



An  
Bord  
Pleanála

## Inspector's Report ABP-304737-19

### Development

The removal of the existing pitched roof and construction of a single-storey extension (118sqm) at roof level to provide new second floor level extension with new roof terraces to main house together with new internal staircase and other associated internal works to form new living accommodation, together with a new external wrought iron spiral staircase to link the main floor of the house to the rear gardens.

### Location

Villa Mara, Kilmore Avenue, Killiney, Co. Dublin. The site is in an Architectural Conservation Area.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D19A/0221

### Applicant(s)

Enda Woods

### Type of Application

Permission

### Planning Authority Decision

Refusal

**Type of Appeal**

First Party v. Decision

**Appellant(s)**

Enda Woods

**Observer(s)**

David J. H. Williams & Hilary Murray

Margaret & Feichín McDonagh

**Date of Site Inspection**

6<sup>th</sup> September, 2019

**Inspector**

Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located on Kilmore Avenue at its junction with Station Road in the predominantly residential area of Killiney, a coastal suburb between Dún Laoghaire and Bray. Kilmore Avenue is a minor residential road without footpaths which connects with Killiney Hill Road at its western end, while Station Road forms part of the R119 coast road. The DART train line runs parallel and to the east of Station Road. To the east again is Killiney beach on the shores of Killiney Bay. The former Killiney Court Hotel (now 'The Court' apartment scheme) is less than 100m to the south, and Killiney DART station is c. 300m south of the subject site. The land rises significantly to the west of the site, towards the high ground around Killiney Hill. The area is characterised by low density residential development of large detached houses on heavily planted sites.
- 1.2. The site itself has a stated site area of 0.0663 hectares, is irregularly shaped, and comprises the property presently occupied by the substantial and recently constructed 'Neo-Regency', two-storey over basement dwelling house known as 'Villa Mara' (which replaced a previous residence on site i.e. 'Coppins') with a large garden area stretching to the south of same and mature tree planting along the eastern boundary with Station Road. Notably, the site in question would seem to have been historically interconnected with the adjacent lands to the immediate west which are occupied by a smaller, single-storey over basement dwelling house. Both properties are accessed independently from Kilmore Avenue.
- 1.3. The site is bounded to the west and south by large detached housing and to the north and east by Kilmore Avenue and Station Road respectively. An unusual sunken walkway runs between the eastern boundary of the site and Station Road. At the southern end of this walkway is a public car park with an underpass beneath Station Road and the DART line to the beach. At the northern end there is a similar underpass linking Strathmore Road to a small car park at the edge of the Beach.

## 2.0 Proposed Development

- 2.1. The proposed development involves the removal of the existing pitched roof to the main house and the construction of a new contemporarily designed, single-storey extension (floor area: 118m<sup>2</sup>) at roof level to provide an additional level of living

accommodation together with new roof terraces / external walkways, an internal staircase, and associated ancillary works. The proposed extension will be set back from the roof edge (the perimeter of which will be secured with a glass handrail) and will utilise a lightweight steel construction with glazed walls / 'alu-clad' windows on all sides and a copper-covered flat roof & fascia. Reference is also made to the provision of a new external wrought iron spiral staircase to link the main floor of the house to the rear garden area.

- 2.2. By way of further comment, I would advise the Board that the grounds of appeal have been accompanied by a revised design for the roof-top extension which has sought to reduce the overall size of the proposal and to replace the glazing originally proposed along the northern, southern and western elevations with a solid wall construction. In addition, the extent of the roof terrace / balcony areas has been substantially reduced whilst the perimeter walkway along the northern, southern and western edges of the construction has been omitted and replaced with an inaccessible roof area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On 28<sup>th</sup> May, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed alterations to extend the roof as proposed would result in a development that is visually obtrusive and by reason of its increased height, scale and massing would materially detract from the Killiney Architectural Conservation Area. The proposed development would contravene Policy AR12 and Section 8.2.11.3 'Architectural Conservation Areas' of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would also give rise to overlooking of adjacent properties and would set an undesirable precedent for the area. The proposed development would seriously detract from the residential amenity of neighbouring properties and would therefore be contrary to the proper planning and sustainable development of the area.

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

#### 3.2.1. *Planning Reports*

Details the site context, planning history, and the applicable policy considerations before analysing the proposal and recommending that permission be refused for the reason stated.

#### 3.2.2. *Other Technical Reports*

*Transportation Planning:* No objection.

*Municipal Services Dept., Drainage Planning:* No objection, subject to conditions.

*Conservation Officer:* Refers to the site location within the Killiney Architectural Conservation Area and notes that 'Villa Mara' is situated on its south-eastern slope, which is considered to be central to the designation, where the planning constraints are more restrictive. It proceeds to note that it is an objective of the ACA designation to guide change within an area in order to ensure that future development is carried out in a manner sympathetic to its special character. The report subsequently states that in light of the planning history of the application site and its location within an ACA, the proposed alterations and roof extension would result in a development that would be visually obtrusive which would contravene Policy AR12 and Section 8.2.11.3 of the Development Plan by reason of its increased height, scale and massing.

### 3.3. **Prescribed Bodies**

None received.

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

3.4.1. A total 2 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- The location of the site notice fails to comply with the legislative requirements.
- The design of the proposal is visually obtrusive and out of character with the area.
- Adverse impact on the Killiney Architectural Conservation Area.

- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy, noise, and nuisance.

## 4.0 Planning History

### 4.1. *On Site:*

PA Ref. No. D03B/0110. Application by Enda Woods for permission for a new boundary wall to sunken trackway on Station Road, and to Kilmore Avenue with new front gates to Coppins and the renovation and extension of Coppins from dormer dwelling to two storey dwelling with sunroom/balcony on roof and internal alteration of Taobh Tra from one to two bedroom dwelling. This application was declared withdrawn.

PA Ref. No. D04A/0139. Was granted on 28<sup>th</sup> September, 2004 permitting Enda Woods permission for a new boundary wall to sunken trackway on Station Road and to Kilmore Avenue with new front gates to Coppins and the renovation and extension of Coppins from dormer dwelling to two storey dormer dwelling with second floor balconies on Station Road and Kilmore Avenue facades and internal alteration of Taobh Tra from one to two bedroom dwelling.

PA Ref. No. D05A/1555. Was granted on 25<sup>th</sup> September, 2006 permitting Enda woods permission for a new boundary wall with pedestrian gateway to sunken trackway on Station Road with new front gates at existing locations to Coppiins and Taobh Tra on Kilmore Avenue, the partial demolition of Coppins and Taobh Tra, dormer semi-detached dwellings and their replacement with a detached single-storey over semi-basement dwelling at Taobh Tra, and detached two-storey over semi-basement dwelling at Coppins, with first floor balcony to rear, and the conversion of a portion of Coppins from habitable room to detached garage and its extension to join up with existing detached garage forming a three car garage block to front of Coppins at Coppins and Taobh Tra, Kilmore Avenue.

PA Ref. No. D07A/1035 / ABP Ref. No. PL06D.225762. Was refused on appeal on 9<sup>th</sup> May, 2008 refusing Enda Woods permission for alterations to front entrance door and steps, new stone quoins to corners of house, revised driveway entrance gates and piers, new fenestration/roof of garage block to east with new attic store over, all relating to previously approved permission (D05A/1555), with new garage block to

west with attic store over and new 2.0 metre high stone wall inside existing retained timber fence bounding Kilmore Avenue:

- Having regard to the A zoning provisions of the site “to protect and/or improve residential amenity” and the specific objective O/O that no increase in the number of buildings will normally be permitted, to the location of the site within a Conservation Area, to the scale, height, bulk and design of the proposed development, it is considered that the proposed development would be visually overbearing at this prominent location, would seriously injure the character of the Conservation Area and the amenities of property in the vicinity and would contravene the O/O zoning objective of the current Development Plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D08A/1037 / ABP Ref. No. PL06D.231939. Was determined on appeal on 17<sup>th</sup> June, 2009 whereby a split decision was issued to Enda Woods as follows:

- To **GRANT** permission for alterations to front entrance door and steps, provision of new stone quoins to corners of house and revised driveway entrance gates and piers.
- To **REFUSE** permission for new fenestration / roof of garage block to west with new attic store over for the following reason:
  - Having regard to the zoning objective A which is to protect and/or improve residential amenity and the zoning objective O/O which is that no increase in the number of buildings will normally be permitted, as set out in the current Development Plan for the area, to the location of the site within a Conservation Area and to its scale, height, bulk and design, it is considered that the proposed extension and fenestration to the garage development previously granted permission under planning register reference number D05A/1555 would be visually overbearing at this prominent location, would seriously injure the character of the Conservation Area and the amenities of property in the vicinity and would contravene the O/O zoning objective set in the current Development Plan for the area. The proposed garage development

would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The 'Architectural Heritage Protection, Guidelines for Planning Authorities, 2004' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

### 5.2. Development Plan

#### 5.2.1. 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 6.1.4: Architectural Conservation Areas (ACA):*

*Policy AR12: Architectural Conservation Areas:*

It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.



- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

*Policy AR13: Demolition within an ACA:*

It is Council policy to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.

(The proposed development site is located within the Killiney Architectural Conservation Area).

*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.

*(viii) O/O Zone:*

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, within 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.

Section 8.2.11.3: *Architectural Conservation Areas*

### **5.3. Natural Heritage Designations**

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

- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 1.5km east of the site.

### **5.4. EIA Screening**

5.4.1. Having regard to the nature and minor 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**

- Having regard to the provisions of the Development Plan, it is considered that the subject proposal respects the established character and urban morphology of the area whilst the contemporary design is appropriate and sympathetic to the surrounding context and scale.
- It is not accepted that the replacement of the existing pitched roof with a copper-clad flat roof would negatively impact on the Killiney Architectural Conservation Area, particularly as neighbouring dwellings, including Temple

Hill, have undertaken similar works. Notwithstanding, the applicant is amenable to a condition which would require the copper cladding to be substituted with a slate material should this be deemed preferable.

- Due to the variation in ground levels on site, the existing dwelling house and its gardens are approximately one storey below Station Road (this storey can be interpreted as a basement rather than a lower ground floor level). Accordingly, the current house can be viewed as a two-storey property in the context of the site contours.
- The surrounding pattern of residential development is characterised by an eclectic mix of architectural styles with varying bulk, scale and mass. Therefore, it cannot be reasonably argued that the subject proposal is contrary to the existing architectural typography and narrative.
- By way of precedent, the Board is referred to the grant of permission issued in respect of PA Ref. No. D08A/1107 for a development at Temple Hill, Vico Road, Killiney, Co. Dublin, where the works involved major modifications to the original period property which included the addition of a single storey extension and the replacement of the pitched roof to the main house with a single storey structure that provided a new second floor level extension and roof terraces. It is considered that this development establishes a clear precedent in that the original roof was removed and a new accommodation structure added in its place.
- With regard to the concerns that the proposed development will result in overlooking of adjacent properties, the Board is advised that the submitted proposal does not include for any windows within its western elevation that would allow / facilitate any overlooking of neighbouring properties. Furthermore, the applicant is amenable to installing opaque glazing within the south-facing elevation in order to ameliorate any perception of overlooking.
- Although the proposed development includes for a parapet walkway to the side for maintenance purposes, this could be omitted from the final design and alternative maintenance arrangements put in place through the use of cherry pickers.

- The proposed development is purposely designed to provide for views over Killiney Bay (as opposed to towards other sites). With regard to the maintenance walkway proposed to the south of the structure, it is accepted that this could be seen as an area that may give rise to overlooking and, therefore, a revised design has been submitted which relocates the railing and balcony to prevent any access to the southern side of the structure with the result that the balcony arrangement will only afford views east towards the sea. In addition, the opaque glazed elements within the southern and western elevations are to be replaced with solid metallic cladding to match the existing structure in order to totally eliminate any overlooking of neighbouring properties.
- The increase in building height is minimal when taken in context. The proposal will have a new ridge height of 2.4m over the existing parapet. The existing ridge height is 0.66m above the parapet which results in an increase of 1.74m. Given that the overall height is 11.4m, this is considered to be negligible in terms of the claim that the proposal will seriously detract from the residential amenity of neighbouring properties and is visually obtrusive. It is not accepted that the proposal in any way contravenes Policy AR12 or Section 8.2.11.3 of the Development Plan.
- The amended design has addressed any concerns as regards the overlooking of neighbouring properties. Moreover, cognisance should be taken that the existing 'Court' apartment scheme is five storeys in height and includes balconies that already overlook all the garden areas on that side of Kilmore Avenue, including that of the application site and 'Rathvendon'.
- 'Temple Hill' is a four / five storey property that was originally very similar in size and height to the subject dwelling house. It also occupies a more prominent position on a hillside when compared to the proposed development site. A facsimile development was permitted on that site and the applicant is seeking a similar result.
- The recent grant of permission issued under PA Ref. No. D17A/084 for the partial demolition of Strathmore House and the construction of a new dwelling that extends to over 22,300ft<sup>2</sup>. clearly establishes a precedent for large scale

houses in the surrounding area. Indeed, over the last two decades other large dwellings have been approved in the area e.g. Gorse Hill / One Vico.

## 6.2. 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.

## 6.3. Observations

### 6.3.1. *David J. H. Williams & Hilary Murray:*

- The proposed development would have a negative impact on the Killiney Architectural Conservation Area and should be refused permission.
- The proposal will add a fourth-floor level to a structure that is already excessive in terms of scale, height and bulk when compared to surrounding housing.
- The proposed roof terrace will give rise to the unacceptable overlooking of neighbouring properties with an associated loss of privacy (with particular reference to those properties to the south and west, including the observers' dwelling house i.e. 'Rathvendon').
- The inclusion of an open fire and seating area within the roof terrace would suggest that this area is to be used for entertaining and, therefore, concerns arise as regards the potential for noise and other nuisance from same given its positioning relative to the observers' property.
- In 2003 a more modest roof-top conservatory was determined by the Planning Authority under PA Ref. No. D03B/0110 as an unsuitable addition to the dwelling house on this site. The subject proposal makes no effort to address the concerns raised by the Planning Authority as regards this similar development on the same site.

6.3.2. *Margaret & Feichín McDonagh:*

- The proposed development is visually obtrusive and will materially detract from the Killiney Architectural Conservation Area.
- The Character Appraisal for the Killiney ACA states the following:

*‘the visual richness of the proposed ACA is reinforced by the variation of pitched roof types punctuated by clusters of chimneys that appear throughout the study area. The flat roof, which was introduced for the first time through the modern movement houses, is an alien form. Whereas the flat roof is ideal in situations where the optimum volume of building accommodation is sought beneath, without imposing on the skyline when viewed from lower down the hill, when viewed from above, a discordant appearance may be evident’.*

Therefore, the flat-roofed development proposed is clearly contrary to the existing typography and narrative within the ACA.

- The planning precedents cited in the grounds of appeal are not relevant with both the existing developments at ‘The Court’ apartments and Temple Hill having been approved prior to the designation of the ACA. If applications for those developments were to be lodged today, they would be assessed under different criteria. Indeed, it is notable that in the assessment of the rooftop extension at Temple Hill considered under PA Ref. No. D08A/1108, the case planner specifically cited the fact that the site was not then located within an ACA as one of the key factors in determining the acceptability of that proposal.
- The context of the development at Temple Hill is very different to that of the subject proposal. Temple Hill is a large detached house set within a considerable site of c. 1.4 Ha which is densely planted with mature trees. The permitted rooftop extension rises no higher than the existing roof and the visibility of the house from within the ACA is very limited. Conversely, the subject site is prominently located at the junction of Station Road / Kilmore Avenue and is openly visible from numerous locations within the ACA. Furthermore, the proposed extension will protrude considerably above the roof level of the existing house.



- The large, contemporary, roof level conservatory / extension proposed will appear as an incongruous addition to the existing mock-Georgian styling of 'Villa Mara'.
- The revised design submitted with the grounds of appeal would be visually jarring and obtrusive in the most sensitive views from within the ACA over the existing roofscape of the area and towards Killiney Bay.
- The specifics of the revised design provided by the applicant are unclear and so vague as to be unenforceable.
- Contrary to the applicant's assertion, it would appear that some of the photographs provided with the grounds of appeal, which claim to have been taken from the second floor of 'Villa Mara', have actually be taken from roof level.
- Any overlooking from the applicant's existing bedroom areas cannot be equated with the loss of privacy that would occur as a result of overlooking from a high level, principal living space, the sole purpose of which is to provide panoramic views over a wide area.
- Even if the northern, western and southern facades of the proposed extension were to be constructed as solid walls and there was no access to the walkway on those sides of the building, the proposed eastern glazed wall and balcony would still result in the overlooking of neighbouring lands to the north and south
- Notwithstanding the minor amendments proposed as part of the grounds of appeal, the proposed development will give rise to the overlooking of adjacent properties and could also undermine the future development potential of same.
- Any grant of permission for rooftop conservatories and terraces will set an undesirable precedent for similar development within the ACA.
- The ACA designation specifically includes modern development of no value (i.e. 'The Court' apartment scheme) within its boundary in order to ensure that views from within the ACA looking towards Killiney Bay are not marred by any further inappropriate development at roof level.

- Notwithstanding that the Planning Authority has already indicated that a roof level conservatory is not suitable on the application site, the subject proposal is significantly larger, higher and more obtrusive than the roof conservatory previously proposed on site.

#### 6.4. 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 in the grounds of appeal are:

- Visual impact / impact on built heritage considerations
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

#### 7.2. Visual Impact / Impact on Built Heritage Considerations:

- 7.2.1. The proposed development site occupies a prominent location at the junction of Kilmore Avenue with Station Road within the Killiney Architectural Conservation Area and in this regard I would draw the Board's attention to Section 6.1.4: '*Architectural Conservation Areas*' of the Development Plan and, in particular, Policy AR12: '*Architectural Conservation Areas*' which aims to protect the character and special interest of ACAs by ensuring that development proposals are appropriate to the character of the area within which they are situated having regard to the 'Character Appraisals' for each ACA (i.e. The '*Killiney Proposed Architectural Conservation Area: Character Appraisal and Recommendations, 2010*') and that they are complimentary and / or sympathetic as regards their context and scale.
- 7.2.2. The subject proposal involves the construction of a contemporary rooftop extension to the existing 'neo-regency', two-storey over basement dwelling house that was constructed on site pursuant to the grant of permission issued in 2006 in respect of

PA Ref. No. D05A/1555. This juxtaposition of contrasting architectural styles involves the removal of the entirety of the existing pitched roof and the erection of a new second floor level of accommodation encompassing a lightweight steel construction with glazed walls / 'alu-clad' windows on all sides and a copper-covered flat roof & fascia. The new construction (as initially submitted to the Planning Authority) will extend across most of the original roof level, save for those areas to be occupied by an external roof terrace and a perimeter walkway / balcony set behind the roof edge that will be secured by a glass handrail. The proposed extension will extend to 2.4m in height above the existing roof parapet, although the lift overrun will protrude a further 0.45m over this level.

7.2.3. Although views of the proposed development from Station Road, Killiney Beach, and the shores of Killiney Bay are likely to be obscured for the most part by the extensive planting present along the eastern site boundary, it should be acknowledged that the new construction will occupy an elevated position within a more sensitive part of the site which will be visible from certain vantage points within the public realm.

Moreover, it should be noted that there is no certainty that the existing tree line will be retained as a screening measure in perpetuity, irrespective of any conditions that might be attached to this effect.

7.2.4. Furthermore, I would draw the Board's attention to its previous determination of ABP Ref. Nos. PL06D.225762 & PL06D.231939 wherein it was consistently held that a development which involved increasing the height (through the provision of an additional storey and a flat roof) of the single storey garage block permitted under PA Ref. No. D05A/1555, in a location situated further west and beyond 'Villa Mara' (i.e. the subject proposal), would be visually obtrusive and out of character with the visual amenities of the area. Notably, those decisions were issued prior to the current designation of the Killiney Architectural Conservation Area and instead simply had regard to the classification of the wider area as a 'Conservation Area' (not an ACA) which covered much of the coastal parts of Killiney and which sought to ensure that the Planning Authority had regard to the impact of proposed development on the character of the area in which it was to be placed.

7.2.5. In addition, although the proposed development does not involve the provision of an additional building, it is clear that the designation of the '0/0 Zone' in the current Development Plan (similar to the comparable provisions contained in the previous

development plan for the area) includes as an aim the need to ensure that development does not detract from the visual character of the area thereby taking further cognisance of the wider sensitivity of this landscape.

- 7.2.6. On balance, having regard to the sensitives of the site context, with particular reference to its prominent location at the junction of Kilmore Avenue with Station Road within the Killiney Architectural Conservation Area, the land use zoning which seeks '*to protect and / or improve residential amenity*', the planning history of the site, and to the overall scale, height, massing and design of the proposed development, it is my opinion that the subject proposal would be visually obtrusive and would materially detract from distinctive character of the Killiney Architectural Conservation Area.

### 7.3. **Impact on Residential Amenity:**

- 7.3.1. The proposed development, as initially submitted to the Planning Authority, involves the construction of a contemporarily-designed, single storey extension at roof level which will utilise a lightweight steel construction in order to accommodate the provision of expansive glazing / 'alu-clad' windows within all of the elevations thereby providing for 360-degree panoramic views over Killiney Bay and the wider area (whilst this is apparent from the submitted floor plans and elevational drawings, I would advise the Board that the axonometric sectional detail supplied with the application would seem to mistakenly show the northern and western elevations as comprising a solid wall construction). Accordingly, particular concerns arise as regards the potential for the proposed extension, in addition to the associated roof terraces and perimeter balcony / walkway areas, to have a potentially adverse impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy.
- 7.3.2. In its assessment of the initial proposal, the Planning Authority was satisfied that the new roof conservatory and the terraces facing onto Kilmore Avenue and Station Road to the north and east respectively would not give rise to any overlooking concerns, however, given the proximity of the adjacent two-storey dwelling to the immediate west of the site (as approved under PA Ref. No. D05A/1555), it was considered that the proposed development would detract from the residential amenity of that property by reason of overlooking.

- 7.3.3. In response to the foregoing, the first party grounds of appeal have been accompanied by a revised design for the roof-top extension which has sought to reduce the overall size of the proposal and to replace the glazing originally proposed along the northern, southern and western elevations with a solid wall / cladding construction. In addition, the extent of the roof terrace / balcony areas has been substantially reduced whilst the perimeter walkway along the northern, southern and western edges of the construction has been omitted and replaced with an inaccessible roof area.
- 7.3.4. Given the site context and its relationship with neighbouring properties, including the available separation distances, the variation in topography, and the presence of intervening features such as mature planting, I would concur with the Planning Authority that the proposed development, as initially submitted, would likely result in the unacceptable overlooking of the adjacent property to the immediate west, with particular reference to the private garden area / amenity space to the rear of same. In this respect, whilst I would acknowledge that the aforementioned dwelling house has been shown on the submitted site location map as being within the applicant's ownership, I am nevertheless of the opinion that due to the limited separation distance between the respective properties, the provision of the proposed roof-top accommodation and, in particular, the external balcony / terrace areas, will unacceptably undermine the residential amenity and privacy of that dwelling house by reason of overlooking.
- 7.3.5. With regard to the amended design submitted with the grounds of appeal, on balance, the revisions proposed would seem to allay any concerns as regards the potential for the overlooking or disturbance of neighbouring properties to the north, south or west as views from the roof-top area will be focused east towards Killiney Bay. However, I would advise the Board that no elevational drawings detailing these revisions have been submitted and thus it is difficult to gauge the visual impact associated with same.

#### 7.4. **Appropriate Assessment:**

- 7.4.1. Having regard to the nature and minor 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 upheld 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. The proposed development, by reason of its scale, height, massing and design, would materially and adversely affect the character of the Killiney Architectural Conservation Area, and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

24<sup>th</sup> September, 2019