



An
Bord
Pleanála

Inspector's Report

ABP-305824-19

Development	House extension
Location	Monread, Marine Parade, Sandycove, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19B/0380
Applicant(s)	Malcolm & Colma Hughes
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party
Appellant(s)	Malcolm & Colma Hughes
Observer(s)	None
Date of Site Inspection	13 th December 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.067ha is located on the southern side of Marine Parade at the junction with Link Road, an established residential area adjacent to the coastline in Sandycove. The site contains a semi-detached dwelling with fully hipped roof profile and two storey, gable fronted bay element that is set back from the road. Vehicular access is provided to the rear of the property. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for an extension (66.28 sqm) and changes to the front elevation and for a new front dormer window, to the front elevation, comprising the construction of

- 1) a projecting window seat where the existing front door is located,
- 2) a large bay window where the former family room window is located,
- 3) adjustments in relation to the existing bay windows at ground and first floor level and
- 4) attic conversion to a habitable space to include a triangular dormer window to the front

2.2. All the works described are to the front of the existing dwelling (270.183 sqm)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to grant permission subject to 4 no conditions. Condition No 2 is relevant to this appeal as follows:

Prior the commencement of development, revised plans and particulars indicating the following shall be submitted for the written agreement of the Planning Authority:

- a) *A minimum cill level of 0.9m above ground floor level of the dwelling for the proposed new ground floor level projecting bay window and the replacement ground floor level bay window of the existing two storey bay projection of the subject dwelling. This cill level shall be taken externally to match the existing cill height of windows at ground floor level of the subject dwelling.*

Reason: *In the interest of the proper planning and sustainable development of the area*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this.

3.2.2. Other Technical Reports

- **Drainage Planning** – No objection subject to conditions in relation to surface water and hardstanding.

3.3. Prescribed Bodies

- 3.3.1. There are no reports recorded on the appeal file.

3.4. Third Party Observations

- 3.4.1. There are no third-party observations recorded on the appeal file.

4.0 Planning History

- 4.1.1. There is no evidence of any previous planning appeal on this site. The following planning history has been made available with the appeal file:

Reg Ref D19B/0136 – DLRCC granted a split decision as follows:

- Grant – Extension to the site and rear of the dwelling, velux roof lights, solar panels, relation of the rear boundary wall and alterations to the front boundary,

and landscaping works subject to 10 no conditions. Condition No 2 and 3 set out the following:

- 1) *Permission hereby granted only relates to the proposed extensions to the side and rear of the dwelling, velux roof lights, solar panels, relocation of the rear boundary wall and alterations to the front boundary including a relocated pedestrian access, and landscaping works.*

Reason: *In the interest of clarity.*

- 2) *Prior to the commencement of development, the Applicant shall submit, for the written agreement of the Planning Authority, revised floor plans and elevations showing the retention of the existing front elevation, save for the permitted extension to the side.*

Reason: *In the interest of clarity*

- Refuse – Single storey extension with roof terrace to the front, an extended and modified bay window to the front and all other modifications to the front elevation for the following reason:

Having regard to the existing context and the design of the proposed extensions and alterations to the front elevations, it is considered that the proposed development at the front of the existing dwelling would significantly alter the existing balance and composition of an existing pair of semi-detached dwellings. It is considered that the proposed extensions and alterations to the front elevation fails to take account of the site context, and would be visually prominent and discordant within the existing streetscape. The proposed extensions and alterations to the front of the dwelling do not, therefore, accord with the provisions of Policy UD1: Urban Design Principles in the County Development Plan 2016-2022, and would set an undesirable precedent for future development. It is therefore considered that this element of the proposed development would be contrary with the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. I note the DLRCC EIAR Pre-Screening Report on file. Having regard to the nature and scale of the proposed development in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. The first party appeal against Condition No 2 has been prepared and submitted by DMOD Architects on behalf of the applicant and may be summarised as follows:

- Reg Ref D19B/0136 resulted in the proposals to the front faced being refused. Subsequently the application engaged with DLRCC in order to agree revisions to the front facade. A number of design amendments were carried out to the scheme based on the advice received. The applicant was advised to submit the plans. The application was not reviewed by the original planning officer who had endorsed the revised scheme at preplanning stage. Condition No 2 is in effect a part refusal and completely contradictory to the pre-application advice.
- Monread House was constructed in 1937 and has been refurbished and extended to respond to the current needs of the applicant. Marine Parade is a very eclectic

mix of residential properties of varying scales and architectural expressions. There is no one architectural expression or continuous building lines on Marine Parade. There is also a substantial change of ground level along Marine Parade which adds to the general vibrant context. Many of the properties contain both very contemporary and traditional design appearances which are directly juxtaposed against each other. Photos attached.

- The house can be considered one of the least prominent dwellings on Marine Parade and therefore has a higher capacity to absorb change and to absorb / assimilate contemporary design. The design, dimension and scale of this proposal is extremely modest in relation to the size of the existing dwellings and proposed plans. The proportions of the elevations are elegant and reference the direct relationship between the interior spaces and the wonderful sea views from the front terrace.
- The proposed plans represent a sensitive well considered architectural approach in order to achieve the objective of habitability and as a result the proposed plans are compliant with the County Development Plan and in keeping with the proposed planning and sustainable development of Marine Parade.

6.2. Planning Authority Response

6.2.1. DLRCC in their response to the appeal set out the following:

- The reasoning on which the Planning Authority's decision was based, as per the plans and particulars submitted with the application on 13/08/19, is set out in the planning report and has already been forwarded to An Bord Pleanála
- It is not proposed to respond in detail to the grounds of appeal as the Planning Authority considers that the comprehensive planning report deals fully with all the issues raised and justifies its decision.

6.3. Observations

6.3.1. No observations recorded on the appeal file.

6.4. Further Responses

6.4.1. No further responses recorded on the appeal file

7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to these two conditions. Accordingly I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.
- 7.2. Condition No 2 is set out in full in Section 3.1 above and relates to the provision of a *minimum cill level of 0.9m above ground floor level of the dwelling for the proposed new ground floor level projecting bay window and the replacement ground floor level bay window*. The current proposal before the Board provides for large floor to ceiling windows at ground floor. The applicant requests that Condition No 2 be omitted.
- 7.3. I refer to the Case Planners report where it states that relevant ground floor cills should be raised to match the existing ground floor window cill level of the appeal dwelling and semi-detached neighbouring property. While in general terms this is a reasonable position to take if the objective is to protect the visual amenity of the parent dwelling and adjoining properties together with the wider streetscape. However, in this case it is evident that the appeal site is neither listed on the Record of Protected Structures nor is it within a designated Conservation Area. Further as documented by the applicant and evident in the planning history and plans and particulars submitted with this appeal that there is already a planning permission to carry out extensive work to the existing house.
- 7.4. I refer to the Case Planners report and agree that while the appeal dwelling, and its semi-detached neighbour represent a specific and somewhat unique typology within the existing streetscape; this is a streetscape that is of itself characterised by a variety of dwelling types and apartment developments. I further agree with the applicant that

Marine Parade is a very eclectic mix of residential properties of varying scales and architectural expressions and that many of the properties contain both very contemporary and traditional desing appearances which are directly juxtaposed against each other.

7.5. I consider that the proposed ground floor works represent a sensitive well considered architectural approach that is in keeping with the area and that the changes proposed will have no significant adverse impact on any of the adjoining houses, including the other half of the semi-detached house. It is therefore recommended hat Condition No 2 be omitted.

7.6. **Other Issues**

7.6.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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. Having regard to the nature of Condition No 2 the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of Section 139 of the Planning and Development Act, 2000 to **OMIT** Condition No 2 for the reason and considerations set out:

9.0 **Reason & Considerations**

9.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown Development Plan 2016 – 2022, the established pattern of development in the area and along Marine Parade together with the nature, scale and design of the proposed alternations to the front elevation it is considered that, the proposed development would not seriously injure the residential or visual amenities of the area

or property in the vicinity and would therefore be generally in accordance with the proper planning and sustainable development of the area.

Mary Crowley

Senior Planning Inspector

14th February 2020