



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308454-20

---

<b>Development</b>	Substantial demolition, rebuilding and extension of dwelling at all levels.
<b>Location</b>	5 Marine Parade, Sandycove, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0546
<b>Applicant(s)</b>	Tango Medic SLU (Represented by Edmund Elliot)
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tango Medic SLU (Represented by Edmund Elliot)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> January 2021
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The application site is described below in the report under ABP-307209-20. Having inspected the site earlier this month, I consider that there have been no changes to the site or environs and the description remains accurate as follows:
- 1.2. 'The appeal site of .46 hectares is located at the periphery of the built-up environs of Glasthule as it is situated on a coastal road overlooking Dublin Bay to the north. A grass open space (Newtownsmith Park) is situated between the shore and the road fronting the development. The road is aligned and segregated with provision for a two-way cycle path and a one-way vehicular carriage way.
- 1.3. The site is in the middle of a row of three houses with similarly aligned building lines and with direct access onto Marine Parade. The site to the rear features mature planting and stone walls. The terrain to the rear of the site is elevated and there is a variety of building styles and scales that back onto the site from Glenageary Road. Similarly there is variety of house styles and setbacks along the coast in the vicinity of the site. To the east there is a six-storey apartment development with surface parking along its western boundary.
- 1.4. The existing two storey house on site has a pitched roof and an overall ridge height of 6.668m (11.64mOD) and is presently laid out with a living kitchen study and one bedroom at ground level and three bedrooms with balcony at first floor level. The house extends the width of the plot at 9.574m. It is c. 15m deep.'

## 2.0 Proposed Development

- 2.1. Permission is sought for the substantial demolition, rebuilding and extension of an existing dwelling together with associated site works. The dwelling will consist of a lower ground floor, upper ground floor, 1<sup>st</sup> and 2<sup>nd</sup> floor.
- 2.2. The application is accompanied by an Architect's Design Statement, sunlight and daylight shadow diagrams, a site specific flood risk assessment and engineering drawings.

2.3. An alternative design providing for the relocation of the dwelling 200mm from the shared boundary with No. 4 Marine Parade was submitted with the appeal to address the concerns raised by the owners in their observation to the Planning Authority. It is requested that the Board consider that drawings as originally submitted to the Planning Authority in the first instance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused for one reason as follows:

The application is located on Marine Parade, a location to which the 'A' land use zoning objective applies, 'to protect and/or improve residential amenity', in the Dun Laoghaire Rathdown County Development Plan. The proposed development would, by reason of its design, scale, height and massing, represent overdevelopment of this site. The proposed development would give rise to overlooking and overbearing impacts on the neighbouring residential development at No. 4 and No. 6 Marine Parade, thereby adversely impacting on the residential amenities of the area. Furthermore, the proposed development would be visually obtrusive, incongruous, and overly dominant when viewed along the streetscapes of Marine Parade, Sandycove and the surrounding area. It is considered that the proposed development would contravene the 'A' land use zoning objective which applies to this site in the Dun Laoghaire County Council Development Plan 2016-2022, would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The planner's report noted that the subject development was somewhat different to what was previously proposed in terms of form, scale and mass. Concerns were expressed in relation to the high level window in the western

elevation and it was considered that this should be omitted, so as not to prejudice future development on the adjoining site.

- Concerns were also expressed in relation to the proposed first floor terrace and undue residential impacts on the residents of adjacent properties.
- It was not considered that the proposed development would result in any undue overshadowing possibilities of the adjacent properties.
- In terms of visual impact, it was considered that the proposed development would have a detrimental impact, particularly from Nos. 4 and 6.

### 3.2.2. Other Technical Reports

**Transportation:** It was considered that the proposed front boundary and vehicular access was unclear. Further Information was requested in relation to this issue together with the provision of a 2m footpath along Nos. 5 and 6 subject to agreement with the relevant 3<sup>rd</sup> party and a construction management plan.

**Drainage:** accepted the findings of the SSFRA. Further Information was requested details of the proposed flood protection barrier, including dimensioned drawings indicating the height of the barrier.

### 3.3. Prescribed Bodies

3.3.1. No reports.

### 3.4. Third Party Observations

3.4.1. One third party observation was submitted to the Planning Authority which can be summarised as follows:

- No plans to redevelop home at No. 4 Marine Parade contrary to assertions made.
- Concerns regarding overshadowing, overlooking and loss of daylight.

- The architect’s Design Statement states that the existing back garden boundary wall is a rendered block wall. This is not the case. The boundary wall between the properties is a 100 year old granite wall which we do not wish to be interfered with/ demolished/ replaced during the proposed building works.
- The submitted drawings do not show two buildings present on our property adjacent to the boundary wall and which use the boundary wall as a structural element. Removal or interference with the boundary wall would therefore result in immediate demolition of these buildings.
- Objection to high level window in side elevation.
- Concerns regarding visual impact.

## 4.0 Planning History

### **PA 20A/0080/ ABP-307209-20**

Permission refused by Planning Authority for demolition of the existing house and construction of a replacement property on this site. Granted on appeal by the Board subject to conditions which required alterations to the design in order to address the issues raised in the appeal.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: “To protect and/or improve residential amenity.”

Relevant policies and objectives include:

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.”

Section 8.2.3.4 (xiv) Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

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.”

Section 8.2.3.2 of the Plan set out quantitative standards for residential development.

Section 8.2.8.4 sets out standards for private open space.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest European site is Dalkey Island SPA (site code 004172), less than 2km to the east of the site.

## **5.3. EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development comprising of a replacement dwelling in an established serviced urban area, 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. The grounds of the first party appeal can be summarised as follows:

- Alternative Design submitted for consideration of the Board in response to the observation received from No. 4 Marine Parade.
- The subject application seeks to address the refusal on the site by the Planning Authority under PA Reg. Ref. 20A/0080 and is now proposing a dwelling that is smaller in scale, height and size.
- It is considered that the overall design contributes to the ever-evolving built environment of both Dun Laoghaire and Sandycove suburbs and is of the highest quality and will enhance the character of the area. Photomontages are included in the appeal in Figures 31.0, 32.0, and 33.0 to illustrate this.
- With regard to the side window in the western elevation, it is submitted that due to the high level and opaque glazing, there will be no overlooking. However, should the Board come to a different conclusion, the applicant would be happy to consider an alternative.
- There is an error in the planner's report as it is stated that the first floor terrace would result in undue residential impacts of adjacent properties. In this regard, there is no first floor terrace proposed. The two rear first floor sliding windows have a glass balustrade immediately outside to prevent access to the sedum roof.

## **6.2. Planning Authority Response**

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## **6.3. Observations**

- None.

## 7.0 Assessment

7.1.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Principle of Development
- Design and Scale
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. I note that it is stated in the appeal that the subject application seeks to address reason for refusal under PA Reg. Ref. D20A/0080.

7.2.2. PA Reg. Ref. D20A/0080 was for a larger replacement house on the same site and has been granted by the Board under ABP-307209-20 since the current appeal was submitted.

7.2.3. I note that the existing house is of no architectural merit and has a history of flooding issues including two substantial flooding events since the purchase of the property in 2017 by the current applicant.

7.2.4. I note that the site is zoned for residential development and am of the view that the principal of development is acceptable on site. I consider that the recent grant of permission by the Board is a relevant matter in this regard.

### 7.3. Design and Scale

7.3.1. The site is located at a prominent location on Marine Parade and is open to glorious and attractive views of Dublin Bay. The appeal states that 'it is a location that is enjoyed by residents and visitors alike who walk along the stretch of sea front from Dun Laoghaire to Sandycove.' Existing development at this location is very varied and includes the Seabank Court 6 storey apartment complex c. 22m to the east of



the site together with single storey, two storey and three storey development in the vicinity of the site. I am of the view that the quality of the design is of critical importance at this location. However, I consider that there is huge scope given the variety of existing development in the vicinity of the site.

- 7.3.2. In terms of visual impact, I consider that there are major similarities between the recently granted permission on the site by the Board and the current application. They are both contemporary, imaginative, modern and designed to enhance and contribute positively to the area in my view. I refer the Board to the photomontages submitted with the appeal together with those included in the history file which is attached to the current file.
- 7.3.3. I note that the previous application provided for a more box like appearance with a flat roof which provided for an outdoor terrace, whereas the current application provides for a set back at roof level together with an enclosed roof. I consider that the proposed roof style is more discreet than previously proposed. The current application is also smaller in floor area and overall size and massing than that previously proposed.
- 7.3.4. I am of the view that the design, scale and height are appropriate for this location. Furthermore, I consider that the proposed design has been carefully thought out so that the design responds to the panoramic and open sea views to the south of the site. It is my view that the architectural style proposed will enhance the area and that it will not detract from the visual amenities of the area.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. In terms of the impacts on residential amenity, I consider that the design has been significantly revised from the previous application in order to address the concerns raised.
- 7.4.2. In this regard, the main alterations provide for the removal of the roof terrace and alterations to the design and glazing of external terraces. I note that Conditions 2 and 3 of the grant of permission by the Board had required a number of changes to the design to address the concerns raised in relation to overlooking. In my opinion,

the removal of the roof terrace and the redesign of the upper ground floor terrace address the concerns raised in this regard.

- 7.4.3. I note that there is one high level window in the western elevation close to No. 4 Marine Terrace. The Planning Authority considered that this should be omitted so as not to prejudice future development on the adjacent site. I note that this is a high level window with opaque glazing serving a stairs. Whilst the applicant has indicated in the appeal response that he would be happy to consider an alternative if the Board considered this to be necessary, I am satisfied that the window proposed would not result in any overlooking.
- 7.4.4. I note that No. 4 Marine Parade has two structures built on the boundary wall that are dependent on the boundary wall as a structural element. An observation submitted to the Planning Authority by the owner's of No. 4 stated that 'removal of or interference with the boundary wall would result in the immediate demolition of these buildings.'
- 7.4.5. The applicant has taken this concern into account in the appeal response and has submitted revised drawings which provide for a 200mm gap between the properties. I note that the applicant wishes the original drawings to be considered by the Board in the first instance. I am of the view that should the Board be minded to grant permission, it should be in accordance with the revised drawings submitted with the appeal in order to protect the residential amenities of No.4 Marine Parade.
- 7.4.6. Overall, I consider that proposed dwelling as revised in this application would not be unduly intrusive or injurious to residential amenity of adjacent properties.

## 7.5. Other Matters

- 7.5.1. **Front Boundary:** I note that Condition 2 (c) of ABP 307209-20 required that no element of the front boundary shall exceed 1.2m in height. I concur with this condition and consider that should the Board be minded to grant permission, a similar condition in relation to the revision of the front boundary wall should be included.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the minor nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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 that planning permission for the proposed development be granted in accordance with the following:

## **9.0 Reasons and Considerations**

Having regard to the architectural design and massing of the proposed development and the pattern of existing and emerging development along the coastal frontage and the immediate hinterland and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of Marine Parade, would not seriously injure the residential amenity of adjacent properties and would be acceptable in terms of flood risk and pedestrian 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 particulars submitted to the An Bord Pleanála on the 19<sup>th</sup> day of October, 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be modified so that no element of the front boundary shall exceed 1.2 metres in height and a revised design 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. Details including samples of the materials, colours and textures of all the external finishes to the proposed building, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

**Reason:** In the interest of public health.

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 and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of traffic safety and to protect the amenities of the area.

6. 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 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:** To protect the amenities of the area.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

8. Two number car parking spaces shall be provided within the site. The layout of these spaces including the access and boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and orderly development and to ensure that adequate off-street parking provision is available to serve the proposed development.

9. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

---

Emer Doyle  
Planning Inspector  
28<sup>th</sup> January 2021