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Bord
Pleanála

Inspector's Report ABP 306350-20.

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| Development | Demolition of conservatory, new dormer window to existing roof at front, new roof light at rear, new vehicular entrance and single storey extension at upper level. |
| Location | Laragh Mews, Ullardmore, Off Ardeevin Road, Dalkey, Co. Dublin A96Y327. |
| Planning Authority | Dún Laoghaire-Rathdown Co. Council |
| Planning Authority Reg. Ref. | D19A/0258 |
| Applicants | Emma Mc Donnell and Aidan Byrne |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellants | Brian and Toni Clarke |
| Observers | None |
| Date of Site Inspection | 6 th of March 2020 |

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.03 hectares is located at Laragh Mews, Ullardmore, Dalkey in south County Dublin. Ullardmore a cul-de-sac is situated to the south of Ardeevin Road and contains circa 8 no. dwellings. Dalkey Dart Station is situated circa 100m to the north.
- 1.2. The subject site contains a mews coach house dwelling which has a floor area of 82.8sq m. It adjoins the property Laragh to the north. This is one of a pair of semi-detached dwellings which address Ardeevin Road and which are Protected Structures.
- 1.3. The subject property is served by a vehicular access off Ullardmore. The site is bounded by the gardens of dwellings to the west and south. The appellant's dwelling no. 4 Ullardmore is situated 13m to the east of the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of the 12.7sq m conservatory and construction of a new dormer window to existing roof at front, new roof light at rear, new vehicular entrance and a 39.1sq m single storey extension at upper level.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further Information was requested as follows;

1. Notwithstanding the site levels, the applicant is advised that there is a concern with respect to the overall height of the proposed single storey extension (and associated capped chimney stack) at upper level, which exceeds the existing ridge line of the existing two-storey dwelling, 'Laragh Mews', and the visual

impact of same as viewed from the adjoining sites and roadway. The applicant is requested to submit, revised plans and elevations to address this issue.

2. The applicant is requested to, submit revised drawings indicating the following:
 - (i) The new proposed vehicular entrance to the rear/side of the property omitted and the associated parking area omitted.
 - (ii) Proposed measures to improve visibility for vehicles exiting the existing car parking space and associated existing vehicular entrance. In this regard the applicant should consider shortening in length and/or reduction in height of the existing boundary walls to Ullardmore to improve sightlines.

Following the submission of a response to the further information requested the Planning Authority were satisfied that the issues were fully addressed.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning: Report dated 28/11/2019 – No objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The main issues raised are similar to those set out on the third party appeal.

4.0 Planning History

PA Reg. Ref. D09A/0741 & PL06D.235719 – Permission was granted by the Planning Authority and refused on appeal for alterations to the dwelling and

construction of a two-storey pitched roof extension with a feature window to the north-east of the site, glazed entrance hall and circulation space in the existing courtyard area, single storey orangery on the south-west of the site.

Permission was refused as follows; Having regard to the layout of the proposed development, its orientation and the proximity of the proposed extension to the dwelling to the north, which has limited private open space, it is considered that the proposed development would seriously injure the residential amenities of that property, by reason of overbearing and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- 5.1.2. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- 5.1.3. Chapter 8 – Principle of Development
- 5.1.4. Section 8.2.3.4 Additional Accommodation in Existing Built-Up Areas
- 5.1.5. Section 8.2.3.4(i) Extensions to Dwellings

5.2. Natural Heritage Designations

- 5.2.1. None.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A third party appeal was submitted by Brian and Tonia Clarke. The issues raised are as follows;

- The appellants address is no. 4 Ullardmore, Ardeevin Road, Dalkey, Co. Dublin.
- The Planning Authority sought further information. The appellants note that the issues were addressed in relation to the proposed height of the extension and the omission of the proposed vehicular entrance to the rear/side of the property. The appellants noted that revised plans indicating the shortening in length and/or reduction in height of the existing boundary were not submitted in response to the further information.
- The report from Transportation Planning dated 28th of November 2019 stated that they had no objection to the revised plans. The appellants are concerned that the revised plans did not address the issues raised under point 2 (ii) of the further information.
- The appellants consider that the current vehicular access arrangement serving Laragh Mews results in the applicants parking on the public footpath to the front of their property no. 4 Ullardmore. They consider that parking on the footpath restrict vehicular movements and deliveries in Ullardmore.
- Therefore, the appellants have stated that they fully support changes to the existing vehicular access to Laragh Mews to facilitate the applicants being able to access and exit their on-site car parking space.
- The existing property Laragh Mews is a two bedroom dwelling served by one car parking space. The proposed development would result in the property becoming a four bedroom unit which would be served by one car parking space. Table 8.2.3 of the Development Plan specifies that a two bedroom unit requires 1 no. car parking space and that a four bedroom unit requires 2 no. car parking spaces. Having regard to the existing car parking available the

appellant's are concerned inadequate car parking is available to serve the proposed development.

- The appellants contend that the proposed dormer window and external access stairs would result in overlooking of their property. They state that the main amenity space serving their property is to the front and that the proposed development would result in a significant intrusion of their privacy.
- The appellants have expressed concern in relation to the potential traffic disruption caused by vehicular movements associated with the proposed development during the construction phase.

6.2. Applicant Response

A response to the appeal was received from Hasset Ducatez Architects on behalf of the applicants Emma Mc Donnell and Aidan Byrne. The issues raised are as follows;

- In relation to the existing vehicular access it is highlighted that there are no proposals to upgrade it following the further information submission.
- It is submitted that the proposed development would not give rise to traffic obstruction.
- In relation to car parking it is submitted that there is no net increase in vehicular requirements as a result of the proposed extension.
- The proposed dormer window is required for compliance with Building Regulations.
- It is submitted that given the separation distance provided between the proposed dormer window and the appellant's property that it would not result in a loss of privacy.
- In relation to potential overlooking from the proposed external stairs, it is highlighted that the housing estate is built on a hill and that there is some overlooking of no. 4 Ullamore from existing properties. It is noted that the stairs is located inside and on the level of the existing garden of Laragh Mews.

- Regarding construction traffic it is stated that the courtyard of the site can accommodate construction parking and deliveries.

6.3. **Planning Authority Response**

- The Planning Authority considers that the comprehensive planning report deals fully with all the issues raised and justifies the decision.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal submitted. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact upon residential amenity
- Appropriate Assessment

7.1. **Design and impact upon residential amenity**

- 7.1.1. The proposal comprises the demolition of the existing conservatory to the rear of the dwelling and single storey extension at the upper level of the dwelling. It is also proposed to construct a new dormer window to the front, a new external stairs from the ground floor courtyard to the upper first floor garden level and a new vehicular entrance at the upper level.
- 7.1.2. The appellants have raised concern in relation to overlooking from proposed extensions specifically the dormer window and the external staircase. The appeal also refers to the matter of car parking.
- 7.1.3. In terms of dormer extensions it is advised in Section 8.2.3.4(i) of the Development Plan that they will be considered having 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.

- 7.1.4. The dormer window is proposed to the front of the existing dwelling. It would be setback 8m from the site boundary. The appellant's property no. 4 Ullardmore is situated to the east of the site on the opposite side of the road. The dormer window would be setback over 22m from the front of the appellant's dwelling. The proposed staircase is to the front of the dwelling and would provide access from the garden and patio from the ground floor courtyard. The top of the staircase is setback 6m from the front boundary. As per the drawings submitted at further information stage, I note that it is proposed to retain the existing stone wall along the front boundary. The appellants refer to potential overlooking of their front garden. The front garden of no. 4 Ullamore is open and therefore directly visible from the public domain within the cul-de-sac. Furthermore, I note that the appellant's property is served by a private rear garden. Having regard to the separation distance provided between the proposed dormer window and staircase from the front of the appellant's dwelling I am satisfied that the proposed development would not result in any undue overlooking.
- 7.1.5. In relation to vehicular access arrangements and car parking it is proposed to erect a 1.8m high vehicular entrance gate to the existing vehicular entrance. It is also proposed to construct a new vehicular entrance with gates for access for car parking at upper level to the south-western corner of the site. The Planning Authority in their assessment of the proposal sought further information on a number of matters including the omission of the new proposed vehicular entrance to the rear/side of the property omitted and the associated parking area omitted. The Transportation Planning Section in their report dated 28th of May 2019 required that the new vehicular entrance and additional car parking space be omitted on the basis that there would be insufficient visibility due to the angles of existing adjacent car parking spaces and the height of existing boundary treatment. The revised plans submitted on the 26th of November 2019 illustrate the proposed entrance and car parking place omitted with the proposed additional parking space replaced by a patio.
- 7.1.6. Regarding the existing vehicular entrance the Planning Authority sought in the further information that the applicant propose measure to improve visibility for vehicles exiting the existing car parking space and associated existing vehicular

entrance. It was advised that the shortening in length and/or reduction in height of the existing boundary walls to Ullardmore could be proposed to improve sightlines.

7.1.7. In response to the matter the applicant's Architects stated that they proposed to omit the new 1.8m vehicular gate to the existing entrance. Therefore, they confirm that it is proposed to maintain the existing vehicular access arrangements and car parking. I note the report of the Transportation Planning Section dated 28th of May 2019 was satisfied with this response and had no objections. I would concur with this assessment in respect of the vehicular access.

7.1.8. The appellants raised the matter of car parking requirements and stated that the proposed extensions would increase the dwelling from a two bedroom dwelling to a four bedroom dwelling. As per Table 8.2.3 of the Development Plan a two bedroom unit requires 1 no. car parking space and that a four bedroom unit requires 2 no. car parking spaces. While, I would note that the extended dwelling would be served by the existing one on-site car parking space the site is located in close proximity to Dalkey Dart Station and therefore I would consider this shortfall in provision acceptable in this context.

7.1.9. The matters raised in the appeal concerning traffic disruption during the construction phase can be satisfactorily addressed with the attachment of a condition requiring the submission of a Construction Management Plan to the Planning Authority for their agreement prior to commencement of development.

7.1.10. In conclusion, having regard to the limited nature and scale of the proposed extensions and revised proposals submitted with the application to omit the new vehicular entrance and omit the proposed gate to the existing vehicular entrance, I am satisfied that the proposed development would not unduly impact negatively on the amenities of properties in the vicinity.

7.2. Appropriate Assessment

7.2.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation 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. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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, as amended by the further plans and particular received by the Planning Authority on the 26th day of November 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours 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.

Reason: In order to safeguard the amenities of property in the vicinity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Siobhan Carroll
Planning Inspector

14th of April 2020