



An  
Bord  
Pleanála

## Inspector's Report ABP-302703-18

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<b>Development</b>	Demolition of 2 storey return at rear, construction of single storey and two storey extensions to rear, sub-division of existing house, currently in 2 flats, into three number 2 bed apartments and one number 1 bed apartment.
<b>Location</b>	Ardgarra, 47 York Road, Dún Laoghaire, Co Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0685
<b>Applicant(s)</b>	Prinway Ltd.
<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>	Prinway Ltd.
<b>Observer(s)</b>	Eamon O' Tuathail and Aoife Crowley Sarah Delahunty Michael and Anne-Marie O' Sullivan Rose C. Delahunty, Thomas

Delahunty and Clare C. Courtney

Jan Richards and Tim Smyrk

**Date of Site Inspection**

24<sup>th</sup> November 2018

**Inspector**

Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site, with an area of 0.059ha, is located on the eastern side of York Road and accommodates an end of terrace dwelling known as 'Ardgarra'. The house is one of a terrace of three Georgian villa houses with living accommodation on the upper ground floor and bedroom accommodation on the lower ground floor level. The dwelling has a floor area of 171.6 sq. metres. The terrace of housing is set back from the public road and each dwelling is served by a long garden to the rear. To the south of the site, are further detached two storey period properties, the closest of which, no. 46, is a substantial redbrick dwelling located on a more elevated site above the subject site. The rear of the site abuts a private gated drive accessed off Northcote Place which serves a pair of semi-detached dwellings – no.s 1 and 2 Steeple View Court.
- 1.2. To the front, the existing dwelling is bound by a low plinth wall with cast iron railings and a pedestrian gate. There is also a pedestrian access to the rear onto the private laneway to the east. There is a high rendered wall located along part of the southern boundary of the site which is buttressed adjacent to the existing dwelling. The site is not currently served by off street parking.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
- Demolition of the existing two storey rear return.
  - Construction of single storey and two storey extensions to the rear of the house.
  - Subdivision of the house into 3 no. two bedroom apartments and 1 no. 1 bedroom apartment. 2 apartments are proposed on the lower ground floor of the house with a shared front entrance at garden level and two apartments are proposed on the upper ground floor level accessed by the main front door.
  - All apartments have access to a communal open space to the rear of the dwelling with an area of c. 126 sq. metres. Individual external stores are assigned to each unit with a shared bicycle store and bin store. Each unit is

served by a private balcony or terrace, the areas of which are: 5.8, 8.6, 11.3 and 9 sq. metres respectively.

- Installation of new roof lights of the front and rear roof slopes.
- Installation of an external platform lift to provide access to the 2 no. lower ground floor apartments.
- Creation of vehicular entrance to the front of the site to provide for 1 no. off street car parking space.
- The gross floor area of the development is 324.7 sq. metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1 To Refuse Permission for 3 no. reasons:

1. *The proposed development, due to its scale and massing, would be visually overbearing and overshadow the adjoining properties at No. 46 and No. 48 York Road and would, therefore, in itself and by the precedent it would set for similar development in the area, seriously injure the residential amenity and depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the Objective 'A' zoning of the site to protect and/or improve residential amenity and the proper planning and sustainable development of the area.*
2. *The Applicant has failed to demonstrate how the proposed bin and bicycle stores to the rear of the site would be accessed from Northcote Avenue. The proposed development would therefore be contrary to Sections 8.2.3.2(v) and Section 8.2.4.7 of the Dún Laoghaire Rathdown County Development Plan, 2016-2022, with respect to the provision of accessible and conveniently located refuse storage and cycle parking. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*
3. *The proposed development would involve substantial alterations and extensions to a nineteenth century building considered to be an exemplar of*

*domestic architecture of this period. The proposed development would, therefore, be contrary to Policy AR8 of the Dún Laoghaire Rathdown County Development Plan, 2016-2022, to encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report (10.09.2018)**

- Notes that the applicant does not have a right of way onto Northcote Place via the adjoining driveway to the east of the site. As such, refuse bins would not be accessible to an external collector and bicycle parking would not be conveniently located.
- The standard of accommodation generally appears to be in accordance with the Design Standards for New Apartments 2018. It is also noted that each apartment would be dual aspect. Each of the apartments would have a private amenity space in the form of a balcony or a terrace to the rear accessible from the living area of each apartment. Adequate provision is made to the recreational needs of future occupants.
- Having regard to the location of the subject site relative to public transport services including the DART, it is considered that some relaxation of car parking standards should be applied to the propose development subject to the overall design quality of the proposal being acceptable and all other standards being met.
- The proposed rear extensions, the windows of which are primarily oriented towards the eastern boundary of the site would be set back in excess of 20 metres from the said boundary and would not give rise to overlooking impacts on adjoining properties. There are concerns however, regarding the impact of the proposed first floor balconies to the north and south of the site given the sloping profile of the proposed boundary wall adjoining these terraces.

- It is considered that the proposed development would not give rise to serious overshadowing impacts on no. 46. There are concerns however, regarding the overshadowing impacts of the proposed rear extension on no. 48 York Road and in particular the tunnelling effect that would arise between the upper floor of the proposed rear extension and the rear return of no 48. The impact of the rear extension, by way of overshadowing and a reduction in average daylight factor on the rear living room of no. 48 is considered significant.
- The rear extension is substantial measuring 15.8m in length along the southern boundary and c. 13.5m along the northern boundary. It is considered the rear extension would be visually overbearing on the private amenity area to the rear of no. 46, noting in particular that it would have a parapet height ranging from 3.8m to 4.2 m above the garden level of no. 46. It is also considered that the two storey element of the proposed extension would unduly impact upon the aspect of the adjoining first floor living room window of no. 48 and injure the residential amenity of this property.
- It is considered that the extent to which the existing dwelling would be modified both internally and to the rear would seriously detract from the heritage value of this building. The demolition of the rear return would be regrettable. It is also considered that the scale and massing of the proposed replacement extensions would be out of character with the more modest form of the existing house. It is considered that the complete remodelling of the interior with little regard to the original floor plan of the house and its internal features would compromise the character of this heritage building. Notes that the property is not currently subdivided into two flats.

### 3.2.2. Other Technical Reports

**Drainage Planning (08.08.2018):** No objection subject to conditions.

**Transportation Planning (30.08.2018):** Recommends refusal on the basis that the development is served by an insufficient quantity of off street car parking, would set an undesirable precedent and create potential for illegal/inappropriate parking on roads in the area.

**Conservation Division (05.08.2019):** States that the provisions of Policy AR8 of the Dun Laoghaire Rathdown County Development Plan are applicable.

### 3.3. Prescribed Bodies

- No submissions.

### 3.4. Third Party Observations

3.4.1 There were 5 third party observations on the applications. Issues raised are similar to those raised in the observations on the appeal set out in section 6.4 below and primarily relate to:

- Concerns regarding the impact of the development on residential amenities due to overlooking and overshadowing.
- The development would have an overbearing impact and represents the overdevelopment of the site.
- Inadequate provision for bin storage and car parking. No consent to use private laneway to the rear of the site for servicing purposes. Concerns regarding maintenance of communal areas.

## 4.0 Planning History

4.1 No relevant planning history pertaining to the subject site. Permission granted on the adjoining site at no. 46 under **Planning Authority Reference D15A/0726** for a new vehicular entrance from York Road and a parking space.

## 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”*. Relevant policies and objectives include:

**Policy Res 4:** *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

**Policy AR5: Buildings of Heritage Interest:** *It is Council policy to:*

*i. 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*

**Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features**

*“It is Council policy to:*

*i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*

*ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.”*

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:

- 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.
- 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.



5.1.3 **Section 8.2.3.3** set out quantitative standards for apartment development. Section 8.2.4.5 sets out car parking standards.

5.1.4 **Section 8.2.3.4(ii)** addresses subdivision of dwellings. This states:

*“The sub-division of existing dwellings into two or more dwelling units will be encouraged in circumstances where it would contribute to maintaining a viable community in an area, is in a location well served with amenities and where the existing dwelling is of an appropriate size. The maximum number of units in any proposed subdivision will depend upon the characteristics of the area, the suitability of the dwelling for sub-division, availability of services, parking, private amenity space, privacy and other factors. Permission to sub-divide into apartments will not normally be granted unless the average unit size for a one-bedroom unit is at least 45 sq. m. gross floor area. Conversions must not detract from adjoining/existing residential amenity (in terms of overlooking, significant loss of landscaping, high site coverage) or negative visual impact on the streetscape or on neighbouring properties.*

*Sub-division will not usually be a feasible proposition in modern suburban estates of two storey houses, but may be appropriate in larger than average family sized dwellings in old houses or larger apartments, and will only be allowed where appropriate car parking is provided in accordance with the Council’s car parking requirements set-out in Table 8.2.3. Design and landscaping shall be of a high standard for a quality visual environment with adequate open space arrangements required and considered at the discretion of the Planning Authority.”*

## 5.2. Other policy

### **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2018).**

5.2.1 These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

### 5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 sites is the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 0.7 km to the north of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed development is made up of both single and two storey extensions which are clearly domestic in their scale. Adjacent to the northern boundary, a small two storey extension replaces an existing 2 storey return which is in poor condition.
- Contends that the development will not overshadow no. 48 due to the difference in the finished floor levels of both properties. The ridge of no. 48 is 9.35 above the finished floor level of no. 47 and, therefore, a full storey height above the existing house and proposed development. No. 48 casts a shadow on no. 47. The ridgeline of the development is 5.5m below the ridge line of no. 48 and 1.4m below the ridge level of no. 47.
- The small 2 storey extension to the rear adjacent to the northern boundary projects 3.571m out from the rear face of the existing house, 2.36m less than the existing return structure to no. 46.
- Note that a number of houses on York Road have been subdivided and significant backland development has also occurred on the former rear gardens of adjoining properties. Significant material alterations have also been made to the terrace including removal of railings and replacement of doors and windows. The precedent for development at the rear of this terrace has been set.
- States that bin storage at the front of the house is the standard location for bins at adjoining properties. Bin storage was proposed to the rear following pre application discussions. State that a right of way to the laneway at the rear was enjoyed by the previous owner of the property and signed affidavit from

previous owner submitted confirming this. Note that existing gates on laneway have no permission.

- State that the house was previously sub divided into at least 2 no. flats and may have had house multiple bedsits.
- The dwelling is not a protected structure nor in an ACA. Note that off street parking was provided on foot of a request by the Planning Authority at pre application stage. There are numerous examples in the vicinity, including the adjoining property, where permission has been granted to remove boundary railings to provide off street parking.
- The dwelling is not unusual or one off example of period house design. There are many better examples of this house type and design which are protected structures. The dwelling is in poor condition. Many of the existing period features have been removed. The principles of conservation have been applied to the design of the development. Remaining interior features of merit will be retained and restored. No alterations to the front façade will be made. Granite steps will be retained and railings restored. Decorative reveals and timber sash windows will be renovated.

## 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

6.4.1 4 no. observations lodged on the appeal and are summarised below:

### **Jan Richards and Tim Smyrk, 48, York Road, Dun Laoghaire**

- Concerns regarding overshadowing and negative impact on the residential amenities of their property. Contend that the proposed development is located to the south of their property and that the height, scale and proximity of the development will have an adverse impact on their dwelling. Consider the development of 4 apartments to be excessive.

- State that the railings to the front of their property have been insitu since it was acquired. Refute the assertion that their dwelling is not in keeping with the period design and consider it to be an exemplar of domestic architecture.
- Note that the deck to the rear of their property does not afford any closer views of no. 47 than currently exists from the kitchen and living room of their dwelling.

**Sarah Delahunty, 1 Steeple View Court, Northcote Avenue, Dun Laoghaire and Michael and Anne-Marie O' Sullivan, 2 Steeple View Court, Northcote Avenue and Rose C. Delahunty, Thomas Delahunty and Clare C. Courtney Northcote House, Northcote Avenue, Dun Laoghaire**

- State that driveway located to the rear of no. 47 York Road is in private ownership and the applicant's contention to the contrary is incorrect. Notes that gates to driveway were erected in accordance with a permission granted in 2003.
- Consider that access to the property should be maintained from York Road and that the use of the existing private driveway serving no.s 1 and 2 Steeple Court as a service road to facilitate the development is inappropriate. Concerns regarding the proposal to remove waste from the apartments via the driveway and consider this would constitute a major health hazard. Also object to this area being used as an entrance and exit by cyclists. State that the development will result in the over intensification of the site.
- Concerns regarding accuracy of application description and refers to errors in appeal documentation.
- Consider the development will increase overlooking, is overdevelopment of the site and that previously permitted backland development should not form a precedent. Particular concerns regarding overlooking from the balconies serving apartments 1 and 2.

**Eamon O'Tuathail and Aoife Crowley, 46 York Road, Dun Laoghaire**

- Observer's property adjoins the subject site. Consider that the development will seriously diminish their existing residential amenities and that the proposed two storey extension which adjoins their boundary wall would have an overbearing impact and be visually obtrusive when viewed from the rear of their property.

- Concerns regarding overlooking, particularly from the first floor balcony, negatively impacting on their privacy.
- York Road and the surrounding area is largely characterised by substantial period houses on individual sites. The proposal for 4 apartments represents overdevelopment of the site.
- The development fails to comply with the standards set out in the Development plan regarding car parking. Having regard to the parking standards set out in the plan, 6 no. spaces would be required. However, only 1 space is provided. Note the recommendation of the Transportation Parking Section to refuse permission on the basis of insufficient off street parking.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.2 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:

- Impact on Residential Amenity.
- Access and Servicing
- Impact on Architectural Heritage
- Appropriate Assessment.
- EIA Screening.

### 7.2 **Impact on Residential Amenity**

7.2.1 The proposed development comprises the subdivision of an existing dwelling and extensions to it to accommodate 4 no. apartments. The existing dwelling is modest in scale comprising a period Georgian Villa with living accommodation at the upper ground floor level and bedroom accommodation at lower ground floor. It is one of a terrace of three similar properties.

- 7.2.2 The proposed modifications and extensions to the existing dwelling are substantial. Internally the existing dwelling will be completely reconfigured to accommodate 2 apartments at lower ground level and 2 above at ground floor. Two new extension wings will be constructed to the rear comprising a single storey extension along the northern side of the site and a two storey extension along the southern boundary. The two wings are separated by a narrow circulation courtyard and path to provide access to a rear communal open space. External stores and bicycle parking are also provided to the rear in this communal open area.
- 7.2.3 Having regard to the scale and design of the rear elements of the development, I am not satisfied that it would not have a material adverse impact on the residential amenities of adjoining properties. I would have concerns regarding the impact of the single storey extension to the rear on the amenities of no. 48, particularly having regard to the fact that the living accommodation is located at the upper floor of this dwelling, including a glass conservatory. The proposed extension directly abuts the boundary of the property along the northern boundary, immediately adjacent to the open space area serving this dwelling, which is limited in extent. The side elevation of the extension will be clearly visible from the amenity area of this dwelling, protruding above the boundary wall creating an overbearing impact. It will overshadow the existing rear conservatory.
- 7.2.4 The level differences between the site and the dwelling to the south, no. 46 are acknowledged. Notwithstanding this, the two storey extension extends for c. 16m along the southern boundary and has a ridge height of 3.8 metres. It would in my view be clearly visible from the rear garden of no. 46 and be visually obtrusive. I would also have concerns regarding potential overlooking impacts from the balcony serving apartment 2 at ground floor level to the rear of no. 46.
- 7.2.5 In considering residential amenity, the quality of the development and amenity provided to future occupants must also be considered. In this context, I have concerns regarding the overall layout of the development and in particular the amenity of the proposed living/dining areas proposed for apartments 3 and 4 in terms. These dwellings traditionally have their living accommodation provided at the upper level. In this instance the living accommodation serving these apartments is located at the lower level where daylight and sunlight penetration is lower. The living areas are long and narrow with only high level windows proposed on the northern

and southern elevations along the narrow access path to the rear garden. In this regard, I would have particular concerns regarding the amenity of apartment 4 given that it is located at the lower level. The amenity of its terrace will also be compromised due to the fact that it will be enclosed by the southern boundary wall on one side, an access stairway on the other and will be overshadowed by the terrace above serving apartment 2. The amenity and aspect of the balcony serving apartment 1 is also questionable given that it is facing the rear elevation of the single storey extension to the east and is adjacent to the boundary wall of no. 48 to the north.

7.2.6 Overall I consider that the development to be poorly conceived and represents a complete overdevelopment of the site. Having regard to the long and narrow configuration of the rear garden, the scale and bulk of the rear single and two storey extensions in my view are excessive and will have an overbearing impact and be visually obtrusive, negatively impacting the residential amenities of adjoining properties.

7.2.7 I acknowledge that the County Development Plan encourages greater intensification of existing building stock and that the subdivision of existing dwellings may be appropriate in certain instances. In this context, however, the development is an over intensification of the site and will provide poorly configured residential apartments. I, therefore, consider the development to be contrary to the proper planning and sustainable development of the area.

### 7.3 Access and Servicing

7.3.1 The existing dwelling abuts a laneway to the east of the site. There is an existing gateway in the rear boundary wall providing access to this lane. It is proposed that refuse bins from the development will be brought along this access laneway to Northcote Place for collection. It is also proposed that bicycle access to the development will be provided through this rear lane.

7.3.2 There have been a number of objections to this proposal from adjoining neighbours, notably the joint owners of no.s 1 and 2 Steeple View Court who state that the laneway is in private ownership and the applicant has no right of way over it. The applicant has contended this and submitted an affidavit from the previous owner stating that a right of way exists over this laneway.

7.3.3 Given that the dwelling is to be subdivided into 4 apartments units, adequate waste management arrangements must be provided. In this regard, a bin store for 12 bins is provided along the rear boundary of the site. I would concur with the planning authority, that it would not be appropriate that such bin storage be located within the existing front garden of the dwelling.

7.3.4 It is unclear whether the applicant has the necessary legal consent to access the property from the rear for the purposes of such waste management and cycle access. I consider this issue however, to be a civil matter that must be resolved between the applicant and adjoining neighbours and is, therefore, not within the scope of this planning assessment. I am satisfied, if such access can be arranged, that the waste management arrangements and cycle parking provisions are adequate and I do not, therefore, consider a refusal on this basis is merited. However, if the Board are minded to grant permission for the development, I would recommend the imposition of a condition precluding the storage of waste bins to the front of the property.

7.3.5 In terms of parking provision, having regard to the Development Plan standards, 5.5 spaces would be required to serve the development. One off street space is proposed. The concerns of the Transportation Department are noted, however, I would concur with the Planning Officer that given the proximity of the site to good public transport connections and the fact that it is a redevelopment of an existing property, that some relaxation of parking standards is appropriate.

#### **7.4 Impact on Architectural Heritage**

7.4.1 The subject dwelling is an attractive Georgian Villa property. It is not however, a protected structure, nor is York Road located within an Architectural Conservation Area. The Planning Authority however, consider it to be an exemplar period property and in this context, its character should not be compromised. Policy A8 of the plan states that the appropriate development of exemplar nineteenth and twentieth century buildings should ensure that their character is not compromised.

7.4.2 I would concur to a degree with the applicant that the character of these dwellings has changed with many original features lost over the years. The dwelling is in very poor condition and will require extensive works to modernise it. The proposed development will irrevocably alter and character and integrity of the existing dwelling,



particularly due to the degree of internal alterations. The amendments to the front boundary treatment, installation of a platform lift and roof light in the front roof slop will alter the appearance of the front elevation.

7.4.3 Whilst the dwelling is typical of such villa properties found in the Dun Laoghaire, it remains relatively intact. I however, do not consider that the dwelling represents an exemplar heritage building due to its existing condition. It is typical of many such period properties in the area and does not have any particular features of conservation interest or note. In this regard, I do not agree that a refusal on the grounds of conservation are warranted. I would concur with the Planning Authority however, that the scale and extent of the rear extensions are excessive and are disproportionate to the scale and character of the existing dwelling.

## 7.5 **Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, an extension and subdivision 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.

## 7.6 **EIA Screening**

7.6.1 Having regard to nature of the development comprising an extension and subdivision 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 reason set out below.

## 9.0 **Reasons and Considerations**

1. It is considered that the proposed development, due to the height, scale and massing of the rear extensions would be an inappropriate form of development

at this location and would represent significant overdevelopment of this site. The proposed development would be visually overbearing and have an adverse impact on adjoining properties by virtue of overlooking and overshadowing. It is also considered that the proposed development would result in an unsatisfactory standard of residential amenity for future occupants of the apartments. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

**26th November 2018**