



An
Bord
Pleanála

Inspector's Report

ABP-306667-20

Development	Demolition of existing house and construction of two houses
Location	10 Ulverton Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0896
Applicant(s)	Gavin Ryan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ann Mulcahy
Observer(s)	None
Date of Site Inspection	21/04/2020
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.056 hectares, is located on the eastern side of Ulverton Road in Dalkey, Co. Dublin. The appeal site is occupied by an existing dwelling (no. 10), which is a part single-storey, part two-storey dwelling located to the rear of the site. Immediately to the north of the site is no. 12, which is a two-storey detached dwelling, to the south is no. 8 (Dreghorn), which is a single-storey detached dwelling with a two-storey rear extension, split into three apartments. To the east is the rear garden of no. 43 Carysfort Road, with the appeal site backing on to the side boundary (western side) of the rear garden serving the existing dwelling. Existing boundaries on site consist of stone walls with the front boundary having a low stone wall with foliage on top.

2.0 Proposed Development

- 2.1. On the 20th November 2019, planning permission was sought for the demolition of an existing part single, part two storey dwelling of 174sq.m. and the construction of two two-storey dwellings of 166sq.m. on a site of 540sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 22 Jan 2020, the Planning Authority issued a notification of their intention to grant permission subject to 12 no. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. **Conservation Officer:** Satisfied with the height and building line of proposed development. Contemporary design is appropriate. Applicant should be requested to provide details / specifications of brick finish and pointing for agreement. No built heritage objections.
- 3.2.2. **Transportation Planning:** No objection subject to 3 no. conditions.
- 3.2.3. **Planning Report:** Proposed demolition and construction of two dwellings in an ACA is acceptable. Proposed dwellings would not be out of character, scale, height or design. This overcomes previous reasons for refusal. No impact on residential amenity of neighbouring properties. Recommendation to grant permission.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection

3.4. Third Party Observations

3.4.1. One objection was submitted to the Planning Authority. The issues raised mirror those raised in the third-party appeal, as discussed in section 6 below.

4.0 Planning History

4.1.1. Planning Authority reg. ref. **19A/0383:** Planning permission was refused for the demolition of the existing dwelling and the construction of 2 no. dwellings for the following reasons:

- 1 The proposed development comprises of two substantial houses is located within the Dalkey Architectural Conservation Area (ACA). Policy AR12 of the Dún Laoghaire - Rathdown County Development Plan 2016-2022, states inter alia that it is policy to protect the character and special interest of an area which has been designated as an Architectural Conservation Area, and to 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. Having regard to the design, height and bulk of the proposed development, its relationship to the existing dwelling houses on the adjoining sites and its context within the Dalkey ACA, the proposed development would be seriously out of character and visually obtrusive at this location. The proposal would be visually incongruous with its surrounding context, thereby detracting from the visual amenities of the area, and would, if permitted, be contrary to Policy AR12 of the Dún Laoghaire - Rathdown County Development Plan 2016-2022. The proposed development would therefore, if permitted, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its design and proximity to adjoining properties, would, if permitted, result in overlooking of the neighbouring property to the southeast, No. 3 Ormeau Drive. The proposed development would, therefore, adversely impact on the residential amenities of property in the vicinity and would not accord with Section 8.2.3.4 (v) Corner/Side Garden

Sites nor with Section 8.2.3.4 (vii) Infill of the Dún Laoghaire - Rathdown County Development Plan 2016-2022. The proposed development would therefore, if permitted, be contrary to the provisions of the current Dún Laoghaire - Rathdown County Development Plan Development Plan and would be contrary to the proper planning and sustainable development of the area.

- 4.1.2. **PL06D.248431:** Planning permission granted for a replacement dwelling of 267sq.m.

5.0 Policy Context

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

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

Relevant policies and objectives include:

- 5.1.2. **Section 8.2.3.4 (vii) Infill:** “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”
- 5.1.3. **Section 2.1.3.4 Existing Housing Stock Densification:** “Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”
- 5.1.4. **Policy RES 3:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.
- 5.1.5. **Section 8.2.3.2** of the Plan sets out quantitative standards for residential development.
- 5.1.6. **Section 8.2.8.4** sets out standards for **Private Open Space**. For 4 bed units a minimum of 75 sq. metres is required. It is noted that in instances where an

innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.

5.1.7. The site is located within the Dalkey Architectural Conservation Area (ACA).

5.2. Natural Heritage Designations

5.2.1. The nearest Natura 2000 sites are the Dalkey Islands SPA and the Rockabill to Dalkey Island SAC, located c. 0.73 km to the east of the site.

5.3. EIA Screening

5.3.1. Having regard to nature and scale of the proposed development 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 – No. 8, Dreghorn, Ulverton Road – has lodged an appeal against the decision of the Planning Authority to grant permission. The appeal submission provides details of the context of the existing dwelling, within the ACA of Dalkey, details of the proposed development, and details of the planning history on the site. The grounds of the appeal can be summarised as follows:

- Appellant is owner of adjoining dwelling at 8 Ulverton Road.
- The proposed development is out of context with the ACA and the existing dwelling. It would negatively impact and devalue the appellants home.
- The density of the proposed development is inappropriate, transforming and overwhelming the whole site. Development should respect the height and massing of existing residential in the area.
- The proposed wall-to-wall footprint doubles that existing on the site. This is overdevelopment, intensification and a disproportionate use of the site.

- The proposed development due to its excessive scale, height, bulk and mass, would overshadow no. 8 and be in contravention of the development plan. The proposed development is not sensitive in design, or sympathetic to the ACA.
- No. 10A will be 1.1m from the southern boundary, no. 10B will be 1.1m from the northern boundary adjoining no. 12 Ulverton Road. The overall height of the proposed dwellings is 6.4m and they will have an overbearing impact on neighbouring properties. The proposed development will be seriously injurious to the setting, amenity and appreciation of neighbouring properties. This stretching of the building lines will injure the residential amenity of the area.
- The new street edge will be a very dominant factor. No consideration has been given to the context of the site and the transition between neighbouring houses.
- The proposed development does not enhance the established character of the area, as required in an ACA.
- The proposed visually obtrusive development will detract from the amenity of the area.
- The proposed development would obscure the historic walls, defeating the object of their retention.
- The 1.1m separation distance to the appellants property at no. 8 Ulverton is substandard and will lead to gross overshadowing of the appellants rear open space. The wall adjoining the appellants has three windows which will lead to overlooking and overshadowing of the appellants property.
- A shadow assessment was not undertaken.
- The Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. The Applicants response to the third-party appeal can be summarised as follows:

- The appellant has received permission to convert her dwelling into three apartments (D00A/0288). This is more than being sought on the subject site under the proposed development.

- The applicant has permission to demolish the existing dwelling (The appeal refers to ABP-306667. It is presumed this is a typographical error and the applicant intended to refer to PL06D.248431).
- The proposed development, being wholly to the south, cannot overshadow or overlook the Appellants property.
- The proposed density is in keeping with the pattern of development in the wider area. The proposed development complies with all development management standards, the development plan and national policy.
- The proposed development responds appropriately to the streetscape, to the area and to the ACA. The existing dwelling is not a protected structure. The Conservation Officer of Dun Laoghaire Rathdown CC has no objection to the proposed development.
- The proposed development seeks to retain and make good the original stone walls.
- The proposed contemporary dwellings are in accordance with section 6.1.4 of the development plan relating to architectural conservation areas.
- The proposed dwelling has been sympathetically designed to address the height, scale and architectural design of adjoining dwellings.
- The proposed two-storey dwellings are an appropriate response to the two-storey dwelling to the north and the single storey dwelling with two-storey extension to the south.
- The subject site being essentially empty has no building line. The building line along this section of Ulverton Road is not uniform. The proposed development, set back 8.47m from the street is an appropriate transition from the 10m set-back of no. 12 and the 2.5m set-back of no. 8.
- The north-facing windows in the appellants rear apartments look directly into the subject site. The proposed development will have two obscured glazed windows at first-floor level. The appellant will not experience a loss of privacy.
- The Board is requested to grant permission

6.3. **Planning Authority Response**

- 6.3.1. Grounds of appeal do not raise any new matter, which in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

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 national and local 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

7.2. **Principle of Development**

- 7.2.1. The subject site is located in an area zoned to protect and / or improve residential amenity. I note that the principle of demolishing the existing dwelling has been accepted by the Board (PL06D.248431 refers). The proposed infill development of two dwellings on a site in a built-up fully serviced urban area, is an efficient use of zoned land. The proposed development is considered to be in accordance with policy RES3 of the Dun Laoghaire Rathdown development plan which seeks to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. Subject to compliance with other planning considerations, the proposed development is acceptable in principle.

7.3. **Residential Amenity**

- 7.3.1. The owner of the part single part two storey multi-unit dwelling to the south submits that the height, scale and bulk of the proposed dwelling will impact her residential amenity.

- 7.3.2. Regarding overlooking, two windows are proposed on the southern elevation of no. 10A, both of which are obscured glazing illuminating a bathroom. I am satisfied that no overlooking will occur. Regarding overshadowing and the lack of a sunlight analysis, the proposed development of 6.4m high, being to the north of the appellants property will not diminish the level of sunlight or increase the shadow on the appellants two storey extension.
- 7.3.3. It is considered the height and flat-roofed design of the proposed two dwellings is an appropriate response to a streetscape that presents single and two storey dwellings. The proposed dwellings step down in height from the detached two storey dwelling to the north (no. 12) to the single storey façade of no. 8. Likewise, the stepping forward of the building line between both neighbouring properties is an appropriate response to the streetscape. The proposed development, with a more exposed presentation will create an open and engaging streetscape, in place of the current low stone wall with high hedging. It is considered that the contemporary approach is an appropriate response to this section of Ulverton Road. Notwithstanding the location within an ACA, this section of Ulverton Road presents a varied streetscape as it moves closer to the commercial centre of Dalkey.
- 7.3.4. I note the lack of objection to the proposed development by the Conservation Officer of Dun Laoghaire Rathdown. I am satisfied that the proposed development is in accordance with the development plan policies on infill development, on densification and on development in an ACA. The proposed development will not injure the residential or visual amenities of Ulverton Road or of the neighbouring properties. It is considered that the proposed development is in keeping with the proper planning and sustainable development of the area.

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

8.0 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.

9.0 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. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

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

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be

run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

- 5 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

- 6 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

7. 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

23 April 2020