



An
Bord
Pleanála

Inspector's Report ABP-305179-19

Development	Single storey extension to side and rear, roof modifications including partial removal and removal of chimney. New dormer window to rear and existing return to rear to be extended.
Location	1 Carysfort Drive, Dalkey.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0356
Applicant(s)	Susan McAteer
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Paul Kealy
Observer(s)	None
Date of Site Inspection	23 rd of October 2019

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. No. 1 Carysfort Drive comprises a single-storey, semi-detached house located on the western side of the public street and to the north of central Dalkey, Co. Dublin. Carysfort Drive connects Church Road to the north with Carysfort Road to the south and is on a north-south axis. Five houses directly address the street with other houses on the street either addressing Carysfort Road or Church Road, though having vehicular/ pedestrian access to the street. The street is therefore unusual in that the entry from the north and south is flanked by high walls, giving an appearance of a back laneway. A laneway is located to the rear/ western side of the subject site. Several the properties on Ulverton Road to the west of the laneway, have constructed sheds/ garages etc. that are accessed from this laneway.
- 1.2. The subject house is located on an almost rectangular shaped site with a stated area of 0.04 hectares. A high wall provides the boundary to the north with a low wall forming the boundary on the other sides of the site. The attached house has been modernised/ extended in recent times.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Construction of a single storey extension to the northern side and rear/ western side of the existing house. Also, an extension to an existing return on the western side of the house. The floor area of the existing house is given as 95 sq m and the proposed extensions will provide for an additional 91 sq m.
 - Modifications to the existing roof consisting of partial removal, removal of a chimney, provision of a rooflights to east, west and northern roof profiles and a new dormer window to the rear/ western roof profile.
 - Widening of an existing vehicular entrance to the front/ eastern side and provision of a new pedestrian gate to the western side onto the adjoining unnamed laneway.
 - All associated site works, drainage and landscaping.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. The only specific condition relates to the maximum width of the driveway entrance to be 3.5 m.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions. Overlooking, overshadowing and overbearing of neighbouring properties were not considered to be of concern. Access to the rear laneway was noted in the planning report and would be subject to Section 34(13) of the Planning and Development Act 2000 as amended.

3.2.2. Other Technical Reports

Drainage Planning – Municipal Services Department: No objection subject to recommended conditions.

Transportation Planning: No objection subject to recommended conditions. The width of the driveway entrance to not exceed 3.5 m.

3.2.3. Objection

A single letter of objection was received, and the issues raised are similar to those raised in the appeal and include:

- The laneway to the rear of no.1 is in private ownership and no right of way is permitted to the houses on Carysfort Drive.
- A proposed dormer to the rear/ west of the house would result in overlooking of adjoining properties and consequently lead to a loss of privacy.

4.0 Planning History

There are no recent, relevant, valid applications on the subject site.

P.A. Ref. D09A/0204 refers to a June 2009 decision to grant permission at 2 Carysfort Drive (the attached house to the subject unit, no.1) for:

- a) The switching of pedestrian and vehicular entrances to front boundary.
- b) Internal modifications and construction of new single storey extension to side with side gate, modifications to existing roof including part removal, demolition of chimney stack and provision of roof lights to East, South and West elevations.
- c) Extension to rear with modifications to return roof.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, Carysfort Drive including the subject site is zoned A 'To protect and/ or improve residential amenity'. The site is located within the zone of archaeological potential associated with a number of monuments located within Dalkey village.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The decision of the Planning Authority has been appealed by the occupant of 24 Ulverton Road, Dalkey, the houses located directly to the rear/ west of the appeal property. The following issues have been raised in the appeal:

- The laneway to the rear/ west of the subject site is private and the opening up of a pedestrian entrance here would be trespass.
- Concern about the proposed dormer window to the rear of the house. This window would only be 6.2 m from the boundary it faces and would result in overlooking leading to a loss of privacy. The Planning Authority report notes the

large scale of the dormer window, however, the separation distance in the form of the rear laneway reduces the potential impact.

- Permitting the dormer would break up the strong symmetrical form of the pair of semi-detached units. The neighbouring unit, no. 2 Carysfort Drive has velux windows to the rear.

6.2. Applicant Response

The applicants through their architects, DDS Architecture Ltd, have submitted a response to the appeal and the following points are made:

- The laneway is semi-public shared access lane and allows for vehicular and pedestrian access. It is not contested that the laneway is private.
- The proposed dormer will be 11 m from the boundary of no. 24 Ulverton Road that it faces and 35.8 m from the rear elevation.
- The design of the dormer has been carefully considered, is not visually dominant and is in keeping with similar modifications to other houses in the area. A number of similar developments have been referenced.

6.3. Planning Authority Response

No new matters have been raised that 'would justify a change of attitude to the proposed development'.

7.0 Assessment

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

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Vehicular and Pedestrian Access
- Appropriate Assessment Screening

7.2. Design and Impact on the Character of the Area

- 7.2.1. The proposed extension to this house is of a modern design with simple form, flat roof and relatively small windows when viewed from the front elevation. Having regard to the fact that the attached unit in this pair of semi-detached houses has been similarly extended/ modified, it is considered that the proposed development is visually acceptable and will integrate with no. 2 Carysfort Drive.
- 7.2.2. The alterations to the rear/ west elevation are also acceptable. As referenced in the appeal, the dormer is fitted with a large expanse of glazing of circa 4.5 sq m, however, the visual impact of this is reduced by the framing of the window and a setting back of the glass by approximately 200 mm from the edge of this frame. It is considered that the design of this window is visually acceptable and will not impact negatively on the character of the area.
- 7.2.3. I note that the external treatment of the extension is to be finished in brick. It is not certain what colour/ type of brick is to be used. The existing finish is unpainted render and the extension to no.2 is finished in a cream/ off-white coloured render. The final details can be agreed with the Planning Authority should permission be granted.

7.3. Impact on Residential Amenity

- 7.3.1. The appellant has raised concern regarding overlooking from the rear/ west facing dormer. The glazed area of the dormer will be between 7.1m and 6.7 m from the boundary it faces and as allowed for by the Planning Authority Case Officer, the laneway to the rear provides for additional separation. The houses on Ulverton Road are provided with deep rear gardens, in excess of 28 m and I therefore do not foresee that the proposed development will give rise to a significant loss of privacy.

7.4. Vehicular and Pedestrian Access

- 7.4.1. I concur with the recommendation of the Dun Laoghaire-Rathdown County Transportation Planning section, that the vehicular access onto Carysfort Drive should not exceed a width of 3.5 m. The low wall boundaries to the front of the houses here provide part of the character of the area and the excessive widening of the driveways would erode this character to an unacceptable level.

7.4.2. I note the comments of the appellant with regards to accessing the laneway to the rear/ west of the site. I also note from the site visit, that a number of the houses on Carysfort Drive have access to this laneway. I am uncertain what the benefit of a pedestrian access from this laneway is, however any issues regarding legal of right of way cannot be addressed within the remit of the Planning Act, and it is up to the applicant/ developer to ensure compliance any other non-planning/ legal requirements. A person is not entitled solely by a grant of planning permission to carry out a development, as per Section 34(13) of the Planning and Development Act.

7.5. Appropriate Assessment Screening

7.5.1. 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, and it is not considered that the development would be likely to 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 on the 28th 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 external finishes of the proposed extension including, the proposed brickwork, shall harmonise with those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The driveway entrance shall not exceed 3.5 m in width. Any proposed gate shall be inward opening only.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension 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 extension in the interest of residential amenity.</p>
5.	<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>
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</p>

	applied to the permission.
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Paul O'Brien
Planning Inspector

7th November 2019