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Bord  
Pleanála

## Inspector's Report ABP 303943-19

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| <b>Development</b>                  | Retention of amendments to extended dwelling under Reg. Ref. D13B/0240. |
| <b>Location</b>                     | Menloe, 19A York Road, Dun Laoghaire, Co. Dublin.                       |
| <b>Planning Authority</b>           | Dun Laoghaire Rathdown County Council.                                  |
| <b>Planning Authority Reg. Ref.</b> | D18A/1193.  |
| <b>Applicant</b>                    | Anne Murphy.  |
| <b>Type of Application</b>          | Permission.   |
| <b>Planning Authority Decision</b>  | Grant.  |
| <b>Type of Appeal</b>               | Third Party.  |
| <b>Appellant</b>                    | Dominic McGinn.   |
| <b>Observers</b>                    | None.   |
| <b>Date of Site Inspection</b>      | 5 <sup>th</sup> June 2019.  |
| <b>Inspector</b>                    | Dáire McDevitt.   |

## **1.0 Site Location and Description**

- 1.1.** The application site, with a stated area of c.300sq.m, is located along the western side of York Road at the entrance to Knapton Court housing scheme. The eastern side of York Road is predominantly characterised by two storey semi-detached Victorian red brick houses. Adjoining the site to the south is the former Knapton Orphanage building with the access to Knapton Court houses forming the southern boundary of the site. To the northwest is Vesey Mews lane.
- 1.2** Menloe (No.19A) is a contemporary style dormer detached house and occupies a corner site bounded by York Road and the access road to Knapton Court.

## **2.0 Proposed Development**

- 2.1.** Permission for retention of amendments to extended dwelling granted permission under Reg. Ref. D13B/0240 consisting of:
- Reduction in ground floor front extension.
  - Additional bay window to rear.
  - Form and materials of main roof, dormer roofs and annex roofs.
  - Changes to front and rear fenestration.
  - Recessed vehicular entrance.
  - Demolition and reconstruction of stone wall to York Road.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission for retention granted subject to 2 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (14<sup>th</sup> February 2019).**

This forms the basis of the Planning Authority's decision and the main points referred to relate to design and residential amenity.

### **3.2.2. Other Technical Reports**

**Transportation Planning Section** (12<sup>th</sup> February 2019). No objection.

**Municipal Services Department (Drainage)** (21<sup>st</sup> January 2019). No objection.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

A submission was received from the appellant. The issues raised are broadly in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this report.

## **4.0 Planning History**

**Planning Authority Reference No. D13B/0240** refers to a 2013 grant of permission for development consisting of the adaption of a roof by raising the ridge, extending the chimney and adding dormer windows to the front and rear to create two first floor bedrooms and one en-suite, a small front ground floor extension, adaptations to the front porch, changing ground floor windows front and back and minor internal adaptations.

## **5.0 Policy Context**

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

**Land Use Zoning Objective 'A'** *To protect or improve residential amenity.*

**Section 8.2.3.4 (i)** refers to Extensions to Dwellings. It sets out that dormer extensions to roofs will be considered with regard to impacts on existing

character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties.

## **5.2. Natural Heritage Designations**

None.

## **5.3 EIA Screening**

Having regard to the nature and scale the development which consists of the retention of alterations to an existing house in a built up suburban 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**

A third party appeal was lodged by Dominic Mc Ginn, 45 York Road, Dun Laoghaire, Co. Dublin, house opposite the application site. The grounds of appeal are summarised as followed:

- The development carried out on site does not comply with that granted permission. And is the subject of a complaint lodged with the Council's Planning Enforcement Section.
- Overlooking of No. 45 from the first floor dormer windows.

- The works carried out to the house have resulted in a structure that is not in keeping with the character of the area.
- Request that the windows be angled or opaque to ensure the appellants privacy is retained.
- Trees have been removed leaving the structure exposed. Photographs showing the site before the trees were removed have been submitted.

## **6.2. Planning Authority Response**

The Board is referred to the original Planner's Report on file as no new matters were raised in the appeal.

## **6.3. Observations**

None

## **6.4 Applicant's response to the third party appeal.**

This is mainly in the form of rebuttal. Points of note include:

Front Dormer treatment and Profile:

- Permission was granted for dormer element with the glazing broken up into 12 timber windows, measuring 6.2m width by 1.2m height and the window head at a height of 4.95m (area of c, 7.44sq.m). The constructed area of glazing has been broken up into 5 timber windows, measuring 5.5m width by 1.35m with the window head at a height of 5.2m with one of the windows opaque (area of c. 7.45sq.m).
- The granted dormer had an eaves height of 4.95m with a sloped dormer sloping back to meet the main roof at that height of 5.5m. The constructed dormer has an eaves height of 5.6m with a sloped dormer sloping back to the meet the main roof at a height of 5.67m.
- The use of grey zinc was considered a better match to the grey slate than a render finish.

Partial demolition and rebuilding of front boundary wall:

The structural integrity of the original wall was compromised due to tree root growth and the applicant was advised by a structural engineer to demolish and rebuild the wall along York Road for safety reasons.

## **7.0 Assessment**

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design & Residential Amenity.
- Other
- Appropriate Assessment.

### **7.1 Design & Residential Amenity**

7.1.1 The appellant has raised concerns that his property, 45 York Road on the opposite side of York Road facing the application site, is overlooked by the first floor dormer windows to the front roof slope. The set back of the windows to be retained and those previously permitted under PA Ref. D13B/0240 are broadly the same. I note that the previous decision to grant permission was not appealed.

7.1.2 The dormer structures to be retained, c.5.5m wide and 1.35m in height, are in place of the permitted front dormer extension of c.6.2m in width and 1.2m in height. In my view, the overall scale and bulk of the alterations to the roof profile would not be considered overbearing. In my view, the height, width and projection of the dormer elements in conjunction with the use of grey zinc integrate with the contemporary style of the dwelling and are not visually obtrusive.

7.1.3 Issues relating to overlooking do not arise, the application site is separated from the appellant's house by York Road, a public road with footpaths on either side (set back of c.21.2m between opposing front elevations). Following an

inspection of Menloe (access to No. 45 was not available) I am satisfied that overlooking is not a concern. The set back of the two properties and their context mirrors that of the many opposing properties along public roads in urban areas.

7.1.4 With regard to the use of a contemporary design at this location, this was considered acceptable in 2013 when the original application to extend and alter Menloe was granted permission. I consider a contemporary dwelling which incorporates all the elements to be retained under the current application is acceptable at this location and does not detract from the character of the area.

7.1.5 I consider the works to be retained acceptable and in accordance with section 8.2.3.4 (i) of the County Development Plan and permission for retention should be granted.

## **7.2 Other**

7.2.1 The Transportation Section noted no concerns relating to the recessed entrance. I consider the entrance to be retained acceptable and broadly compliant with the requirements set out in the County Development Plan. The wall built along York Road is also considered acceptable.

7.2.2 In regard to the removal of trees from the site, I note that they were not the subject of a Tree Preservation Order (TPO). And there was no condition attached to PA Ref. No. D13B/0240 requiring that these be retained.

## **7.3 Appropriate Assessment**

7.3.1 Having regard to the nature of the development to be retained and the location of the site in a fully serviced built up suburban area, no Appropriate Assessment issues arise and it is not considered that the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend that permission for retention be granted for the reasons and considerations and subject to the conditions set out below.

## 9.0 Reasons and Considerations

Having regard to the nature and design of the development to be retained, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the amenities of properties in the vicinity, would not be out of character with the area and would not constitute a traffic hazard. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

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Dáire McDevitt  
Planning Inspector

6<sup>th</sup> June 2019