



An
Bord
Pleanála

inspector's Report ABP-303230-18

Development	Change to basement and ground floor layouts. Additional 1st floor level with single span pitched roofs. Change to permitted external finishes.
Location	1 Cenacle Grove, Killiney Hill Road, Killiney, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0921
Applicant(s)	Ruth Tracy
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Ruth Tracy
Observer(s)	No observers
Date of Site Inspection	20.02.2019
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.0745 ha and forms the side garden of an existing dwelling known as Holly Lodge (no. 1 Cenacle Grove). Holly Lodge is a large detached two storey dwelling. The site is located at the entrance to a private cul de sac known as Cenacle Grove, off Killiney Hill Road, Co. Dublin. There are 8 dwellings on the cul de sac, all of which are substantial detached properties of recent construction, centrally located on relatively large plots.
- 1.2. The site is bound to the west by Killiney Hill Road and to the north by the access roadway. It is bound to the east and south by residential properties. The site is screened on all boundaries with mature planting and high hedging. Vehicular access to the site will be through the existing vehicular access to the dwelling.

2.0 Proposed Development

- 2.1. The proposed development comprises modifications to the dwelling previously approved under Reg. Ref. D17A/0416. The amendments proposed include:
 - Change to basement and ground floor layout.
 - Additional 1st floor with single span pitched roof.
 - Amendments to the permitted external finishes from brick finish to cut stone and render.
 - Increase in the overall floor area from 313 sq. metres to 417 sq. metres.
 - Demolition of existing garage and side wall and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Refuse Permission for 1 no. reason:

“The site of the proposed development is located within the ‘0/0 zone objective as per Map no. 10 of the 2016-2022 Dun Laoghaire Rathdown County Development Plan, which identifies locations where no increase in the number of buildings will

normally be permitted. It is considered that the proposed development by reason of its size, scale and design would seriously detract from the character of the area, would not constitute sensitive infill development as required by the zoning objective and would, therefore, be out of keeping with the pattern and layout of development in the area. The proposed dwelling would set an undesirable precedent for further similar type developments in the vicinity, would seriously injure the residential amenity of property in the vicinity, and would, thereby, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (19.11.2018)

- Under Reg. Ref. D17A permission was granted for a detached dwelling with a floor area of 313 sq. metres and a height of 6.45m. The proposed modifications will result in an increase of the floor area to 417 sq. m and an increase in the height to 7.3m. The main difference in the current proposal is the addition of a new first floor level. The design has been modified from a flat roof contemporary split level dwelling to a two storey over ground level dwelling with a pitched roof.
- The assessment under Reg. Ref. D17A/0416 stated that the dwelling was carefully considered in terms of its design and height and, therefore, the scale of the dwelling was considered acceptable under the O/O zoning. It is considered that the dwelling now proposed would not constitute sensitive infill development and would set an undesirable precedent.
- The permitted dwelling would not be clearly visible from the streetscape. The proposed increased height, scale and bulk of the dwelling would have a negative impact on the streetscape at this sensitive location.
- It is considered that overlooking and overshadowing would not be an issue. Concerns however, regarding the proposed balcony at 1st floor level on the western elevation.

3.2.2. Other Technical Reports

Drainage Planning (19.10.2018): No objections subject to conditions.

Transportation Planning (16.10.2018): No objection subject to conditions.

3.3. Prescribed Bodies

- No submissions received.

3.4. Third Party Observations

- No third party observations.

4.0 Planning History

Planning Authority Reference D17A/0416

- 4.1 Permission granted in October 2017 for a two storey dwelling house consisting of ground floor over lower ground floor (Basement), demolition of existing garage and side wall and all ancillary site works relevant to the development.

Planning Authority Reference D11B/0069

- 4.2 Permission refused in April 2011 for a two bedroom granny flat extension to garage, with a corridor link to the main house. Reasons for refusal included the fact that the granny flat would not be capable of being readily subsumed in to the existing house when no longer required and that the development by reason of its size, scale and design would not constitute sensitive infill development and would detract from the character of the area.

Planning Authority Reference D09A/0476/Appeal Reference PL06D.236348

- 4.3 Permission refused by An Bord Pleanála in July 2010 for a new one storey over basement 3 bedroom detached house incorporating the refurbishment/upgrading and extension of the existing house. The reason for refusal stated:

“The site of the proposed development is located within the ‘0/0 zone which identifies locations where no increase in the number of dwellings will normally be permitted, in the interests of preserving their special amenity. The proposed development would materially contravene this objective of the current development plan for the area,

would negatively impact on the established pattern of development in the area and would be out of character with the large, detached properties on relatively large plots that characterise Cenacle Grove. The proposed development, would, therefore, set an undesirable precedent for further similar developments in the vicinity and would be contrary to the proper planning and sustainable development of the area.”

Planning Authority Reference D06A/0608

- 4.4 Permission refused in July 2006 for a two storey over basement house. Reasons for refusal related to scale and visual impact and surface water drainage.
- 4.5 Other applications pertaining to the site include D07A/1109 and D06B/0211.

Adjoining Site

Planning Authority Reference D17A/0159 – 3 Cenacle Grove

- 4.6 Permission granted in April 2017 for a development comprising demolition works and construction of a new two storey extension to front and side of house and a single storey extension to bedroom to rear.

5.0 Policy Context

Development Plan

- 5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022.
- 5.1.2 The subject site is zoned A: *“To protect and/or improve residential amenity.”* The site is also subject to the ‘0/0’ zoning objective. It is stated in the Development Plan regarding this objective:

“Locations have been identified on the Development Plan maps where no increase in the number of buildings will normally be permitted. Such locations include areas in the vicinity of the coastline where density controls are considered appropriate in the interests of preserving their special amenity. Many of these locations are however, with close proximity of the DART line where higher densities would normally be permitted and promoted. Small scale, sensitive infill development may be considered in these areas on suitable sites where such development would not detract from the character of the area either visually or by generating traffic volumes that would cause potential congestion issues which would, in turn, necessitate road

widening or other significant improvements. Aspects such as site coverage and proximity to boundaries, impacts on drainage, loss of landscaping, the existing pattern of developments, density and excavation impacts will also be critically assessed in determining applications for residential development in the O/O zone.”

5.1.3 The site is also located within the Killiney Architectural Conservation Areas (ACA). The following policies and objectives are of particular relevance.

Policy AR12: Architectural Conservation Areas

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.”

Section 8.2.3.4 (v) Corner/Side Garden Sites: This section of the plan sets out a number of criteria to consider including:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Development Plan standards for existing and proposed dwellings including car parking and private open space.
- Building lines followed where appropriate.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Appropriate boundary treatments should be provided.

5.2 Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the Rockabill to Dalkey Island SAC located c. 1.9 km to the east of the site.

5.3 EIAR Screening

5.3.1 Having regard to nature of the development comprising amendments to a previously approved development 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed amendments to the permitted design were made following the decision of the Planning Authority to grant permission for a 2 storey side extension at no. 3 Cenacle Grove. It is considered that this permitted development has established a precedent for the height and massing of any new developments in Cenacle Grove.
- Note that this development on adjoining site permitted under Planning Authority Reference D17A/0159 includes a 2 storey extension to the south of the dwelling with a height of 8620mm. This is approximately 920 mm higher than the ridge height proposed under the current application.
- The proposed development is contained within the footprint of the permitted development granted under Planning Authority Reference D17A/0416. Any possible overlooking issues to adjoining properties have been carefully considered during the design process.
- Note that a further reduction in height of 1000mm-1500mm could have been requested by the Planning Authority by requesting a change to roof type from single span to a contemporary flat roof.

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

- No observations.

7.0 Assessment

7.1. Introduction

7.1.2 The main issues in this appeal are those raised in the grounds of appeal.

Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and Visual Impact.
- Appropriate Assessment.

7.2 Design and Visual Impact

7.2.1 The proposed development comprises modifications to a previously approved dwelling permitted under Planning Authority Reference D17A/0416. Under the parent permission, the dwelling comprised a two storey split level detached house with a floor area of 313 sq. metres and a height of 6.45 metres. Due to the site levels, the dwelling permitted presents as single storey to the front with a height of 3.75 metres and two storeys to the rear.

7.2.2 Under the current application, it is proposed to modify the dwelling by adding an additional floor at first floor level. The dwelling proposed presents as two storeys to the front with a height of c. 6.7metres and three storeys to the rear. The overall height of the dwelling is to increase from 6.45m to 7.3m, an increase of c. 0.85 metres and there is an increase in the floor area from 313 sq. metres to 417 sq. metres. It is also proposed to amend the roof profile from a flat roof to single span low pitched roofs and to change the materials on the elevations from brick to cut stone and render. The design is contemporary.

7.2.3 The proposed development generally retains the same footprint as the permitted dwelling. The dwelling will be set back from the adjoining dwelling to the east by c. 10.9 metres and from the existing dwelling to the west by over 7 metres. The dwelling is well set back from the front boundary and the building line with the adjacent dwelling – no. 1 is retained.

7.2.4 The site whilst located within the Killiney Architectural Conservation area comprises a cul de sac of dwellings that were constructed in the 1980's. None are of particular architectural importance and I note no objections to the proposal have been raised

by either the conservation officer or the planning officer from a conservation or heritage perspective. I do not consider the setting or context of the area to be particularly sensitive.

7.2.5 The principal concerns of the Planning Authority relate to the overall scale of the development, that it will impact negatively on the streetscape and does not constitute a sensitive infill development having regard to the O/O zoning objective pertaining to the site.

7.2.6 The O/O zoning objective referred to provides for small scale sensitive infill development that would not detract from the character of the area either visually or by generating traffic volumes. The principal of an infill dwelling at this location has been accepted under the parent permission. The primary issue, therefore, to consider is the appropriateness of the additional floor in terms of the overall scale and height of the dwelling and its visual impact.

7.2.7 Whilst the provisions of the O/O zoning are noted, I consider that the site is large and has the capacity to absorb a dwelling of this scale and mass. The siting of the dwelling and its set back from adjoining boundaries is considered appropriate. I am satisfied that there will be no adverse impacts to the amenities of neighbouring dwellings in terms of overlooking or overshadowing.

7.2.8 I note that the dwelling is well set back from Killiney Hill Road and is accessed via the existing estate road serving the Cenacle Grove cul de sac. All of the dwellings Cenacle Grove are well set back from their front boundary and are screened by mature trees and hedging. The subject site will only be visible from the internal cul de sac and I do not consider in this regard, that the proposed increase height will have any material or adverse impact on the existing streetscape which is essentially an internal access road.

7.2.9 In considering the appropriateness of the design, regard must also be had to the design and character of the existing dwelling - no. 1 which is a large two storey modern house. I do not consider the development, as is evidenced in the contextual elevations submitted, will have any adverse impact on this existing dwelling. I also note the precedent cited by the appellant and the decision of the local authority to grant a large two storey extension to the side of no. 3 Cenacle Grove under Planning Authority Reference D17A/0416. Whilst I note the character and setting of this

dwelling is different to the subject site, it nonetheless demonstrates that due to the prevailing character of low density dwellings on generous plot sizes, that this scale an intensity of development can be accommodated without any adverse impacts to the existing streetscape.

7.2.10 In conclusion, I consider that whilst the proposed development will increase the overall height and scale of the development, that this will have no material impacts on the character of the streetscape and will result in no diminution of amenities of adjacent dwellings. The development is an appropriate and sustainable utilisation of an underdeveloped site in an urban area. I am satisfied the contemporary design appropriate and will assimilate well with the existing character and pattern of development in the vicinity. I consider the development to be in accordance with the proper planning and development of the area.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development 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.

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 provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 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. The applicant shall comply with all conditions of the previous parent permission granted under Reg. Ref. D17A/0416 unless required to do so otherwise by any condition attached to this permission.

Reason: In the interest of clarity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

4. 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.

Reason: In the interest of visual amenity.

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, 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

21st February 2019