



An
Bord
Pleanála

Inspector's Report ABP-304131-19

Development

Demolition of existing single storey garage to rear, the construction of a two storey extension to side and part 2 storey part single storey to rear, enlarging of existing first floor window to rear, solar panels to existing roof to side & rear, widening of existing driveway and all associated site works.

Location

10 Rosary Gardens East, Library Road, Dún Laoghaire, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D19A/0026

Applicant(s)

Donal O'Grady

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Paul Price & Éilis McDonnell

Observer(s)

None.

Date of Site Inspection

19th June, 2019

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in an established residential area in Dún Laoghaire, Co. Dublin, approximately 450m south of Harbour Road, where it occupies a position along the southern side of a small cul-de-sac of housing known as Rosary Gardens East, a short distance west of the Bloomfields Shopping Centre. The wider site surrounds are generally characterised by the gradual transition between the town centre to the north and narrower streets of older terraced housing further south, although there are also several examples of more contemporary / conventional developments having been constructed on infill sites.
- 1.2. The cul-de-sac of Rosary Gardens East retains an attractive quality and is of considerable interest from a built heritage perspective. It comprises a series of 6 No. early 20th Century dwelling houses encompassing two different house types which are reminiscent of the 'Arts and Crafts' movement with notable extant design features including variegated blockwork, red clay tiles, and half-hipped roofs with catslides. Notably, it is paired with Rosary Gardens West on the opposite side of Library Road, although Rosary Gardens East is perhaps of more architectural / visual interest.
- 1.3. The site itself has a stated site area of 0.0377 hectares, is rectangular in shape and is presently occupied by a two-storey, semi-detached dwelling house with a front gable detail and a half-hipped roof. It also includes front and rear garden areas with off-street parking and a large garage structure to the rear of the property.

2.0 Proposed Development

- 2.1. The proposed development involves the demolition of an existing garage followed by the construction of a contemporarily designed, single / two-storey extension to the side and rear of the existing dwelling house. External finishes will include smooth render and painted pebble dash.
- 2.2. It is also proposed to enlarge an existing first floor window to the rear of the property, to install solar panels on the side and rear roof pitches, and to widen the existing site entrance to 3.6m in width.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 12th March, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 14 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage, construction management, and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context and the applicable policy considerations before stating that the proposal will not have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing or an overbearing nature. With regard to Specific Local Objective No. 152 of the Development Plan, it is considered that the proposed extension will successfully integrate with the original character of the existing house whilst its contemporary design will make a positive contribution to the visual amenity of the wider streetscape.

3.2.2. Other Technical Reports:

Drainage Planning (Municipal Services Department): No objection, subject to conditions.

Transportation: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A single submission was received from an interested third party (the appellant) and the principle grounds of objection contained therein can be summarised as follows:
- Detrimental impact on the residential amenity of neighbouring property by reason of inappropriate design, visual impact, inadequate separation, overbearing height / nature etc.

- The submitted design will detract from the built heritage interest and distinctive architectural value of Rosary Gardens East.
- The proposed development is out of character with the established streetscape.
- The proposal would set an undesirable precedent for similar development.
- Concerns as regards the potential for encroachment into adjacent property.
- The display of the site notice fails to accord with statutory requirements.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

None.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. D04B/0916. Was granted on 22nd March, 2005 permitting Liam & Frances Langan permission for a single storey extension to the side of No. 6 Rosary Gardens East, Dún Laoghaire, Co. Dublin.

PA Ref. No. D09B/0386. Was granted on 18th November, 2009 permitting Leon Atkins and Linda Fleming permission for works to existing two storey semi-detached house comprising demolition of garage and previous single storey extensions to side and rear; and subsequent erection of two storey extension to rear, single storey extension to side and canopy roof over front door; also additional first floor gable window, velux rooflights and associated site works, all at No. 5 Rosary Gardens East, Library Road, Dún Laoghaire, Co. Dublin.

PA Ref. No. D10B/0245. Was granted on 16th July, 2010 permitting Padraig Keaney & Joan Mallon permission for new two storey extension (53.4 sq.m) to provide a new kitchen and dining room at ground floor and two bedrooms at first floor to the rear of the existing dwelling at No. 3 Rosary Gardens East, Dún Laoghaire, Co. Dublin.

PA Ref. No. D17A/0885. Was granted on 27th November, 2017 permitting Rebecca Halliday and Andy McGeady permission for extension to the rear of the existing house of 5.7m² at ground floor level and 13.1m² at first floor level, associated new windows to the north, east and west elevations, amendments to the existing windows on the west elevation, associated internal alterations and external landscaping to side and rear, including new pedestrian gate to the side, all at No. 1 Rosary Gardens East, Dún Laoghaire, Co. Dublin.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 6: Built Heritage Strategy:

Section 6.1: Archaeological and Architectural Heritage:

Section 6.1.3: Architectural Heritage:

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 and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

- II. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.

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.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings:

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.

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.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

Roof alterations / expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable / 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.

- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

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.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. 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. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

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.

Section 8.2.11: *Archaeological and Architectural Heritage*

Chapter 9: Specific Local Objectives:

SLO No. 152: To enhance the character, ambiance and quality of the environment, historic streetscapes and public realm of the residential streets in the areas adjoining Lower George's Street, Dún Laoghaire and in particular, the areas of early twentieth century social housing, to ensure that the public realm in this older residential area - in close proximity to the core business district of the Town - is enhanced, improved and maintained to the standard provided for other residential and business districts adjoining Upper and Lower George's Street.

N.B. The proposed development site is located within that area identified as being subject to SLO No. 152 by reference to Map No. 3 of the Development Plan.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 650m northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 750m northwest of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from 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

- There are serious concerns as regards the overall bulk, scale and design of the proposed development given its damaging impact on the architectural value of the streetscape.
- The overbearing height of the new construction will have a negative impact on the residential amenity of Nos. 9 & 11 Rosary Gardens East.
- In the interests of conciseness, and in order to avoid unnecessary repetition, the Board is referred to the specific planning points raised in the original submission on file, including the damaging consequences arising from a misinterpretation of the true eaves height and the failure to adequately protect the historic streetscape.

- The inclusion of Condition No. 3 in the notification of the decision to grant permission reveals that the Planning Authority made its decision in the absence of full details of the proposal i.e. the applicant is obliged to lodge a drawing of the eastern elevation of the proposed development.
- The decision to grant permission has failed to address the main issues of concern previously raised by the appellant and has taken little account of the heritage context cited in the Development Plan and other relevant documents.
- The Development Plan acknowledges that some areas of the County contain groupings of 19th & 20th Century buildings that are recognised for their distinctive planned layout and collective interest. In Section 6.1.3.8 of the Plan (Policy AR8), the Council commits itself to the conservation of the best 20th Century estates and to ensuring their character is not compromised. To that end it will encourage the retention of features that contribute to the character of those exemplar buildings and estates such as roofscapes and boundary treatments etc. It is considered that these provisions relate directly to Rosary Gardens East as an example of a cluster of attractive 'Arts and Crafts' houses dating from the early 20th Century.

Further support is lent to the heritage interest of estates such as Rosary Gardens East by reference to Section 2.1.34 of the Plan which states that in certain specific circumstances the Council will encourage the retention of houses that, while not protected structures or located within an Architectural Conservation Area, have their own merit and / or contribute beneficially in terms of visual amenity, character or accommodation type, particularly those in areas of exemplar 19th & 20th Century buildings (Please also refer to Section 6.1.4.1 & Policy AR12 of the Plan).

- The proposed development site is located in an area which is subject to a specific objective for the protection of its heritage layout / design i.e. Specific Objective No. 152.
- The proposed development will have a damaging impact on the residential amenity of the appellants' property as follows:
 - The proposal would consume the lateral separation that is a feature of Rosary Gardens East. The rear extension is shown encroaching onto the

dividing property line and no consent has been given by the neighbour for trenching, foundations or any other incursion.

- The inclusion of Condition No. 3 in the notification of the decision to grant permission reflects the wider weaknesses in the Council's assessment of the application.
- The Planning Authority's assessment of the subject application is inadequate and incomplete with several shortcomings apparent:
 - The inclusion of Condition No. 5 (which requires all the external finishes to harmonise with the existing dwelling house in terms of material, colour and texture) is indicative of a fundamental misunderstanding of the planning context. The imposition of such a standard condition does not adequately consider the heritage features of the existing house and the error is further confirmed by the reason given for the condition which refers to visual amenity rather than architectural harmony.
 - The assessment by the Planning Authority that the proposal would not detract from the surrounding historic streetscape is quite erroneous and appears to be based on inadequate grounds.
 - The approach of the Planning Authority and the Development Plan fails to differentiate between conventional housing developments and those areas of increased built heritage merit such as Rosary Gardens East. In this respect it is submitted that where a Development Plan is found to be defective the Board must act in light of its national remit in assessing the proper planning and sustainable development of the area.
- The cul-de-sac of Rosary Gardens East is characterised by a very high standard of design and layout with classical harmony being combined with splendid residential amenity. It includes highly unusual architectural features that are worthy of protection such as the innovative external finishes (variegated fair-faced concrete blockwork) and the use of half-hipped roofs with 'catslides'. It is also understood that such catslide roofs are rare in Ireland which gives added significance to exemplars of same such as within Rosary Gardens East. Accordingly, Specific Objective No. 152 of the Development Plan would seem to be pertinent given the site context.

In support of the foregoing, the Board is referred to the academic accounts:

- *'Homes for Irish Heroes under the Irish Land (Provision for Soldiers and Sailors) Act, 1919, and the Irish Sailors and Soldiers Land Trust'* (Town Planning Review, Vol. 59, No. 3, July, 1988: Dr. FHA Aalen): This article describes the innovative design of Rosary Gardens East.
- *The National Heritage Inventory – Buildings of Architectural Interest in the Borough of Dún Laoghaire, 1918*: Within this document the architectural historian William Garner has dated the housing scheme at 1935 and proceeds to state that the houses were laid out in pairs viz. they were built of concrete blocks, in different colours, orange tiled roofs with half-hipped gables; all in *'a rather folksy arts and crafts manner'*.

These details of the architectural heritage of Rosary Gardens East should inform the planning assessment. In this regard it is submitted that c. 80% of the catslide would be removed and replaced with an architecturally eccentric lean-to dormer feature. The remaining hip roof would be covered over with a solar panel of almost 5m². those combined alterations would obliterate the distinguishing roof design that is essential to the period context i.e. evoking 'Arts & Crafts' features in a Garden City layout.

- A report should be furnished by the Local Authority's Conservation Officer for consideration by a suitably appointed official within the Board in order to satisfy the assessment of the proper planning of the area.
- There is a requirement to consider the heritage context in this instance as a priority in the proper planning and sustainable development of the area. In this regard it is submitted that instead of properly addressing the streetscape context, the Council gave a retrospective account of permitted developments within the cul-de-sac, none of which have affected the front of the buildings as seen from Library Road. Therefore, the decision to grant permission must be overturned.
- It is considered that the subject proposal would seriously degrade the heritage value of the streetscape and would set an undesirable precedent for further unacceptable development.

- The extension to No. 3 Rosary Gardens East is indicative of how it is possible to enlarge the subject house type while maintaining its essential character.
- By way of further consideration, the Board is referred to its determination of ABP Ref. No. ABP-303363-19 whereby it refused permission for a two-storey extension to a 1930s property (which retained several 'Arts & Crafts' features) on the basis that its scale, bulk, overly complex form, and proximity to site boundaries would be seriously injurious to the residential amenity of adjoining properties by reason of its visually obtrusive design and overbearing nature.
- The proposed development should be refused permission for the following reasons:
 - Having regard to the zoning objective to protect and / or improve residential amenity and the established pattern of development in the area, including the notable layout / design of the houses at Rosary Gardens East, it is considered that the proposed development, by reason of:
 - a) Its design, with particular reference to the out of character elevations and roof pitch,
 - b) The scale, mass and bulk of the side and rear extensions, and
 - c) The proposed finishes and extensions being contrary to Specific Objective No. 152 of the County Development Plan,
 would be contrary to the proper planning and sustainable development of the area.
 - Having regard to the zoning objective to protect and / or improve residential amenity, is considered that the proposed development, by reason of:
 - a) The excessive bulk and length of the extensions,
 - b) The inadequate lateral separation from No. 9 Rosary Gardens East, and
 - c) The inconsistent roof profile with fenestration overbearing on No. 11 Rosary Gardens East,

would be seriously injurious to the residential amenity of the adjoining properties and thus contrary to the proper planning and sustainable development of the area.

6.2. Applicant Response

- The design of the proposed extension has been developed to provide a high-quality, energy efficient dwelling with a feeling of generosity by the use of light, height and materials without compromising the quality of the original house.
- The existing dwelling house is neither a protected structure nor is it within an Architectural Conservation Area and while its character and any sense of a cohesive streetscape along this cul-de-sac have been significantly altered over the years, including the boundary treatments and the painting of the original exposed blockwork, the contemporary design response submitted was developed to mitigate against any negative impact on the street, neighbouring properties, and the original dwelling house.
 - The side extension has been set back from the building line to minimise the impact on the streetscape, particularly when viewed from Library Road.
 - The setting back of the side extension retains the legibility of the original roof profile.
 - The two-storey element is set back from both boundaries to protect the amenity of neighbouring property.
 - The height of the side extension slopes down from back to front while the massing and configuration of the front elevation is further broken down by introducing a set back at ground floor to form a covered entrance area.
 - The materials and fenestration have been chosen / configured to be sympathetic in tone and texture with the original house.
- The applicant concurs with the assessment of the Planning Authority and requests the Board to uphold the decision to grant permission.

6.3. Planning Authority Response

- States 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

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the grounds of appeal are:

- Overall design and layout / built heritage considerations
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

7.2. **Overall Design and Layout / Built Heritage Considerations:**

7.2.1. Following a review of the available information, it is clear that the key issue in respect of this appeal concerns the overall design and architectural treatment of the proposed development having regard to the site location within a small cul-de-sac of attractive, early 20th Century housing characterised by a distinctive 'Arts and Crafts' design and utilising features such as half-hipped roofs with catslides, red clay roof tiles, and polychromatic blockwork. In this respect I would advise the Board that the overall design ethos and aesthetic adopted for the proposed development is undoubtedly contemporary and, therefore, careful consideration must be given to the suitability of any such proposal having regard to the site context and the applicable provisions of the Development Plan.

- 7.2.2. The proposed development involves the demolition of an existing garage in order to accommodate the construction of a partial single / two-storey extension to the side and rear of the existing dwelling house. It also includes for the enlargement of an existing first floor window to the rear of the property, the installation of solar panels on the side and rear roof pitches, the widening of the existing driveway to 3.6m in width, and associated site development works. Although the rationale for the submitted design was not set out in the initial application, it would appear that the proposed extension has been designed as a contemporary structure juxtaposed with the existing house in order to follow accepted architectural practice whereby new construction should be distinguishable from, yet compatible with, the original property. In this regard I would refer the Board to the applicant's response to the grounds of appeal wherein it has been emphasised that the contemporary design of the proposed extension has sought to mitigate against any negative impact on the streetscape, neighbouring properties, or the character of the existing dwelling house. In particular, reference has been made to the setting back of the proposed construction from the front building line in order to minimise its impact on the streetscape and to the recessed nature of the first-floor extension thereby retaining the legibility of the original roof profile. Further support has been lent to the submitted design by reference to the site context, including the fact that the existing house is not a protected structure nor is it located within an Architectural Conservation Area whilst the overall character / streetscape of Rosary Gardens East has been significantly altered / eroded over the years with a consequent loss of cohesiveness. Notably, in its assessment of the proposal, the Planning Authority was satisfied that the proposed extension would successfully integrate with the existing dwelling and would make a positive addition to the visual amenity of the streetscape.
- 7.2.3. Whilst I would acknowledge that the interpretation of more contemporary designs is somewhat subjective and that concerns are typically raised as regards the relationship of the proposal with neighbouring properties and whether it is in keeping with the overall character of the surrounding area, including the established pattern of development, in my opinion, the introduction of such additions to the urban grain can potentially make a positive contribution to the built form and serve to enliven an area architecturally. However, it is necessary to achieve a suitable balance between the insertion of any such contemporary construction and the established character of

an area and in this respect I am inclined to conclude that the subject proposal, by reason of its overall design, layout and scale, represents an excessively dominant insertion into the streetscape which would detract from the visual amenity of the area. In this regard I would have particular concerns in relation to the extent by which the proposed first floor element of the side extension intrudes into the distinctive roof profile of the existing dwelling house which forms a pair with the adjacent semi-detached property. Contrary to the suggestion by both the Planning Authority and applicant that the wider character of Rosary Gardens East has been significantly altered over the years through various interventions (including permitted extensions), in my opinion, the original design, profiles, proportions and character of the two differing house types within the cul-de-sac remain readily discernible. Although several of the neighbouring dwelling houses have been extended, these works are almost exclusively to the rear of the properties and thus are not overtly visible from the roadside with the result that the original streetscape remains broadly unchanged, save for some minor variations in paintwork, fenestration type, roadside boundary treatment, and the occasional glazed entrance porch.

- 7.2.4. At this point I would reiterate that Rosary Gardens East (and Rosary Gardens West) comprises an attractive, early 20th Century housing scheme (originally built for retired soldiers and sailors after the Great War) which is of notable architectural and built heritage interest given its use of features such as half-hipped roofs with catslides, red clay roof tiles, and polychromatic blockwork which evoke the styling of the 'Arts and Crafts' movement. In this regard, I would draw the Board's attention to Policy AR8: '*Nineteenth and Twentieth Century Buildings, Estates and Features*' of the Development Plan which aims to encourage the appropriate development of exemplar 19th & 20th Century buildings and estates to ensure their character is not compromised whilst also aiming to ensure the retention of features that contribute to the character of such properties, including roofscapes, boundary treatments and other features considered worthy of retention. Moreover, it is of relevance to note the provisions of Specific Local Objective No. 152 of the Development Plan which aims to '*enhance the character, ambiance and quality of the environment, historic streetscapes and public realm of the residential streets in the areas adjoining Lower George's Street, Dún Laoghaire and in particular, the areas of early twentieth century social housing*'. Therefore, whilst I would acknowledge that the subject site is

not a protected structure, is not within an ACA, and has not been identified in the National Inventory of Architectural Heritage, in light of the foregoing objectives, it is apparent that some degree of additional consideration, if not necessarily protection, should be afforded to those properties within Rosary Gardens East by reason of their siting within the confines of SLO No. 152.

- 7.2.5. Accordingly, given the site context, I am of the opinion that the subject proposal, by reason of its overall design, layout and scale, with particular reference to the extent by which the first-floor side extension intrudes into the distinctive roof profile, would represent an excessively dominant insertion into the streetscape which would be unduly visually obtrusive and would seriously detract from the architectural character, context and setting of both the dwelling house and this distinctive streetscape.

7.3. **Impact on Residential Amenity:**

- 7.3.1. Having reviewed the available information, and in light of the site context, including its location within a built-up suburban area, in my opinion, the design and siting of the proposed extension will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing / loss of daylight / sunlight, or an excessively overbearing appearance / nature.
- 7.3.2. With regard to the appellants' concerns that the subject proposal may infringe on the boundary line, it is my opinion that any instances of damage to, or interference with, the appellants' property attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

7.4. **Appropriate Assessment:**

- 7.4.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate

assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the existing character and the pattern of development within Rosary Gardens East, it is considered that the proposed extension, by reason of its design, scale and massing, would seriously detract from the architectural character, context and setting of the existing dwelling house and the visual amenities of the established streetscape generally. The proposed development would, therefore, would seriously injure the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

22nd June, 2019