



An
Bord
Pleanála

Inspector's Report ABP307921-20

Development	Change of use from office to 2 bed house.
Location	Station House, Sorrento Drive, Dalkey, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0293
Applicant(s)	Rachel Keane.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party V Refusal.
Appellant(s)	Rachel Keane
Observer(s)	1. Katie & Oliver Connolly 2. Anne & Padraig Thornton.
Date of Site Inspection	3 rd February 2021
Inspector	Hugh Mannion.

1.0 Site Location and Description

- 1.1. The application site has a stated area of 94m² and comprises a single storey commercial unit with a courtyard space to the front at Sorrento Drive, Dalkey, County Dublin. Directly in front of the application site is Dalkey Dart station and related car parking. Sorrento Drive continues east as a cul de sac with a grass verge from which there is a view of the rear of the houses which face onto Sorrento Road. To the west of the application site is a three-storey retail/residential building and this three-storey building turns the corner into Railway Road. The buildings on Railway Road between Sorrento Drive and Sorrento Road are two storey and the houses on Sorrento Road which back onto the application site are single storey with two storey and single storey extensions.

2.0 Proposed Development

- 2.1. The proposed development comprises a change of use of an existing basement/ground floor office use to residential use and additional works at Station House, Sorrento Drive, Dalkey, County Dublin.
- 2.2. The development includes:
- change of use of an existing basement to games room and ancillary accommodation,
 - change of use of ground floor office use to two bedrooms,
 - Construct a first floor with a balcony to the west, roof lights to front and rear and zinc cladding to front, sides, and roof.
 - Change of existing front courtyard to car space.

3.0 Planning Authority Decision

3.1. Decision- Refuse Permission

- The conversion of the retail unit and erection of a first-floor extension comprises over-development of the site, which would adversely impact on the residential amenity and be visually overbearing when viewed from and

overshadow adjoining property to the north and northeast. Therefore, the proposed development would conflict with Section 8.2.3.4 in relation to additional accommodation in built up areas and would not meet the open space standards set out at section 8.2.8.4(i) of the current County Development Plan.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The planner's report recommended refusal as set out in the manager's order.

3.2.3. The **Conservation Officer** reported no objections on architectural conservation grounds.

3.2.4. The **Surface Water Drainage** section reported no objection.

3.2.5. Other Technical Reports

None.

4.0 **Planning History**

D00A/0922 – demolish an existing garage and erect a single storey office unit with onsite parking.

D14A/0812 permission to retain a basement office for the use granted under D00A/0922.

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. The site is zoned A “to protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County development Plan 2016-2022.

5.3. Section 8.2.3.4 of the plan in relation to additional accommodation in built up areas.

5.4. Extensions to Dwellings

- 5.5. 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.
- 5.6. Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation) and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front facade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a terracing effect. External finishes shall normally be in harmony with existing.

6.0 Natural Heritage Designations

Not relevant.

6.1. EIA Screening

- 6.2. Having regard to the nature of the proposed development as a modest extension to an existing building in an area zoned for development and served by public water supply and public sewerage it may be concluded that there are no likely significant environment impacts arising from the proposed development and the requirement for the submission of an EIAR and carrying out of an EIA can be excluded at a preliminary stage.

7.0 The Appeal

7.1. Grounds of Appeal

- The building is currently in use as an art gallery, but this is economically unviable.
- There are houses with large extensions to the rear of the application site, but the proposed development has considered these and development plan policy in relation to domestic extensions.
- The proposed development will not overlook the property to the rear. It is unreasonable if these extended properties prevent an extension to Station House.
- Shadow impact will be confined to winter months.
- There is a variety of uses and building types in Dalkey village where the application site is located.
- The adjoining buildings are part two storey and part 3 storey.

7.2. Planning Authority Response

- The grounds of appeal do not raise new matters outside those already considered by the planning authority.

7.3. Observations

- Observations were submitted by the owners/occupiers of 109 and 110 Sorrento Road (referred to in the submission as numbers 1 and 2 Eagle Terrace).
- The existing floor area in the basement/ground floor is 126m² which is sufficiently large to accommodate a 3-bed apartment in accordance with the 2018 Apartment Guidelines.
- Under PL06D.117661 the Board refused permission for a two-storey building on the same site referring to an unacceptable scale, height and proximity to adjoining property.

7.4. Further Responses

None

8.0 Assessment

8.1. Policy

8.2. The application site is zoned for residential development in the current County Development Plan and therefore the proposed development complies with the zoning objective for the site.

8.3. Impacts on Amenity.

8.4. The planning authority's reason for refusal refers to the proposed development overshadowing adjoining property and the first floor being experienced as overbearing when viewed from adjoining property. From the planning authority's reports it is evident that the main concern is for the impacts on the properties at 1 and 2 Eagle Terrace (marked on the site location map as 110 and 109 Sorrento Road).

8.5. The submissions from the owners/occupiers of 1 and 2 Eagle Terrace make the point that under a previous planning application (D05B/0843) a two-storey extension was added to the rear of 1 Eagle Terrace. Similarly, number 2 Eagle Terrace was in large part demolished and rebuilt as a two-storey dwelling behind the front façade (D05A/1588). Their concern is that the proposed development by reason of height and proximity to the boundary will unreasonably negatively impact on these houses.

8.6. The immediate area of the application site is characterised by a collection of 19th century buildings probably related to the arrival of the railway line/station in the 19th century and some modern infill. Immediately opposite the application site is the DART/rail station. The adjoining retail/apartment building to left of the application site is recently constructed on the corner of Railway Road and Sorrento Drive and is a three-storey building. The remaining buildings on Railway Road are 2 two storeys. Numbers 103 to 110 Sorrento Road (which includes Eagle Terrace) are single storey houses. On the opposite side of Sorrento Road is a mix of single and two storey buildings. Having regard to these observations and the general pattern of

development in the area I conclude that the proposed two storey development would not be out of character with the immediate area.

- 8.7. The observer's objection is related to the height, length and proximity to the boundary of the proposed development. There are no windows on the rear elevation and the terrace faces onto the car parking area to the front of the building. Therefore overlooking of property to the rear does not arise. The maximum ridge height of the proposed development is 6.7m but it is less (about 5.5m/6m) at the rear of the first floor/roof is pulled back somewhat off the rear boundary with the house at 1 Eagle Terrace. Having regard to the limited height and orientation of the application site southwest of 2 Eagle Terrace I conclude that the proposed development will not unreasonably impact on the natural daylight to that house. The application site is due south of 1 Eagle Terrace and will introduce a new element when viewed from that site but having regard to the limited height on the boundary and the first floor set back off the boundary I conclude that the proposed development will not unreasonably compromise the amenity of the house at 1 Eagle Terrace in a manner as to contravene the policy in relation to the impacts of new domestic extensions set out in section 8.2.3.4 of the development plan.

8.8. Private Open Space.

- 8.9. The development plan (section 8.2.8.4(i)) requires the provision of 48m² of private open space per one or two bed house. The application proposes a two-bed house with a first-floor terrace of 9.5m² and a ground floor car parking space. The proposed development does not meet the minimum open space provision.
- 8.10. The development plan does recognise that in instances where an innovative design is provided for that a relaxation of the open space provision may be acceptable.
- 8.11. The most recent apartment guidelines (December 2020) requires a minimum of 7m² private terrace. Having regard to the development plan recognition of the room for exceptions to the minimum open space standards in particular circumstances, to the accessibility of the first floor terrace from the living/dining areas of the proposed house, the nature of the application as a partial change of use of an existing building and the town centre location of the residential use close to transport, recreational (including open space immediately to the east), retail and community uses I conclude that the reduced private open space is acceptable.

8.12. **Appropriate Assessment**

8.13. Having regard to the location of the application site in a zoned and serviced area urban, the modest scale of the proposed development, and the foreseeable emissions therefrom I consider that the proposed development will not adversely impact on any European site.

9.0 **Recommendation**

9.1. I recommend a grant of planning permission.

10.0 **Reasons and Considerations**

The proposed development is located in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to the modest scale of the proposed development in an appropriately zoned area and subject to the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of property in the area and would be in accordance with the County Development Plan and the proper planning and sustainable development of the area.

11.0 **Conditions**

1.	<p>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. 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>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, shall be submitted to,</p>

	<p>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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
6.	<p>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 and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<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</p>

	<p>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 applied to the permission.</p>
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Hugh Mannion
Senior Planning Inspector
4th February 2021