



An
Bord
Pleanála

Inspector's Report ABP-302751-18

Development	Permission consisting of first floor and pitched roof over existing single storey dwelling
Location	5, Rockfort Cottages, Rockfort Avenue, Dalkey, Co. Dublin, A96 Y529
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0723
Applicant(s)	David Callaghan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	David Callaghan
Observer(s)	Deirdre & Dermot Deverell David Bradley Harriet O'Donovan Geradine & Joseph Hackett
Date of Site Inspection	December 1 2018
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site 5 Rockfort Cottages is the last building on Rockfort Avenue. Rockfort Avenue is a narrow cul-de-sac off Sorrento Road in the south Dublin suburb of Dalkey. The eastern end of Rockfort Avenue, on which the 4 cottages sit is narrow and reads almost as a mews lane. A number of the dwellings have garages / rear entries opening on to the lane.
- 1.2. No. 5 is the end of the terrace of what formerly was single storey villa dwellings. No.s 1 and 2 have been heavily modified to accommodate two-storey dwellings. A large contemporary detached dwelling marks the beginning of the lane (western end) and the subject site and the gable end of Trafalgar House terminate the cul-de-sac. The roof profiles of the terrace of dwellings Charlotte Terrace on Victoria Road can be seen behind (to the south) of no.s 4 and 5 Rockfort. To the east of the subject site is the detached two-storey over basement Trafalgar House. A narrow laneway separates Trafalgar House from the subject site.

2.0 Proposed Development

- 2.1. On the 26th July 2018 permission was sought for the construction of a new first floor (69.46sq.m) and pitched roof to an existing single storey dwelling (79.5sq.m.), new driveway and parking space, internal and external alterations, all on a site of 0.0151ha. Total proposed house area is 147.3sq.m.
- 2.2. The application was accompanied by a cover letter that states that within the restricted site the only option is to extend upwards. The architect notes that along Rockfort Avenue, almost all the other cottages are two-storey.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 18th September 2018 the Planning Authority issued notification of their intention to REFUSE permission for the following reasons:

- 1 Having regard to its size, scale and design, it is considered that the proposed first floor extension is visually incongruous within the existing streetscape,

both along Rockfort Avenue and Victoria Road and is out of keeping with the character of the existing single storey cottage. It is considered that the proposed development fails to accord with 8.2.3.4(i) Extensions to Dwellings in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would set an undesirable precedent for future development. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

- 2 Having regard to its design and internal layout with a fully glazed first floor front elevation, window to the side and an external terrace to the front, it is considered that the proposed development would give rise to overlooking into adjoining properties. The proposed development would therefore unduly impact 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 to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. **Surface Water Drainage Report:** No objection.

3.2.2. **Transportation Department:** No objection subject to 3 no. conditions.

3.2.3. **Planning Report:** Proposed development would increase the maximum height of from 4.5m to 6.5m. Proposed development would significantly alter the design and character of the existing single storey cottage that has heritage interest and makes a positive contribution to the streetscape. Proposed first floor extension is excessive in size and scale and results in a top heavy, bulky addition to the dwelling. Proposed fully glazed elevation would be visually incongruous and would have a negative visual impact along Victoria Road. Close proximity to Trafalgar House would result in overlooking of the house. Proposed development is contrary to 8.2.3.4(i).

Recommendation to refuse permission.

3.3. Third Party Observations

3.3.1. Objections submitted to the Planning Authority. The grounds of the objections can be summarised as follows:

- Proposed development would affect privacy and light of 3 Charlotte Terrace and would be out of the character with the area.
- Decrease in light to 1 & 2 Charlotte Terrace. Victoria Road is narrow and of a particular heritage character. Proposed first floor extension is out of character.
- Proposed development will have a negative effect on 1 Ardrom, Victoria Road and the residential amenity of the area. Proposed development is out of character as it is the only remaining cottage. Permission has been refused twice in the past.
- Previous reasons for refusal still apply. The proposed living space on the upper floor will overlook Trafalgar House on Victoria Road and reduce light.
- Proposed dwelling is larger than those previously refused. It will have a negative impact on 4 Charlotte Terrace in terms of overlooking and visual impact. Proposed development will cause a traffic hazard.
- No. 5 Charlotte Terrace will be overlooked as it is 25ft away. The area is overdeveloped.

4.0 Planning History

- 4.1.1. **PL06D.103934**: Permission refused for first floor extension on the grounds of size, scale and bulk on a restricted site.
- 4.1.2. Planning Authority reg. ref. **D03B/0540**: Planning permission refused for a first-floor extension on the grounds of size, scale and bulk on a restricted site.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.1.1. The site is zoned Objective A: *To protect and/or improve residential amenity.*

5.1.3 **Section 8.2.3.4 (i)** of the plan deals with extensions to dwellings. It states that 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 applications for first floor extensions the following factors will be considered:

- 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.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the Dalkey Islands SPA located c. 0.3 km to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the first party has submitted an appeal of the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- The existing single storey cottage is small, gloomy and dark with no rear garden. The only option is to extend upwards.
- The proposed development complies with the Planning Authority policy that extensions to period houses be contemporary in design and appearance.
- The existing dwelling is adjoined to the north-east by the four-storey Trafalgar House. The dwellings on Victoria Road across the road are two-storey. There is no height, typology or design of buildings setting a background, giving wide scope to the subject site.
- An Bord Pleanála granted permission for a contemporary building to the rear of 8 Rockfort Avenue (PL06D.244810) and on the opposite side of Rockfort Avenue (PL06D.236824).
- The Planning Authority planning report fails to consider how the proposed development addresses the previous reason for refusal, it being lower in height

and scale. It is submitted that being the last building on the street the proposed development will positively contribute to the streetscape.

- The proposed development will not overlook the adjoining Trafalgar House.
- The proposed development is in accordance with development plan policy on densification and with the zoning objective which is to protect residential amenity.
- No overlooking of Victoria Road is possible due to the high-level windows facing only the public road. The set-back Trafalgar House will not be overlooked as a high obscure glazed screen prevents overlooking of the adjoining lane and side garden. The adjoining Rockfort Avenue will also be protected by this screen. The applicant is willing to accept a condition replacing the screen with a solid structure.
- The north facing glazed first floor area looks over the public areas of Rockfort Avenue.
- The building is far enough away from adjoining properties to not cause overshadowing.
- The visual impact of the proposed development is benign and positive. The visual impact on Victoria Road will be minimal. On Rockfort Avenue the high-quality architecture will add to the recently granted Board decisions.
- It is submitted that there are many examples of contemporary extensions to period structures in Dalkey. These add to the overall architectural quality of the area.
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

- 6.2.1. The grounds of the 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**

- 6.3.1. Four observations on the subject appeal have been submitted to the Board. These can be summarised as follows:

6.3.2. **Dermot & Deirdre Deverall, Trafalgar House:**

- Proposed development would have a negative impact on Trafalgar House due to overlooking.

- The subject house has 4 no. large south facing rooflights.
- The proposed extension is too large for the site.
- Trafalgar House is not 4-storey but two-storey over basement and is separated from the site by a narrow laneway.
- The adjoining no. 4 Rockfort Avenue is single storey.
- The proposed development does not densify, it only increases the size of bedrooms.

6.3.3. **David Bradley, 4 Charlotte Terrace:**

- The proposed development is 1.6 times the size of and 1m higher than the 1997 refused extension. The proposed development cannot be considered an improvement.
- The proposed first floor extension will cover almost 90% of the existing dwelling and will appear bulky.
- Other decisions on the Rockfort Avenue do not form a precedent but previous refusals on the subject site do form a precedent for the proposed development.
- The Architectural Heritage Guidelines provide that a Planning Authority can only grant permission where there will be no negative impacts.
- Policy AR8 of the development plan encourages the appropriate development of exemplar nineteenth and twentieth century buildings. Policy AR5 seeks to retain and rehabilitate older buildings that make a positive contribution.
- Occupants of the proposed extension will have open visibility of the rear garden and side windows of Trafalgar House from the full width of the proposed terrace. The proposed east facing window directly opposes Trafalgar House at a distance of less than 1m.
- The proposed first floor windows will overlook the front garden of no. 4 Rockfort Cottages and 4 Charlotte Terrace. The proposed opaque screen will do little to prevent overlooking. That the first floor comprises living accommodation compounds this overlooking.
- The Board is requested to refuse permission.

6.3.4. **Harriet O'Donovan, 1&2 Charlotte Terrace**

- The appeal highlights that the proposed development would set an undesirable precedent for the area given that the examples quoted by the Appellant are out-of-place.
- Charlotte Terrace – across from the site by a narrow stretch of road - will experience a damaging loss of light.

6.3.5. **Gerardine & Joseph Hackett, 5 Charlotte Terrace**

- The site is small and restricted and located at a point where the road narrows significantly. The impact of the proposed development will be severe.
- Development has been refused twice in the past. The proposed development is larger in size and scale.
- The recent house to the rear of 8 Rockfort Avenue has no windows on the side and is located at a wider point in the road.
- Recent development has increased traffic resulting in pressure on parking.
- The Board is requested to refuse permission.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of extending an existing dwelling is acceptable, subject to other planning considerations.

7.3. Residential Amenity

- 7.3.1. Development plan policy on first floor extensions state that they will only be permitted where there will be no significant negative impacts on surrounding residential or visual amenities.
- 7.3.2. The Planning Authority refused permission on the grounds of the scale and bulk of the proposed extension in the restricted site and it being visually incongruous on both Rockfort Avenue and Victoria Road. In terms of the visual impact on Victoria Road, I am satisfied that the proposed southern elevation (drawing no. 1807 P20) will integrate satisfactorily. The northern side of Victoria Road comprises a mix of two storey dwellings, single storey boundary walls (no.s 4 and 5 Rockfort) and the large detached Trafalgar House. The wider area is a mix of architectural styles, heights and plot widths. A number of dwellings in the wider area are currently undergoing significant renovation. There is no uniformity or defining characteristic. Whilst the proposed first floor extension will introduce a new projecting element, the fact that it is detached and removed from the adjoining dwellings allows it to create its own sense of place on Victoria Road. The proposed high-level windows and the distance to the dwellings on Charlotte Terrace mean no overlooking or injury to residential amenity will occur.
- 7.3.3. The visual impact on Rockfort Avenue is more significant. As noted by the Planning Authority and the observers, it is proposed to place the living accommodation at first floor level with a full width glazed northern elevation and external terrace. The principal of a first-floor extension of this single storey villa is acceptable. I note the end of laneway and end-of-terrace location of the subject site and consider that it is an appropriate location to extend at first floor. The Board will note that only the subject and adjoining dwellings remain single storey. No. 4 Rockfort to the immediate west of the subject site has been extended to the front removing the characteristic villa frontage. While the loss of the last remaining villa is somewhat

regrettable, the tucked-away location of the subject dwelling is such that it is not visible to the wider area.

- 7.3.4. The use of contemporary additions to introduce a new entry into the record of a building is both good practice from an architectural perspective but also from a visual perspective. The clear demarcation of old and new allows the historical record of the structure to be read honestly and easily.
- 7.3.5. Notwithstanding that, the scale of the first-floor extension is such that it overwhelms the original dwelling. The choice of a butterfly roof and the extent of glazing on the northern elevation fails to sympathetically address the original dwelling. The need to maximise light into the north facing dwelling is acknowledged, however this cannot occur at the absolute expense of the character of the dwelling. Were the dwelling more prominent on a streetscape, it is considered that one would have no option but to recommend that permission be refused. Given the relatively hidden nature of the dwelling however, it is considered that the impact of the proposed development is somewhat reduced and is acceptable in this instance.
- 7.3.6. To avoid overlooking of the rear and side garden of Trafalgar House, the proposed external terrace can be omitted. This would allow the first-floor element to read as a setback, thereby reducing the impact of the bulk and scale of the proposed extension. The proposed eastern window at first floor level should also be omitted to avoid overlooking of the side garden of Trafalgar House. The loss of the obscure glazing along the front elevation however, removes the protection from looking-in on the future residents of the subject dwelling. As above, however, given that the dwelling is located at the end of the cul-de-sac it is considered that it is acceptable in this instance.
- 7.3.7. The proposed extension will not cause overlooking of or injury to the residential amenity of adjoining properties and is considered to be in accordance with section 8.2.3.4 of the development plan. I am satisfied that notwithstanding the scale and bulk of the proposed extension at first floor, with the balcony omitted, the proposed development can be accommodated on the subject site.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is

considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

7.5. Environmental Impact Assessment Screening

- 7.5.1. Having regard to nature of the development comprising extension to and alteration 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

- 8.1.1. 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 of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written approval of the Planning Authority, revised plans showing:

- a) Omission of the first-floor balcony and glazed screen

b) Omission of the first floor east facing window.

Reason: In the interest of protecting the residential amenity of adjoining properties.

- 3 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.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

5. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Gillian Kane
Senior Planning Inspector

03 December 2018