



An
Bord
Pleanála

Inspector's Report ABP-304446-19

Development

House Extension

Location

Amalfi, Sorrento Road, Dalkey, Co.
Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D19A/0122

Applicant(s)

Travis & Lisa George

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Travis & Lisa George

Observer(s)

Martin Hally

Date of Site Inspection

14th August 2019

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. Amalfi is a three-storey detached house on an irregular shaped site, with a stated site area of 0.187 hectares, located to the western side of Sorrento Road, Dalkey, Co. Dublin. Access to the site is from Sorrento Road and, other than the site entrance, there is no roadside frontage. The site slopes upwards on a north east to south west axis. The Site Layout plan (Drawing no. XT-D-476 PL-001) indicates a ground level of 31.50 at the site entrance and 51.07 in the south west corner. The slope is more pronounced to the rear/ west of the house with a rise of 9 m over a length of 26 m. The railway line passes under the western side of the site in a tunnel.
- 1.2. The site is in an area that is characterised by a mix of housing types, though predominantly in the form of detached units on generous sites. Houses face east or south depending on their view of the Irish Sea and sites are constrained by the steep rise to the rear/ west towards Killiney Hill. The subject site is located within the Vico Road Architectural Conservation Area.
- 1.3. The existing house provides for three bedrooms. However, there are a significant number of rooms throughout the unit and the existing floor area is given as 350 sq m. The main body of the house is three storeys and is indicated to be the original structure with extensions provided to the sides. The three-storey element has a flat roof and the extensions have pitched roofs. A single storey detached 'studio' is located to the south of the existing house. Site boundaries consist of stone walls and timber fencing, with a number of mature trees and hedgerows located in places along the boundary.
- 1.4. The site is circa 1 km to the south of Dalkey Village and a similar distance to Dalkey DART station.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of 70 sq m of existing floor area which includes:
 - A two-storey extension to the northern side of the house.
 - A single storey element with open terrace over to the southern side of the house.

- Removal of the existing roof and internal partitions.

2.2. The development includes the provision of the following:

- Three storey extension to the northern side of the house with terrace accessed from the third storey.
- Two storey extension to the southern side of the house with terrace accessed from the second storey.
- The provision of a pitched roof with rooflights on the eastern elevation, over the entire length of the house.
- Internal alterations providing for a revised floor plan layout; a total of five bedrooms are indicated. A total of 70 sq m of new floor area is to be provided.
- The external treatment to consist primarily of render with some stone in the south east corner. The pitched roof is to utilise a selected metal. New windows and doors are to be provided.
- Alterations are proposed to the detached studio and include a new roof to match the new roof of the house and elevational alterations.
- Revisions are also proposed to the driveway, site landscaping and site drainage. New setback entrance gates are proposed.

2.3. The revisions to the house, and in particular the new roof, will significantly alter the external appearance of the unit. The overall height will increase from 9.14 m at the existing parapet level to 11.485 m at the top of the new roof ridgeline.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons. The first reason refers to the 'excessive scale and monolithic appearance on a visually prominent site'. The development would not visually integrate into its setting and would have a negative impact on the Architectural Conservation Area. The second reason refers to the fenestration on the eastern and southern elevations and the roof terrace giving rise to adverse overlooking of the private amenity space of the adjoining property to the east known as 'Cintra'. This would result in a loss of

residential amenity, would depreciate the value of the property and be contrary to the Residential/ 'A' zoning of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report reflects the decision to refuse permission for the proposed development.

3.2.2. **Other Technical Reports**

Drainage Planning – Municipal Services Department: No objection subject to recommended conditions. Reference is made to a verbal report that the soakpits could be omitted in the event that permission is granted as the overall development would not result in a significant increase in footprint.

Conservation Division: No objection to the principle of redevelopment of the house. However, insufficient details with regard to images/ photomontages have been provided to ascertain the potential impact and further information is requested.

Transportation Planning: No objection subject to recommended conditions.

3.2.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No observations to make.

3.2.4. **Objections**

Two letters of objection were received. Issues raised are similar to those in the grounds of appeal and include the character and nature of the development, impact on residential amenity with particular reference to loss of privacy, visual impact through the nature/ design of the extended house, potential glare from proposed glazing and potential issues arising from surface water drainage.

4.0 **Planning History**

There are no relevant, recent planning applications on the site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, this section of Sorrento Road including the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.
- 5.1.2. The site is located within the ‘Vico Road Architectural Conservation Area’. The ‘Vico Road Architectural Conservation Area Character Appraisal’ document was prepared in 2011.
- 5.1.3. A cycle track is indicated along the front of the site on Sorrento Road that forms part of the ‘National East Coast Trail Cycle Route’.
- 5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:
 - 8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.

5.2. Natural Heritage Designations

- 5.2.1. Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (pNHA) is located to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicants have appealed the decision of the Planning Authority to refuse permission for the extension and modernisation of this house. They have engaged the services of bps planning consultants to prepare the appeal and the issues raised include:

- The existing house is in need of modernisation and the proposed development will result in an upgrade in the Building Energy Rating to an 'A' rated house.
- The site is large and similar sized sites have been able to accommodate large buildings and extensions to existing houses.
- Houses in the area are designed to look out towards the sea and not down on sites below. Overlooking is not intended due to the proposed development.
- The proposed development will improve the overall appearance of this house and will see the replacement of the side extensions with more appropriately designed elements and provide for a contemporary roof over the house.
- Large sites such as the subject site lend themselves to additional development; this can be done without impacting negatively on adjoining sites.
- The existing house has large windows so the revised development should not give rise to any increased overlooking.
- The neighbouring property 'Cintra' is built into the hillside with no windows in the west elevation, so overlooking of habitable rooms is not possible.
- Question why the opportunity to supply further information was not afforded to the applicants as was the case with an application for a development at 'Casini' to the west of the subject site. The issue of not requesting further information is brought up a number of times in the appeal.
- The site is zoned 'A' allowing for residential development and the Dun Laoghaire Rathdown Conservation Officer has confirmed that the development is acceptable in principle.
- Demolition and rebuilding of existing units is well established in the area. Examples are provided.
- Reference inaccuracies in the assessment of the development by the Planning Officer with regards to proposed external terraces. Also notes contradictions between the Planning Officer's report and that of the Conservation Officer and a lack of consistency in the assessment of planning applications in this area.
- The scale and massing of the extended house will be screened by other houses in the area and by existing mature landscaping.

- Reference the low density in the area. The density of the subject site is very low.
- The design is not 'monolithic'.
- The design is considered to be appropriate for this location and does not have a negative impact on the visual amenity of the area.
- Concern that the Planning Authority would prefer to keep the existing development rather than modernise the house.
- The proposed development does not extend the footprint of the house.
- Design revisions have been proposed and include:
 - The new roof reduced in height by 0.92 such that it is to be 10.565 m instead of 11.485 m.
 - Overhang at the southern end of the 2nd floor external terrace to be reduced by 90 cm. This terrace area to be reduced from 18.5 sq m to 12.05 sq m. A planter box is to be provided in the southeast corner to provide for additional screening.
- It was not possible to provide photomontages within the four-week period (a large number of photographs have been submitted in support of this appeal).

6.2. Planning Authority Response

- 6.2.1. Regard has been had to the proposed amendments to this development. However, the opinion of the Planning Authority remains that permission be refused for the two reasons provided.

6.3. Observations

- 6.3.1. Martin Hally, the owner of 'Cintra' has provided a detailed observation on the first party appeal. The main planning issues include:
- Questions whether the application is for the demolition of a house or is it for part demolition and extension.
 - Increase in the size of the additional floor area and the roof height is significant.

- Submitted photographs do not give a true reflection of what is proposed/ impact on the area.
- The visual impact of the proposed development will be significant.
- Details of material finishes are provided in the Vico Road Architectural Conservation Area Character Appraisal document.
- The redesigned aspects may not address the issues of concern.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Design, Impact on the Character of the Area and Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Design, Impact on the Character of the Area and Residential Amenity**

7.2.1. The site is located within the Vico Road Architectural Conservation Area and residential development should have regard to the 'Vico Road Architectural Conservation Area Character Appraisal' document. This sets out the character of the area and notes that there are a mix of house types in the area and that *'Modern structures stand amongst their historic counterparts. These vary in date and style, some bear a modernist approach and others have traditional pitched roofs'*. The existing house on site is described as of a modernist design with extensions provided to the northern and southern sides.

7.2.2. The proposed development as described would suggest that very little of the house as currently standing will be left in situ post construction. In addition to the removal of the northern and southern elements, the alterations to the east and west elevations and the provision of new windows etc. would all significantly revise the elevational treatment of this house. Although not described as such, effectively the entire house is to be removed and replaced with a modern three storey house.

- 7.2.3. It is unfortunate that the applicants did not provide supporting documentation in the form of photomontages and visual impact assessments which would clearly demonstrate what the impact on the area would be. The Planning Authority consider that the proposed development would give rise to negative visual impact and would impact negatively on the Vico Road Architectural Conservation Area.
- 7.2.4. I would suggest that the existing house, which has been modified through extensions and replacement windows/ rainwater goods, does not demonstrate high quality architectural design worthy of retention. The house is not visibly dominant when on Sorrento or Vico Roads and is more noticeable from distant points such as from Sorrento Park which is a popular and well used public park. However, it is considered in its current form that it does not dominate the setting and is only one of many houses that are visible from the public park. The wider area is characterised by mature planting that provides significant screening.
- 7.2.5. A significant issue with this development is the proposed pitched roof and the associated potential visual impact. The proposed development would result in a roof ridge height of 11.485 m which is a 2.345 m increase from the existing 9.14 m. The applicant has submitted revised drawings and elevations in support of the appeal. These now propose a roof ridge height of 10.565 m which is a 0.92 m decrease from the original proposal and which is an increase of 1.425 m from the highest point of the existing roof. From the 'Proposed Side (South) Elevation (Drawing no. XT-D-476 AP-002) it is clear that the revised roof ridgeline will only be circa 0.5 m higher than the existing chimneys on the house. Also, it is noted that the top of the existing flat roof is broken up with chimneys, television aerial and water tanks, not all of which are indicated on the elevational drawings.
- 7.2.6. The revised elevations also provide for a reduction of 0.9 m in the overhang of the roof on the southern side, this again reduces the bulk of the new roof.
- 7.2.7. I would disagree with the Planning Authority in relation to the issues of visual impact and impact on the Architectural Conservation Area. As originally submitted the increase in height was to be 2.345 m and this has been reduced to an increase of 1.425 m. The revised increase of 1.425 m is visually acceptable in this location having regard to the topography of the site and the character of existing units in terms of design and position on site. The applicant has attempted to reduce the bulk

of the house and the revised unit has a more rationalised footprint. The proposed development has been described as ‘monolithic’ and again I would disagree. The front elevation contains a number of projecting/ recessed features, includes a mix of window sizes, and includes a mix of material finishes and staggered elements on the northern and southern elevations. Additional stone finish could be provided on the front/ eastern elevation to provide additional relief. However, the benefits of this may not be apparent from public view.

- 7.2.8. The Vico Road Architectural Conservation Area includes a mix of house types and it is that mix that sets the character of the area. The ‘Vico Road Architectural Conservation Area Character Appraisal’ document notes under Section 3.2 Layout, *‘Though houses for the most part stand close to roads, the layout appears scattered and informal. Many houses are not easily seen from the street space due to the topography and trees. They appear and disappear at different distances and from different viewpoints. The overall layout is one of dramatic and picturesque effect’*. Having considered this statement and visited the site, I do not consider that the proposed development would negatively impact on the Architectural Conservation Area. The subject house is not one of the 19th Century units that sets the character of the area and its effective replacement with a modern unit will not impact on the visual amenity of the area or on the Architectural Conservation Area.
- 7.2.9. The second reason for refusal refers to the impact on the adjoining property, Cintra, in terms of overlooking leading to a loss of privacy and subsequent loss and depreciation of residential amenity. From the site visit it was evident that there is existing overlooking from the first-floor windows and the existing terrace on the southern elevation looking down onto ‘Cintra’. I would disregard much of the comment made in the appeal to views from the house looking outwards and not downwards; views downwards onto the adjoining property are possible in addition to outward views. However, it is considered that the proposed development does not increase the amount of overlooking. The provision of the planter box onto the terrace, as proposed in the grounds of appeal, will reduce the perception of overlooking.
- 7.2.10. It was also noted from the site visit that windows to the rear/ western elevation of ‘Cintra’ are not visible from Amalfi. There is a large mature hedgerow forming the boundary between the two properties and it appears that ‘Cintra’ is build into the

slope of the hill. Loss of privacy to residents within the house is not, therefore, foreseen.

- 7.2.11. Other than the Master Bedroom at first floor level and the dining room at second floor level, no windows are proposed outside of the footprint of the existing house. A separation distance of over 18 m is provided between the proposed window of these rooms and 'Cintra'. However, as stated, no windows in the rear of 'Cintra' are visible and overlooking does not occur. Generally, the standard separation distance of 22 m only applies in the case of directly opposing first floor windows.

7.3. Other Issues

- 7.3.1. The revisions and extensions provide for adequate room sizes and private amenity space is also sufficient for a house of this size. Car parking provision is adequately catered for on the site.
- 7.3.2. The revisions to the studio including the new roof are acceptable. The studio unit should not be sold, leased or rented independently of the main house

7.4. Appropriate Assessment Screening

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the zoning for residential purposes, to the location

of the site in an established residential 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.	<p>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 received by An Bord Pleanála on the 15th day of May 2019], 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The ridgeline of the pitched roof shall not exceed 10.565 m as indicated on Drawing No. XT-D-476 AP-001 received by An Bord Pleanála on the 15th of May 2019.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The studio unit shall not be used for commercial purposes and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the studio unit in the interest of residential amenity.</p>
4.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>The new access gates and internal driveway layout shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>

6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>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.</p> <p>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.</p>

Paul O'Brien

Planning Inspector

21st August 2019