



An
Bord
Pleanála

Inspector's Report ABP-305795-18

Development	Permission for construction of new first floor over existing ground floor rear return, including roof lights, internal alterations and associated site works
Location	Erroldene, Coliemore Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19B/0140
Applicant	John McDonnell
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Biddy McLoughlin
Observer	None
Date of Site Inspection	December 7 2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern-side of Coliemore Road, in the south Dublin suburb of Dalkey. The existing part-single part-two storey dwelling, wraps around the single storey Rockbrook Cottage on Coliemore Road, with the result that the subject dwelling Erroldene has frontage onto both Coliemore Road and the narrow cul-de-sac Lacy's Lane.

2.0 Proposed Development

- 2.1. On the 19th March 2019 permission was sought for the construction of a new first floor extension (15.5sq.m) with box bay windows, pitched roof with two rooflights over the flat roofed single storey section of an existing two-storey storey dwelling (87.8sq.m.) on a site of 0.0180ha. Total proposed house area is 103.3sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 7th October 201 the Planning Authority issued notification of their intention to GRANT permission subject to 6 no. conditions. Conditions of note include no. 2 which requires the use of obscure glazing on the southwestern panes of the first-floor box-bay windows. Condition no. 5 prohibits the use of Lacy's lane for construction traffic.

3.2. Planning Authority Reports

- 3.2.1. **Surface Water Drainage Report:** No objection.
- 3.2.2. **Planning Report:** Drawings do not match that witnessed on the site visit. Applicant should be requested to address.

3.3. Third Party Observations

- 3.3.1. Objections submitted to the Planning Authority. The grounds of the objections can be summarised as follows: no objection to a small extension but location size and design of proposed extension would negatively impact objector's property, impact on Lacy's Lane .

3.4. Further Information

- 3.4.1. On the 10th May 2019, the applicant was requested to address the apparent discrepancies in the drawings
- 3.4.2. On the 3rd September 2019, the applicant responded with revised drawings and a copy of the original deed map. The response states that the proposed works have been revised – reduction at first floor level from 4785mm to 3960mm.
- 3.4.3. **Second Planning Report:** Having regard to pattern and scale of development in the area, proposed development is acceptable.

4.0 Relevant Planning History

- 4.1.1. None on the subject site.

5.0 Policy Context

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

- 5.1.1. The site is zoned Objective A: *To protect and/or improve residential amenity.*

5.1.3 **Section 8.2.3.4 (i)** of the plan deals with extensions to dwellings. It states that 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.

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.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 site is the Dalkey Islands SPA located c. 0.2 km to the east of the site.

5.3. EIA Screening

5.3.1. Having regard to nature of the development comprising extension to an existing dwelling and the urban location of the site 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

6.1.1. An agent for a third party has submitted an appeal of the decision of the Planning Authority to refuse permission. The appellant's property Rockbrook Cottage sits to the north of the subject site, sharing a boundary wall. The appellant notes that she does not object to the proposed development in principle, only the scale, location and design of the proposed extension. The grounds of the appeal can be summarised as follows:

- The distance between the rear (south-west) gable of Rockbrook Cottage and the side (north-east) gable of Stokeville is 3.5m and not the 3.96m shown on the plans. The applicant's response to the FI request is still inaccurate. Drawings submitted.
- Any new development must be within the subject site and may not rest on or derive support from adjoining properties. Consent for same will not be forthcoming.
- The proposed extension will block the existing valley-gutter draining the roof of Rockbrook. This will result in consequential damage and water penetration to Rockbrook Cottage.
- Coliemore Road is a view worthy of protection as per the development plan maps of Dun Laoghaire Rathdown County Development Plan. Section 8.2.3.4(i) prohibits development that would damage the character of an area. It is submitted

that the proposed development is not consistent with the character of Erroldene, Rockbrook Cottage or the area.

- The Board is requested to refuse permission.

6.2. **Applicants Response to Appeal**

6.2.1. The applicant has responded to the third-party appeal as follows:

- The appellants claim regarding boundary wall locations have not been supported by scaled measured drawings. The appellant has not requested access to the subject property to check dimensions.
- For historical reasons, the party wall at this point does not align vertically resulting in the ground and first floor being different sizes. The applicants measured survey and the deed plans support this.
- It is not the applicant's intention to construct any part of the development outside the established site boundaries.
- The appellant's roof currently discharges rainwater to the front via the existing gutter and to the rear. The valley gutters serving the two houses have recently been replaced. The roof drainage is highlighted on attached drawings and will not affect the appellants property.
- The proposed rear elevation has been designed in a clean contemporary manner. The proposed development is appropriate at this location.
- The Board is requested to grant permission.

6.3. **Planning Authority Response to Appeal**

6.3.1. The reasoning on which the Planning Authority's decision was based is set out in the Planners reports, which comprehensively deals with all the issues raised and justifies its decision.

6.4. **Observations**

6.4.1. None on file

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. The principle of extending an existing dwelling is acceptable, subject to other planning considerations.

7.2.2. The appellants submission regarding the location of the ground floor boundary wall is a civil matter and therefore not one for the Board to adjudicate. I draw the Board's attention to section 34(13) of the Planning and Development Act 2000, as amended which provides that a person shall not be entitled solely by reason of a permission to carry out any development.

7.3. Residential Amenity

- 7.3.1. Development plan policy on first floor extensions state that they will only be permitted where there will be no significant negative impacts on surrounding residential or visual amenities. The proposed box windows to the rear are small in scale and with the provision of obscured glazing within the south-eastern panel of the box-bay, no overlooking will occur. I am satisfied that the scale of the windows is such that no injury to the protected view to the east along Coliemore Road will occur. The proposed extension will not cause overlooking of or injury to the residential amenity of adjoining properties and is considered to be in accordance with section 8.2.3.4 of the development plan.
- 7.3.2. With regard to the impact of the proposed development on the rainwater discharge of the appellants property, I note the proposal to provide internal gutter overflow as per drawing no. 1811P04, submitted to the Board on the 27th November 2019. I am

satisfied that the proposal will provide an adequate drainage system for both dwellings.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

- 9.1 Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

- 2 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.

Reason: In the interest of public health and to ensure a proper standard of development.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

4. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Gillian Kane
Senior Planning Inspector

09 December 2019