



An
Bord
Pleanála

Inspector's Report ABP-303448-19

Development	Construction of House
Location	10 Corrig Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1129
Applicant(s)	Thomas Kelly
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John and Patricia Murdoff
Observer(s)	None
Date of Site Inspection	21 st March 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site with a stated area of 0.279 hectares is located on Corrig Road, Dalkey, Co. Dublin.
- 1.2. In a somewhat unusual arrangement No. 6, 8, and 10 all share the same triangular garden to the front of the properties. No. 10 is set back from Corrig Road. There is no vehicular access to any of the 3 dwellings at this location and pedestrian access is through No. 6 and 8 Corrig Road.
- 1.3. No. 12 is a detached property to the west of the site and a right of way is identified through the garden of this property. This area is currently covered over in trees and shrubs and absorbed into the garden. It would appear that it hasn't been used for a considerable period of time.
- 1.4. The cottage at No. 10 is in a derelict state and covers the width of the plot with a rear wing projecting into the rear garden.

2.0 Proposed Development

- 2.1. The proposed development has a stated floor area of 138m² and consists of the following:

- Demolition of an existing single storey dwelling.
- Construction of a new 3 bedroom detached 1.5 storey dormer dwelling.
- Associated site works including landscaping and boundary treatments.

Further Information was submitted dated the 21st of November 2018 which provided for the following:

- Revised design providing that part of the existing wall adjoining No. 8 Corrig Road is to be retained together with structural report.
- Details of boundary treatments.
- Construction Management Plan.
- Drainage Report and revised drainage proposals.

- Solicitors letter confirming that the applicant has sufficient legal interest for the development.

3.0 Planning Authority Decision

3.1. Decision

Permission granted by the Planning Authority subject to 17 No. Conditions. Of note are the following conditions:

- Condition 3 requires the first floor en-suite windows to be of manufactured opaque or frosted glass.
- Condition 4 requires the stone wall on the southern boundary to be constructed of granite in a manner that matches the adjoining wall to the south of 12 Corrig Road.
- Condition 5 requires that a chartered engineer inspect the eastern gable wall of the existing cottage to be retained and to specify any works or repairs that may be necessary and for the applicant to carry out such works to ensure the long term structural stability of the wall.
- Condition 6 requires that the roof of the dwelling is not used as a balcony or roof garden.
- Condition 7 requires that development described in Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Authority considered that the principle of development was acceptable, however there were a number of issues that needed to be addressed in a Further Information Request. The second report recommended permission subject to conditions.

3.2.2. Other Technical Reports

Drainage Department: First report required further information. The second report was satisfied with the revised proposals in relation to drainage and recommended permission subject to conditions.

Conservation Officer: Noted that since the application in 2005, the existing dwelling has deteriorated significantly and regrettably is in poor condition. The replacement structure has a simple design which respects the existing plot layout and will not look out of place within Dalkey ACA.

Transportation: No objection subject to conditions.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: Site is within the zone of archaeological potential established around the town of Dalkey, Recorded Monument DU023-023 which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act, 1994. Report recommends permission subject to conditions requiring archaeological monitoring.

3.4. Third Party Observations

Four No. submissions were made within the prescribed period. The issues raised are similar to those in the appeal.

4.0 Planning History

PA Reg. Ref. D05A/525/ ABP Ref. PL 06D.231207

Permission refused to Thomas Kelly for demolition of single story dwelling and construction of two dwellings by the Planning Authority and on appeal to the Board. The Board refused permission for 3 No. reasons relating to density and overdevelopment, insufficient legal interest and objective of the Development Plan to encourage the rehabilitation and reuse of existing older buildings.

5.0 Policy and Context

5.1. Development Plan

- Site is zoned as 'A' in the 2016-2022 Dun Laoghaire Rathdown County Development Plan- 'To protect and/or improve residential amenity.'
- Site is within the Dalkey Village Architectural Conservation Area.
- Policy AR12 in relation to Architectural Conservation Areas.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are Dalkey Islands SAC/ SPA and Rockabil to Dalkey Island SAC c. 0.8km to the east.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, the replacement of an old dwelling with a new dwelling, and having regard to the separation distance to the nearest sensitive location, 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 grounds of appeal can be summarised as follows:

- Concerns in relation to overlooking and height of property.
- The Council has failed to implement their own policy in relation of preservation, rehabilitation and reuse of suitable buildings in this architectural conservation area.
- The height and quality of wooden fencing between the boundary of the site and No. 12 Corrig Road has not been stated.
- Concern regarding drainage.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- No overlooking as dormer window would look onto roof of No. 12.
- Scale, height and design appropriate for the area.
- Details of boundary treatment submitted on Figures 10 and 11.
- Foul water will drain to the existing public foul water drainage system and surface water will drain to the public main.

6.3. **Planning Authority Response**

- The Planning Authority considers 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**

- None.

6.5. **Further Responses**

Further Responses were submitted by the appellants dated the 8th and 12th of March 2019. The issues raised are as follows:

- The proposed development will directly overlook their property.
- Design inappropriate for ACA.
- Drainage problematic in area and there is no permission to increase the loads on the drains.
- A second letter from the appellants noted a condition at No. 16A Corrig Road which required the applicant to place all windows 2m above floor level. This has ensured that the appellants are not overlooked.

7.0 **Assessment**

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

- Impact on Architectural Conservation Area
- Impact on Residential Amenity
- Other Matters

- Appropriate Assessment

7.2. Impact on Architectural Conservation Area

- 7.2.1. The site is located within the Dalkey ACA. A report on file from the Conservation Officer considers that *'since the previous application in 2005, the existing dwelling has deteriorated significantly and regrettably is in a very poor condition'*. It is stated that the significance of the existing dwelling has diminished due to its condition and loss of historic fabric and that the replacement structure has a simple design which respects the existing plot layout and will not look out of place within Dalkey ACA.
- 7.2.2. I concur with the assessment of the Conservation Officer regarding the condition of the property and its significance. The site layout is very attractive and of a traditional vernacular design and it is proposed to retain this. The existing cottage at No. 10 is in a derelict state with no windows or doors and has been vacant for many years. No. 10 is separated from Corrig Road by a triangular area of communal front garden which is shared by three dwellings – Nos. 6, 8 and 10 Corrig Road. All three dwellings are presently served by pedestrian access only and it is proposed to retain this.
- 7.2.3. The design proposed is modest in scale (138m²) and overall height (6.9m) and the external finishes include black slate and rendered walls. I consider that the design and scale of the dwelling proposed is appropriate for the site and that it would not result in any adverse impact on the architectural character and appearance of the ACA.

7.3. Impact on Residential Amenity

- 7.3.1. The main issues regarding residential amenity, are raised in the observation submitted to the appeal. The observation from No. 12 Corrig Road to the west of the site expresses concern in relation to *'the overlooking of our property by dormer windows on the western and northern elevations, leading to a lack of privacy, the enjoyment of our house and garden, and considerable devaluation of our property.'*
- 7.3.2. One bedroom window and an en-suite bathroom window are proposed at first floor level. A large dormer window is proposed in the western elevation facing No. 12

Corrig Road. This dormer would look directly onto the roof of No. 12 and would not unreasonably compromise the residential amenities of No. 12. I note that a further submission by the appellants attached photographs of high level windows built in a property at No. 16 Corrig Road. As there is no direct overlooking between first floor windows in this case, I am of the view that similar types of high level windows are not necessary.

7.3.3. Condition No. 3 of the Planning Authority requires the glazing of the first floor ensuite window to be of manufactured opaque or frosted glass. I consider that this is reasonable and will prevent any overlooking from this window.

7.3.4. Condition No. 6 of the Planning Authority requires that the roof area of the dwelling shall not be used as a balcony, roof (terrace) garden or similar amenity area. The front section of the dwelling has a flat roof and a number of properties could be negatively impacted on if this area was used as a roof garden. As such, I consider that the inclusion of a similarly worded condition would be appropriate.

7.3.5. Having regard to the design of the proposed dwelling and the inclusion of conditions mentioned above, I am satisfied that the design and scale of the dwelling has had adequate regard to the existing pattern of development in the area and would not detract from the residential amenities of nearby properties.

7.4. **Other Matters**

Boundary Treatments

7.4.1. The appellant states that the details of adjoining boundary treatments are not clear in the application.

7.4.2. Details submitted to the Planning Authority dated 21st of November 2018 indicate that it is proposed to retain part of the existing boundary together with a new stone wall to match the existing stone wall to the front of the dwelling. A timber hit and miss fence is proposed for the remaining boundaries. These details are also indicated in Fig. 10 and 11 of the appeal response. I am satisfied that the front boundary is in keeping with Dalkey ACA and the remaining boundaries are adequate to protect the privacy of both the proposed and existing dwellings.

Drainage

- 7.4.3. Concerns were expressed both by the appellants and by the drainage department in relation to drainage on the site.
- 7.4.4. In the application as originally submitted to the Planning Authority, the applicant had indicated the intention to discharge (the increased load of) surface water to a harvesting tank and soakpit in the back garden. However, it was pointed out by the Drainage Department that the ground in this area is known to be of a granite nature and therefore not suitable for infiltration. The appellants were concerned that the drainage was supposed to be discharged onto their property.
- 7.4.5. Revised proposals were submitted in relation to a Further Information request which provided for a 'Blue Roof' system together with permeable paving. A blue roof is a sustainable urban drainage solution designed to attenuate storm water at roof level, slowing down the release of rainwater in the drainage system.
- 7.4.6. The existing dwelling has a total impermeable roof area of 93m². The proposed dwelling has a total roof area of 131m² of which 67m² is pitched and 64m² is flat. It is proposed to discharge the storm water from the pitched roof via gutters and down pipes into the existing combined drain. The discharge from the 67m² represents a 30% reduction in volume of surface water entering the existing public sewer. The storm water accumulation from the flat roof will be stored/ attenuated on a blue roof construction with a controlled discharge over 24 hours.
- 7.4.7. As such, I am satisfied that there will be a significant decrease in the discharge of surface water entering the public main and there will be no change to the appellant's property.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, the replacement of an old dwelling with a new dwelling in a serviced urban area, and its

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

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, and to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. 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 on the 21st day of November 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. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

3. The glazing within the first floor en-suite window shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

4. The roof area of the dwelling shall not be used as a balcony, roof terrace, garden or amenity area.

Reason: In the interests of residential amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-

(a) employ a suitably-qualified archaeological who shall monitor all groundworks,

(b) Should archaeological material be found during the course of monitoring, the archaeologist may have work stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action and should facilitate the archaeologist in recording any material found.

(c) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of monitoring.

Reason: In order to preserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. 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.

Emer Doyle
Planning Inspector
9th April 2019