



An
Bord
Pleanála

Inspector's Report ABP-308325-20

Development

Permission is sought for the change to permitted development D17A/0416 to include:

1) Change to basement and ground floor layouts, 2) Additional 1st floor level with flat roof, 3) Change to permitted external finishes from brick to cut-stone and render. The overall floor area increased from 313 sq m to 320 sq m. The demolition of an existing garage and side wall, and all associated site works.

Location

Holly Lodge, Cenacle Grove, Killiney Hill Road, Killiney, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D20A/0512

Applicant(s)

Ruth Tracey

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

Basil Bailey

Helen Dolan

Jane Murphy

Mary Jackson

Dermot Curley & Edel Tully

Date of Site Inspection

8th December 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises the eastern/ side garden of Holly Lodge, a detached house located on the southern side of Cenacle Grove, Killiney, Co. Dublin. Cenacle Grove is a short cul-de-sac serving eight houses and is located to the eastern side of Killiney Hill Road/ R119, approximately 160 m south of the junction of Military Road and Killiney Hill Road. The cul-de-sac is characterised by large detached houses on generous site areas. Holly Lodge is located to the south east junction of the cul-de-sac and Killiney Hill Road.
- 1.2. The site has a stated area of 0.0745 hectares and contains a garage/ shed, with the rest of the area under grass/ planting. The site boundary consists of a mature hedgerow and access to the site is controlled by large double width gateway attached to pillars. The site slopes downwards on a north to south axis and there is a significant drop in levels at the boundary to the south.
- 1.3. The surrounding area is primarily characterised by residential development, which is defined by the topography of the area, significant gradient rises/ falls.

2.0 Proposed Development

- 2.1. The proposed development consists of the following changes to a permitted development under P.A. Ref. D17A/0416:
 - Change to basement and ground floor layouts.
 - Additional first floor level with flat roof.
 - Change the permitted external finishes from brick to a mix of cut-stone and render.

The alterations to result in an increase in the proposed floor area from the permitted 313 sq m to 320 sq m. Development includes the demolition of the existing garage and side wall in addition to all ancillary necessary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission subject to a single reason as follows:

1. 'The site of the proposed development is located within the '0/0 zone' objective as per Map No. 10 of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, which identifies locations where no increase in the number of buildings will normally be permitted. It is considered that the proposed development by reason of its size, scale and design would seriously detract from the character of the area, would not constitute sensitive infill development as required by the 0/0 objective and would, therefore, be out of keeping with the pattern and layout of development in the area. The proposed dwelling would also set an undesirable precedent for further similar type developments in the vicinity, would seriously injure the residential amenity of property in the vicinity, and would, thereby, be contrary to the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Authority Case Officer's report reflects the decision to refuse permission for the proposed development. The principle of a house has already been established, the impact on the amenity of the area, including its location within the Killiney Architectural Conservation Area (ACA) were the key consideration of the Planning Authority Case Officer. The impact on the visual amenity of the area and the setting of undesirable precedent were raised as issues of concern in addition to potential loss of residential amenity through overlooking of the house to the west of the subject site.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: No objection subject to condition that all conditions under the previous grant under P.A. Ref. D17A/041 be carried out in full.

Transportation Planning Section: No objection subject to condition that all conditions under the previous grant under P.A. Ref. D17A/041 be carried out in full.

Conservation Officer: No objection to the proposed development. Impact on the Killiney Architectural Conservation Area (ACA) will be neutral.

3.2.3. **Prescribed Bodies Reports**

None.

3.2.4. **Objections/ Observations**

A number of observations were received, including one from the Cenacle Management Company Limited. Submissions include in summary:

- The application is similar to a previous refused permission under P.A. Ref. D19A/0850 and is not a suitably sensitive infill development.
- Loss of residential amenity through overlooking leading to a loss of privacy. The use of obscured glazing does not overcome these issues.
- Overbearing impact due to the scale of the proposed development.
- Overshadowing leading to a loss of daylight, especially in the afternoon/ evening.
- Potential overdevelopment of a restricted site.
- Potential impact on the existing foul drainage system which is a privately run system.
- The site is zoned O/O and is located within an Architectural Conservation Area (ACA), development should be restricted.
- Potential impact on protected structures.

The Cenacle Management Company Limited made the following comments:

- Refer to previous submissions made on previous applications.
- No permission or waiver has been sought or granted for construction of an additional house and to connect to existing services.
- Require professional assurances that the existing foul drainage network can accommodate an additional house. This should be conditioned in the event that permission is granted.

4.0 Planning History

P.A. Ref. D19A/0850 refers to a January 2020 decision to refuse permission for changes to the permitted development under D17A/0416 and included changes to basement and ground floor layouts, additional first floor level, changes to external finishes and the overall floor area proposed to increase from 313 sq m to 335 sq m. A single reason for refusal was issued as follows:

‘The site of the proposed development is located within the ‘0/0 zone’ objective as per Map No. 10 of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, which identifies locations where no increase in the number of buildings will normally be permitted. It is considered that the proposed development by reason of its size, scale and design would seriously detract from the character of the area, would not constitute sensitive infill development as required by the zoning objective and would, therefore, be out of keeping with the pattern and layout of development in the area. The proposed dwelling would also set an undesirable precedent for further similar type developments in the vicinity, would seriously injure the residential amenity of property in the vicinity, and would, thereby, be contrary to the proper planning and sustainable development of the area’.

P.A. Ref. D18A/0921/ ABP. Ref. PL06D.303230-18 refers to an April 2019 decision to refuse permission for changes to basement and ground floor layouts, the provision of an additional first floor level with single span pitched roofs in addition to changes to the permitted external finishes. The alterations were to the development as permitted under PA Ref. D17A/0416. The following reason for refusal was issued:

‘Having regard to the size, scale and design of the proposed development, the pattern of development and the zoning objective of the area, it is considered that the proposed development would not constitute a sensitive infill development, would detract from the character of the area, and would seriously injure the residential amenity of properties in the area and would therefore be contrary to the proper planning and sustainable development of the area’.

P.A. Ref. D17A/0416 refers to an October 2017 decision to grant permission for a two-storey dwelling house consisting of ground floor over lower ground floor (basement), demolition of existing garage and side wall and all ancillary site works

relevant to the development. A Third Party leave to appeal under ABP Ref. LV.ABP-300130-17 was rejected for the following reason:

‘Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority’s decision, it is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject’.

P.A. Ref. D11B/0069 refers to an April 2011 decision to refuse permission for a two-bedroom granny flat extension to an existing garage, with a corridor link to the main house. The reasons for refusal included the fact that the granny flat would not be capable of being readily subsumed into the existing house when no longer required and that the development by reason of its size, scale, and design would not constitute sensitive infill development and would detract from the character of the area.

P.A. Ref. D09A/0476/ ABP Ref. PL06D.236348 refers to a July 2010 decision to refuse permission for a new one storey over basement 3-bedroom detached house incorporating the refurbishment/upgrading and extension of the existing house. The reason for refusal stated:

‘The site of the proposed development is located within the ‘O/O zone which identifies locations where no increase in the number of dwellings will normally be permitted, in the interests of preserving their special amenity. The proposed development would materially contravene this objective of the current development plan for the area, would negatively impact on the established pattern of development in the area and would be out of character with the large, detached properties on relatively large plots that characterise Cenacle Grove. The proposed development, would, therefore, set an undesirable precedent for further similar developments in the vicinity and would be contrary to the proper planning and sustainable development of the area’.

P.A. Ref. D06A/0608 refers to a July 2006 decision to refuse permission for a two storey over basement house. Reasons for refusal related to scale and visual impact and surface water drainage.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective. The site is located within the O/O zoning objective where there is 'No increase in the number of buildings permissible' as indicated on Sheet 10 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. The site is also located within the Killiney Architectural Conservation Area (ACA).

5.1.2. Two protected structures are located to the south and south west of the site. Stonehurst, a house (RPS no. 1760 refers) is located to the south west of the site and Avonmore, a house (RPS no. 1579 refers) is located to the south of the site.

5.1.3. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development', 8.2.3.1 'Quality Residential Design' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas' with particular reference to 8.2.3.4(i) 'Extensions to Dwellings'.

8.2.3.4(viii) refers to the O/O zone and states the following:

'Locations have been identified on the Development Plan maps where no increase in the number of buildings will normally be permitted. Such locations include areas in the vicinity of the coastline where density controls are considered appropriate in the interests of preserving their special amenity.

Many of these locations are however, within close proximity of the DART line where higher densities would normally be permitted and promoted. Small scale, sensitive

infill development may be considered in these areas on suitable sites where such development would not detract from the character of the area either visually or by generating traffic volumes that would cause potential congestion issues which would, in turn, necessitate road widening or other significant improvements.

Aspects such as site coverage and proximity to boundaries, impacts on drainage, loss of landscaping, the existing pattern of developments, density and excavation impacts will also be critically assessed in determining applications for residential development in the 0/0 zone'.

5.1.4. Appendix 4: refers to 'Record of Protected Structures/ Record of Monuments and Places/Architectural Conservation Areas'.

5.2. **Killiney Architectural Conservation Area**

5.2.1. The 'Killiney Proposed Architectural Conservation Area - Character Appraisal and Recommendations' document dates from December 2010. There is no specific reference to the subject site.

5.3. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of BG Architecture to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for alterations to the permitted house under PA Ref. D17A/0416.

Issues raised include:

- The size of the house is proposed to only increase marginally by 7 sq m. The house remains small in terms of scale and massing in comparison to the other houses on Cenacle Grove. The footprint of the extended house is similar to that already permitted.
- The house should be considered as an infill development that respects the established character of the area.

- The design of the house has been carefully considered to ensure visual integration with the existing character of the area.
- Overlooking is not possible due to the proposed design and use of opaque glazing where required to address this matter.
- A number of examples of similar infill housing in the area are provided. The planning history, photographs and elevational drawings have been provided in support.

6.2. Observations

A number of observations have been received which oppose the proposed development. Issues raised include, in summary:

- There has been a history of applications on this site, most refused due to the scale, size and design of proposed developments.
- The site is located within the O/O zoning area and additional development of housing is precluded within this area.
- Potential impact on adjoining protected structures and the site is located within an Architectural Conservation Area (ACA).
- Concern about the impact of the development on the existing foul drainage system which is privately managed.
- The proposed development would require the rerouting of foul and surface water drainage from the host property, Holly Lodge, relocating the pipes adjacent to Compton Lodge and which may give rise to negative impacts in the event of a system failure.
- The application/ appeal only refers to the integration of the proposed house with the existing units to the east and west and does not consider the impact on the houses to the south.
- The proposed development if permitted would set an undesirable precedent for similar development in the area.
- The proposed development would be overbearing on adjoining properties.

- The development would give rise to overlooking of adjoining properties and the use of opaque windows to address this issue is not acceptable.
- Potential overshadowing of the western side of Willow Lodge, 2 Cenacle Lodge.
- Depreciation of property value.

6.3. **Planning Authority Response**

- 6.3.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 **Assessment**

- 7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Impact on the Visual Amenity of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of Development**

- 7.2.1. There has been a long planning history associated with this site and eventually permission for a house was permitted under P.A. Ref. D17A/0416. No appeal was permitted in that case and the applicant made subsequent applications to revise/ extend the permitted development and which have been refused permission by the Planning Authority/ An Bord Pleanála.
- 7.2.2. The subject appeal refers to changes to the basement/ ground floor levels, an additional first floor level and revised finishes to the elevations using stone and render rather than brick. The floor area of the proposed house is proposed to increase by 7 sq m, from 313 sq m to 320 sq m.
- 7.2.3. It should be restated at this stage, that this application is for alterations/ extensions to a permitted development and the applicant has the right to develop a house on

this site in accordance with P.A. Ref. D17A/0416. I note the references to the O/O zoning objective that applies to this site and which does not permit an increase in the number of buildings within this area. This objective is not relevant to this appeal as the house has already been permitted, there is no proposed increase in the number of buildings. Similarly, the issue of drainage has been raised. As the house is permitted, any requirements in relation to drainage would have to be in accordance with the condition of P.A. Ref. D17A/0416.

7.3. Impact on the Visual Amenity of the Area

- 7.3.1. The Planning Authority, in their reason for refusal, referred to the size, scale and design detracting from the character of the area and the proposal would not constitute sensitive infill development. Permitting this development would set an undesirable precedent for similar developments in the area.
- 7.3.2. Nos. 1 and 2 Cenacle Grove are large, two storey houses on generous site sizes. The principle of a house has already been established and the site area was considered to be of a suitable size for such a development. The ground floor footprint is similar to that of the permitted development, the lower ground floor is significantly reduced with the western wing removed and the overall footprint is reduced. The first floor is a new addition, and it is through this first-floor level that the development makes up for any loss in floor area at ground and lower ground floor levels.
- 7.3.3. I would disagree with the reason for refusal, that the development will have a negative impact on the character of the area, as the site is not on the public road and is well screened by the existing houses to the west and the Killiney Hill Road is characterised by the extensive landscaping along it. The submitted contextual elevations also demonstrate that the subject development will be significantly lower than Holly Lodge to the west. The screening and boundary treatment within Cenacle Grove will also ensure that the house is not a dominant feature when viewed from within this cul-de-sac.
- 7.3.4. I note the concerns expressed by the residents located to the south of the site, in Compton Lodge. The proposed first floor level will be approximately 8.5 m setback from the southern boundary. Compton Lodge is built almost onto the boundary and therefore any development to the north of it will be in close proximity. The difference

in levels will also over emphasise the perception of overbearing. I do not foresee the impact of a two-storey unit with a flat roof as being significantly greater than a single storey unit in this case. The proximity of Compton Lodge to the boundary is the key factor in creating this sense of overbearing.

- 7.3.5. The 0/0 objective seeks to prevent new build housing into this area and in doing so it prevents the need for road widening schemes etc. The Planning Authority relied heavily on this objective in their reason for refusal, but as already reported, the principle of a house on this site has already been established and any concerns regarding additional traffic have been addressed in that grant of permission. The subject development does not result in any alterations to the site boundary and the additional development primarily at first floor level does not impact on the footprint of the house/ its proximity to site boundaries. I accept the justification for the 0/0 restriction, but it was the Planning Authority who decided that a house would be acceptable on this site and this application only modifies the nature of the house. The height of the revised house will remain below that of the adjoining units to the east and west. I note the report of the Conservation Officer who expressed no concerns regarding this development. I therefore disagree with the reason for refusal as issued by the Planning Authority.

7.4. Impact on Residential Amenity

- 7.4.1. The key issues for consideration in this appeal is do the alterations impact on the existing residential amenity of the area and if so, how? The proposed alterations will continue to provide for a high-quality home for the occupants of this house. Bedrooms are relocated from the lower ground floor to the first-floor level, a guest bedroom is proposed in the lower ground floor and which increases the number of bedrooms from four to five. The bedroom sizes are reduced from those permitted but are still proposed to be of a generous size. The revised layout is of a good design and maximises the available layout. First floor bedrooms and the living rooms at ground floor will benefit from good south west/ western sunlight. Adequate private amenity space and car parking is available to serve this house.
- 7.4.2. Potential overshadowing was raised as an issue of concern in the observations. Compton Lodge is located due south of the site and therefore will not suffer any loss of sunlight/ daylight. There is a sufficient set back between the proposed

development and Willow Lodge to the east to ensure that overshadowing is not an issue. Some overshadowing may occur very late in the evening but for a very short period of time. The existing garage to the western side of Willow Lodge is likely to be a greater source of overshadowing.

7.4.3. The proposed house has been carefully designed so as to ensure that the privacy of neighbouring properties is protected. Opaque glazing is proposed on the eastern elevation at first floor level. These windows provide light to a corridor, stairwell and an en-suite and I am satisfied that they will not give rise to overlooking. A balcony area is provided to the south and west of Bedroom 1 at first floor level. Privacy screens are proposed on the southern and part of the south western corner of the balcony. I note that the width of the balcony is only 1.1 m on the western side and slightly more on the southern side. This is not an area that would be used by groups of people and I am satisfied that the proposed screening will address any concerns regarding overlooking.

7.4.4. The windows on the eastern side of Holly Lodge appear to serve bathrooms etc. at first floor level and I have no concerns regarding overlooking from the proposed development into Holly Lodge. The location of the proposed development is such that the separation distance between Holly Lodge and its eastern boundary will only be 3.3 m or less. The primary private amenity area will be to the west and the proximity of the proposed house to the eastern side of Holly Lodge will not negatively impact on the residential amenity of its occupants. Whilst this house is within the blue line boundary of the site, it may not always be the case that either house will be in family ownership.

7.5. Other Issues

7.5.1. Concern was raised about the impact of the development on the foul drainage system. The additional proposed bedroom will not put a significant increased loading on the foul drainage system. I note that the development will connect into a private network and that is a legal issue between the applicant and the owner/operator of the foul drainage system. The construction/ provision of the foul drainage system will have to comply with relevant requirements and I therefore do not foresee any negative impacts on neighbouring properties.

7.5.2. The proposed development includes the revision of the elevational finishes from brick to a mix of stone and render. What is not clearly stated is that the first floor level is to be finished in zinc/ aluminium panelling. The elevational drawings imply that the first and ground floors will be of a similar colour though this is unlikely through the type of materials to be used. The grey colour of the zinc should contrast well against the stone on the ground floor. A light brown stone would be suitable in this location, perhaps similar to the boundary treatment at the entrance to Cenacle Grove. The end result is a modern house and as the Conservation Officer reports, 'the dwelling will be clearly legible as a later addition'. Final details in relation to elevation treatment can be agreed with the Planning Authority/ Conservation Office.

7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the modest nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that permission be granted for the proposed development subject to the following conditions and reasons.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, located within the Killiney Architectural Conservation Area, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd July 2020, 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>The developer shall comply with all the conditions of the previous parent permission granted under PA Ref. D17A/0416 unless required to do so otherwise by any condition attached to this permission.</p> <p>Reason: In the interest of clarity.</p> |
| 3. | <p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p> |
| 4. | <p>Details of the materials, colours, and textures of all the external finishes to the dwelling shall be submitted to, and agreed in writing with, the Planning Authority/ Conservation Office prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 5. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p> |

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| | <p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
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Paul O'Brien
Planning Inspector

28th January 2021