, that it has sufficient architectural merit to justify its retention and that it contributes to the visual amenities of the area.
- Concerns regarding overshadowing and overlooking and impacts on residential amenities.
- Potential negative impacts to adjoining residences, particularly 'Strawberry Hill' (a protected structure).

- Concerns regarding construction stage impacts, particularly from traffic, rock excavation, vibration and demolition works.

4.0 Planning History

4.1 No recent relevant planning history.

4.2 Other relevant precedents include:

Planning Authority Reference D15A/0208/Appeal Reference PL06D.245013

Permission was granted by the Board in October 2015 for the demolition of a house and the construction of a new 4 bedroom house at no. 36 Coliemore Road, Dalkey, Co. Dublin. The site was located within the Vico Road ACA.

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 subject site is zoned objective A “to protect and/or improve residential amenity” and is located within the Vico Road Architectural Conservation Area. The site is also subject to an objective ‘0/0’ which states “no increase in the number of buildings permissible”. There is an objective to “preserve views from the north along both Vico Road and Torca Road” looking south/southeast across the site. The site is adjacent to the Dalkey Coast zone and Killiney Hill proposed Natural Heritage Area.

5.1.2 Other relevant policies and objectives include:

Section 8.2.3.4 (Xiv) Demolition and Replacement Dwellings

5.1.3 It is stated that:

“The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the grounds of replacement numbers only, but will be weighed against other factors. Better alternatives to comprehensive demolition of,

for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area 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. Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.”

Policy AR5: Buildings of Heritage Interest:

“It is Council policy to:

Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment”

5.1.4 The plan goes on to state:

“Many of the older buildings and structures in the County, whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, are often modest buildings which make a positive contribution to the historic built environment of Dun Laoghaire-Rathdown. The retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County.”

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.”

Policy AR13: Demolition within an ACA

“It is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA. Any such proposals will be required to demonstrate that the existing building is incapable of viable repair and reuse and should be accompanied by an Architectural Heritage Assessment, photographic survey and condition report.”

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 Vico Road Architectural Conservation Area Character Appraisal 2011

5.2.1 The Appraisal notes that:

“The quality of the historic building stock in Vico Road ACA reflects its historic, architectural and social heritage significance and consolidates its character, despite removal of some of the historic buildings and the addition of recent developments built with unsympathetic architectural scale, size and expression.”

5.2.2 A number of policy objectives are set out in Section 7 including:

- *The Council will seek to prohibit the demolition of structures that positively contribute to the character of the Architectural Conservation Area, except in very exceptional circumstances, in accordance with Policy AR12 of the 2010 – 2016 Dún Laoghaire-Rathdown County Development Plan. Where the demolition of a building/structure/item is proposed within the Architectural Conservation Area, one of the key considerations that will be taken into account is the quality of any replacement structure and whether it enhances / contributes to the unique character of the area.*
- *In considering all proposals for building/structures, the Council will seek to encourage an imaginative, high quality, passive design for new buildings, which should provide an opportunity to enhance the ACA generally. In this regard, appropriately scaled new build should have respect for the site/building context, without imitating earlier styles.*

5.3 Guidelines for Planning Authorities: Architectural Heritage Protection

5.3.1 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.”*

5.4 Natural Heritage Designations

5.4.1 The nearest Natura 2000 sites are the Rockabill to Dalkey Island SAC and the Dalkey Island SPA located c. 750 metres and 900 metres respectively from the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 Four third party appeals have been submitted by Ross and Elizabeth MacMahon, Elizabeth Purcell, P & M Crowe and Dalkey Community Council. The issues raised overlap and can be summarised as follows:

- Concern regarding the loss of the original Sunnyside house on the character and integrity of the Vico Road Architectural Conservation Area and that the development would have an adverse impact on adjacent protected structures. Consider the dwelling to be a classic example of an early seaside Victorian villa, that its roadside character has been retained through its façade and signature Victorian chimneys and that it is an important part of the intact social and historic context of the area. State that it positively contributes to the character of the ACA.
- Submit that the front façade should be retained and that it should be possible to extend and rebuild at the lower levels without having to destroy the original house. Note that this option would not require excavation or blasting and would reduce traffic disruption during the construction phase.
- Consider that an inadequate justification has been provided to demolish the existing dwelling and that it would set an undesirable precedent. Note that the building is not beyond repair due to structural defects and that defects listed by the Applicant relate to later extensions which can be removed. There are no insurmountable or unusual works which would justify demolition. State that until recently the house was occupied by the South African Embassy.
- State that the proposed development with its contemporary design is out of character with the heritage of the ACA and constitutes an unsympathetic development.
- Concern that traffic generated during the demolition and construction phase would cause severe traffic disruption and overspill parking to Vico Road. Also have concerns that drilling and excavation works will destabilise the existing ground resulting in landslides to the DART line.

- Consider that existing planting and vegetation will be lost during construction and that inadequate landscape proposals have been submitted by the applicant.

6.2. Applicant Response

- The Sunnyside dwelling as it exists on site has been altered extensively over its lifetime, retaining little of its original architectural fabric and character and with little regard to quality of materials, structure or integrity of the original dwelling. Modern additions have changed Sunnyside irreversibly. Externally and internally it is of no architectural merit, nor quality as a residence. It makes no material contribution to the character or appearance of the area. Note that the Conservation Officer of DLRCC has stated that the architectural character of the original dwelling has been severely compromised and bears no relationship to the original dwelling.
- Refurbishment of windows and roofing as proposed by the appellants would do little more than play to a façade-ism approach to conservation, would not achieve the restoration of the house and would not be a genuine response to the character of the site nor surroundings. The suggestion that this approach would be economically cheaper or more practical is not correct and does not consider the life costs and implications of a build which is a far higher standard. The dwelling in its current context, contributes little if it all to the setting of adjacent protected structures, which sit within their own context and a wider changing environment.
- The proposal will contribute to the character of the area by providing a dwelling which is more integrated into the topography of Vico Road and of the site and is respectful of the ACA. Visualisations submitted with the application support the assertion that the proposal will positively impact the ACA. The mass and scale of the building at ground level as it presents to Vico Road will be of a lower profile, fitting more comfortably within the topography of the site.
- Note that the visual context of the area has changed considerably over time from the images included in one of the appellant's submissions. Note that Sunnyside is not part of a unified terrace nor similar immediately related group of structures. In reality the surrounding protected structures are isolated from

Sunnyside by distance, the topography of the area and existing vegetation. The proposed development will not have an adverse impact on their setting, rather it will improve their surroundings by removing a dwelling that is unsympathetic to the surrounding context. The surrounding area is a rich mix of styles to which the proposed dwelling will contribute to.

- In terms of setting a future precedent note that with regard to other future proposals in the vicinity, these will be assessed in a case by case basis in accordance with the guidance set out in the County Development Plan. Also note that the site is located in an area identified as a O/O zone which are locations where no increase in the number of buildings will normally be permitted. As such, the development will not set a precedent for the future intensification of similar sites.
- The documentation submitted with the application clearly establishes the construction methodology and management in relation to the physical construction approach, construction traffic management, managing site works and demolition to ensure site stability.
- Conservation Report submitted which provides further detailed assessment of the impact of the development on the ACA.

6.3. 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.

6.4. Observations

Lydia Bourke, Fernhill, Vico Road, Dalkey

- Concern regarding the loss of the existing dwelling due to the contribution it makes to the aesthetic character of the area. Consider that the new dwelling would be visually incongruous within the ACA.

7.0 Assessment

7.1. Introduction

7.1.1 The main issues in this appeal are those raised in the grounds of the appeal and observation 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:

- Principle of Demolition.
- Impact of Development on Vico Road Conservation Area.
- Construction Phase Impacts.
- Appropriate Assessment.
- EIA Screening.

7.2. Principle of Demolition

7.2.1 One of the main concerns raised by the appellants is that an inadequate justification has been provided by the Applicant to demolish the existing dwelling on the site. As set out in section 5 above, specific guidance is set out in the Development Plan regarding replacement dwellings. In general, it is stated that demolition will only be permitted where there is a strong justification provided by the applicant, where the existing dwelling is beyond repair due to structural defects and where it can be demonstrated that the existing building is incapable of viable repair and reuse.

7.2.2 At further information stage, a suite of reports was submitted by the Applicant setting out the justification for the demolition of the existing dwelling. Key points to note from these documents are:

- The existing dwelling has been substantially altered over its life and the existing building fabric is of poor quality and in a state of disrepair. An unrealistic schedule of works would be required to bring it up to standard. It is considered beyond viable and sustainable repair.
- Due to its former use as an embassy significant works would be required to rework and reconfigure the internal accommodation to suit a single family dwelling, including extensive demolition of the internal fabric of the house. Such

works would necessitate a high percentage of existing interior walls, floors and ceilings being removed and reconstructed and that essentially the interior fabric would be replaced almost in its entirety.

- The current BER rating of the house is E2 whereas, the new dwelling will have a rating of A2. The payback of the energy lost by demolition would be less than 10 years and overall, this would represent a significant carbon saving when viewed over the whole life cycle of the dwelling.
- The energy footprint of the new dwelling will be further reduced through passive house design, improved fabric thermal insulation, geo thermal heating, heat recovery ventilation and improved air tightness. The energy demand will drop from 341kWh/m².yr to 47 kWh/m².yr, an 85% drop in energy consumption. The current house generates 32,000kg of CO² per annum and this will drop to 4,600 kg per annum for the proposed dwelling. The longer term carbon saving would not be achievable by refurbishing the existing dwelling. It would not be possible to deliver the level of efficiency, plant performance and passive build quality into the existing structure. Demolition is justified in terms of design life and low energy footprint.
- Structural statement submitted which notes that the dwelling is prone to water ingress below ground. This will be difficult to remediate without significant demolitions to allow for a continuous tanking membrane to be installed. A radon membrane is also required. Water ingress above ground is also evident.
- Condition survey submitted setting out the extensive works to the interior and exterior fabric that would be required to modernise the dwelling.

7.2.3 Having regard to the information on file and observations on site, I am of the view that the existing house is generally in poor condition and in need of extensive renovation and modernisation. It is evident that very little of the original fabric remains and overall, having regard to the extent of modern interventions, the existing dwelling has no architectural character or value.

7.2.4 I note the reports submitted by the Applicant regarding the condition of the existing dwelling and would concur that the dwelling is in a poor state of repair. However, I am of the view that it is unlikely that it is beyond repair due to structural defects. Notwithstanding this, the appropriateness of its demolition, in my view, must be

considered in the context of the overall sustainability of the proposal, the viability of refurbishment and the merits of the new dwelling proposed.

- 7.2.5 It is evident that the new dwelling will provide a far superior dwelling in terms of energy performance. I would concur with the applicants, that over the lifetime of the new dwelling, the energy saving and reduction in carbon output will be a multiple of any additional embodied energy costs associated with the demolition and new construction. It is unlikely that such long term carbon savings would be achievable by refurbishing the existing structure.
- 7.2.6 Furthermore, the likely extent of works to remodel, reconfigure and repair the existing dwelling are likely to be significant and costly and there is little benefit to be derived from this over a new build in the context of the poor architectural quality of the existing house. The economic viability of this approach would also be questionable.
- 7.2.7 I am also of the view that the new dwelling will provide a high quality and modern architectural design response to the site and will provide a far superior dwelling on the site than what is there currently in terms of visual amenities. The principle of demolition is fully endorsed and supported by the Conservation Officer of DLRCC who notes *"I do not feel that Policy AR5 applies in this particular case and the proposals for its demolition is acceptable in principal"*.
- 7.2.8 Having regard to the foregoing, I am satisfied that in this instance, the demolition of the existing house has been fully justified and the replacement dwelling will be superior in terms of sustainability and design and thus in accordance with the proper planning and sustainable development of the area.

7.3 Impact of Development on Vico Road Conservation Area

- 7.3.1 Significant concerns are raised by the third parties regarding the loss of Sunnyside House in the context of its impact on the Vico Road Architectural Conservation Area. It is stated in the County Development Plan 2016-2022 under Policy AR13 that demolition of a structure that positively contributes to the character of the ACA will be prohibited. It is also noted in the Vico Road ACA Character Appraisal:

"Where the demolition of a building/structure/item is proposed within the Architectural Conservation Area, one of the key considerations that will be taken into account is

the quality of any replacement structure and whether it enhances / contributes to the unique character of the area.”

7.3.2 When considering the impact of its demolition, regard must be had to the existing character and architectural integrity of the existing dwelling. Whilst Sunnyside was originally constructed c. 1860, the dwelling has undergone substantial intervention and change over its life. The Conservation Report submitted with the appeal response notes that, following additions to the side and rear, new roof structures and finishes were constructed and installed and that no trace of the original roof material is evident. A large non original roof light is located above the entrance hall, visible from Vico Road. The interior has also been substantially modified with much of the original interior and exterior walls removed. It was observed on site that no original interior architectural features remain, and as noted in the Conservation Report, it is effectively a modern house with faux period details.

7.3.3 The lack of original features was confirmed by the Conservation Officer of Dun Laoghaire Rathdown Co. Co., who state in their report:

“It is evident that the original structure has been significantly altered and extended and few if any original features remain internally. The architectural character of the original structure has been severely compromised and bears no relationship to the original dwelling.”

In this context, I am satisfied that the dwelling as it stands on site is of no conservation value and it in itself does not contribute to the character of the ACA.

7.3.4 It is argued by the appellants that the façade of the dwelling contributes to the overall character and integrity of the ACA. It is evident from the Character Appraisal that the ACA designation primarily stems from the quality of historic building stock along Vico Road, which includes a number of substantial Italianate villa style dwellings. I am satisfied that the existing Sunnyside dwelling, due to its substantial modifications and lack of original fabric would not constitute an existing high quality historic dwelling. Due to the topography of the site, the existing dwelling is not highly visible from the road and in this context, it does not have a significant presence in the streetscape. I note however, that the original boundary wall will be retained and existing landscaping retained and augmented as appropriate which will contribute to the character of the ACA.

- 7.3.5 It is contended by the appellants that the façade should be retained and only the new modern extension to the rear removed. I would concur with the Applicants however, that this approach would constitute facadism. Façade retention is not a preferred conservation response and the Architectural Heritage Guidelines clearly promote high quality contemporary design over pastiche.
- 7.3.6 In terms of the quality of any replacement structure and whether it enhances / contributes to the unique character of the area, I am satisfied that the new dwelling will provide an appropriate architectural design response. The design is exemplar with the use of high quality glazing and materials. Its low profile, green roofs, revised building line and better integration with the contours of the site is a far better solution than the existing bulky and somewhat incongruous rear three storey extension. The proposed rear elevation, in particular responds much more appropriately to the existing topography of the site and as noted by the Council's Conservation officer, it will afford enhanced views from Vico Road towards the sea. The dwelling whilst unashamedly modern in design will in my view contribute to the character of the area and complement rather than detract from the ACA.
- 7.3.7 I am also satisfied that the development will not have an adverse impact on the character or setting of any of the adjacent protected structures. The dwelling is set back from the adjoining 'Strawberry Hill' dwelling and due to the extent of mature vegetation and topography of the site it will remain largely secluded.
- 7.3.8 In conclusion, I am satisfied that the existing dwelling is an undistinguished building in the ACA of no architectural or conservation value. The applicant has set out a reasoned justification for its replacement and the new dwelling will be of far superior quality and interest than the existing house and will have no material adverse impact on the character or integrity of the ACA.

7.4 **Construction Phase Impacts**

- 7.4.1 Concerns have been raised by the Appellants regarding construction stage impacts notably construction traffic and potential for destabilisation as a result of excavation works. I note that this issue was comprehensively addressed by the applicant at Further Information stage and a detailed Construction and Environmental Management Plan submitted. This report notes that during the construction phase a temporary construction access will be created to the west of the existing entrance

and will be widened to allow for access and egress by construction vehicles. Autotrack movements were submitted to indicate how HGV vehicles will access the site. A number of traffic management measures are set out in section 1.4 of the report and it notes that a more detailed Construction Traffic Management Plan shall be provided by the main contractor specific to the site and contain further developed details of the measures. This can be addressed by condition.

7.4.2 In terms of excavation, the Applicant has carried out a detailed site investigation. Rock removal will be required and all rock breaking will be carried out using hydraulic rock splitters which minimises the extent of noise and vibration. This technique also allows for more controlled and localised splitting of rock allowing for more accurate excavation. A line of solid timber hoarding will be erected over the entire length of the southern boundary to prevent debris falling from the site to the DART line. Whilst I note there will be some construction stage impacts as a result of the development, I consider that these will be short term in nature and can be appropriately mitigated and managed through appropriate construction methodologies.

7.5 **Impact on Residential Amenity**

7.5.1 Whilst concerns regarding impact on residential amenities in terms of overlooking and overshadowing was addressed during the application stage, it is noted that none of the appeals submitted specifically raise this issue. However, in the context of Condition 2 imposed by the Planning Authority, this issue warrants an assessment.

7.5.2 The proposed development provides for the re-siting of the house which will improve its setting and relationship with the adjacent dwellings. There is a substantial separation distance between the proposed dwelling and 'The Billows' to the west, and this existing dwelling is set back over 20.7 metres from the party boundary with the subject site. The boundary between the two dwellings will be 2.1 metres in height and there will be additional vegetation screening comprising evergreen oak. Only 2 windows are proposed on the western elevation (as opposed to 7 on the existing western elevation of Sunnyside) and the proposed terraces are orientated to the south east. Given the significant separation distances and boundary treatment proposed I am satisfied that no overlooking will occur and, therefore, regard the imposition of condition no. 2 as unnecessary and recommend its deletion.

7.6 Appropriate Assessment

7.6.1 A preliminary Ecological Assessment of the site was undertaken by the Applicants and submitted as part of the Further Information Response. The report notes that site proposed for development contains no features with any links to the nearest European designated sites, namely, Rockabill to Dalkey Island SAC and Dalkey Islands SPA nor to any other European sites. The applicant has submitted a detailed Construction and Environmental Management Plan. The construction methodology will ensure that there are no impacts to surface water quality during the construction phase.

7.6.2 Having regard to the nature and scale of the proposed development, comprising a replacement dwelling within an established urban area on zoned and serviced land, 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.

7.7 EIA Screening

7.7.1 Having regard to nature of the development comprising a replacement 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 granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the zoning objective for the area in the current Development Plan for the area, to the design, scale, layout and location of the proposed development and to the pattern of development in the area, 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 Architectural Conservation Area and would not seriously injure the residential amenities of properties 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, as amended by the further plans and particulars submitted to the planning authority on the 2nd day of August, 2018, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These shall include the use of non-reflective glass on all elevations facing the sea.

Reason: In the interest of visual amenity.

3. The construction of the development shall be managed in accordance with the Construction and Environmental Management Plan, submitted to the Planning Authority on the 2nd day of August 2018. Prior to the commencement of development that applicant shall submit to the planning authority for written agreement a Construction Traffic Management Plan.

Reason: In the interests of public safety and residential amenity.

4. All rock excavation on site shall be carried out by a specialist company in accordance with the details set out in the Consulting Engineers Report Ref:

CORA – 1807 – LO/JP – 02 submitted to the Planning Authority on the 2nd day of August 2018.

Reason: In the interests of residential amenity.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

6. All necessary measures shall be taken by the Applicant to maintain the integrity of the retaining wall along Vico Road. In this regard, the Applicant shall comply with the recommendations and requirements set out within Section 1.2 Monitoring During Construction of the Photographic Condition Report to Existing Boundary Retaining Wall submitted to the Planning Authority on the 2nd day of August 2018.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

7. Prior to the commencement of development, the applicant shall liaise with the Iarnród Éireann to determine the required measures to protect the existing DART line to the south during the construction phase.

Reason: In the interest of public safety.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to fell and those which it is proposed would be retained.
- (b) All trees within and on the boundaries of the site shall be retained and maintained with the exception of the following:
- (i) Specific trees, the removal of which is authorised in writing by the planning authority.
- (ii) Trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report and which shall be replaced with agreed specimens.
- (c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to and agreed in writing with the planning authority before any trees are felled.

Reason: In the interest of visual amenity.

10. 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.

11. 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 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 An Bord Pleanála 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.

Erika Casey
Senior Planning Inspector

27th November 2018