



An
Bord
Pleanála

Inspector's Report

ABP-308797-20

Development	Rooftop extension to create two-storey house, demolition of existing single storey extensions and replacement with one single storey rear extension and enlarged rear garden.
Location	77 Patrick Street, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20B/0272
Applicant(s)	Ger Ryan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	1. Mark and Alison Whelan 2. Iseult Masterson
Observer(s)	None

Date of Site Inspection

28th January 2021

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0169 hectares and is located on the eastern side of Patrick Street, Dun Laoghaire, Co. Dublin.
- 1.2. The O.S. map submitted with the planning application is incorrect in that both the numbering of this site and sites in the vicinity are incorrect, and the site as outlined in red is also incorrect. This matter is described in detail in the Planner's report. I consider that the photograph submitted as the front page of the planning application, together with Figure 1C submitted as part of a third party appeal would be helpful to the Board to get an overview of the site and its context. I note that the site layout map is correct and it is clear that notwithstanding the incorrect mapping, all parties are aware of the relevant site in this application.
- 1.3. The site itself consists of a low profile single storey cottage with a double pitched roof behind a front parapet. The cottage has previously been extended to the rear and private open space is limited.
- 1.4. No. 76 Patrick Street is accessed from a laneway to the south of No. 77 which is located between the existing site and a single storey cottage with a hipped roof at No. 75 Patrick Street. No. 76 is an L shaped site and the current use is stated to be office/ workshop.
- 1.5. Adjoining development to the north of the site consists of number of two storey properties. Patrick Street is a very interesting and unusual street characterised by detached and terraced properties of a wide range of designs, styles and heights and a varied mix of commercial and residential uses.

2.0 Proposed Development

- 2.1. Permission is sought to demolish part of the existing house and provide for a rooftop extension to create a two storey dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 No. Conditions. Noteworthy conditions include the following:

Condition 3: Required that only works indicated for demolition on the plans lodged with the application shall be removed.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report described an error in the mapping of the site. It was considered that the proposed development would not adversely impact on the visual amenities of the area. It was noted that the proposed development would result in some additional overshadowing and overlooking of No. 76.

3.2.2. Other Technical Reports

Transportation: No objection subject to conditions.

Drainage: No objection subject to condition.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- 3.4.1. Two third party observations were submitted to the Planning Authority. The issues raised are similar to those raised in the two third party appeals to the Board.

4.0 Planning History

Relevant history- none on site.

PA D20A/0881

Permission refused for a change of use of the existing structure at 76 Patrick Street from park workshop/ part office to residential usage, with alterations/extension to include; flat roof single storey extension and pitched roof second storey extension along southern boundary, realignment of existing west facing elevation, replacement of existing roof structure to form flat, green roof, provision of two lightwells along east boundary, all associated site works to provide a part one storey/ part two storey 2 bed dwelling of 100 square metres.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

- Site is zoned as Objective A which seeks to protect and/or improve residential amenity.
- Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

5.3.1. Having regard to the nature of the proposed development comprising of an extension to an existing dwelling in an established 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 two third party appeals can be summarised as follows:

- Restricts the development potential of No. 76 Patrick Street.
- Rear garden too restricted in size.
- Inadequate private open space.
- Concerns regarding overlooking and overshadowing.
- Concerns regarding construction and structural stability.
- Concerns regarding design, scale, height, and overdevelopment of site.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- 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.

6.4. Observations

- None.

7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, the following are relevant issues in this appeal:

- Visual Impact
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Visual Impact

- 7.2.1. The main concerns raised in relation to the design are that the proposed development would represent overdevelopment of the site and the design including the height, scale, bulk, and blank gable wall would detract from the streetscape at this location.
- 7.2.2. In terms of the design and visual impact, whilst there is considerable variety of both uses and forms of development on Patrick Street, I consider that the proposed design would not enhance the streetscape at this location.
- 7.2.3. The existing dwelling is single storey in appearance whilst adjoining development to the north is two storey. There is an access lane between the property and single storey development to the south and as such the design of the side elevation would be very visible.
- 7.2.4. I consider that the front elevation, the roof style, and the fenestration proposed differ significantly from adjoining properties. In addition, the side elevation would be particularly visible at this location and presents as a blank gable wall, which having regard to the increase in height proposed, would be overly dominant at this location. I consider that having regard to the end of terrace location of this site, there may be an opportunity to provide for an innovative and contemporary design of high quality at this location and I am not satisfied that the design approach proposed is adequate in this regard.
- 7.2.5. As such, I consider that the proposed development would have an adverse visual impact on the character of the area. I consider that the proposal would form an

incongruent feature in the streetscape, which would be out of character with the established pattern and character of development.

- 7.2.6. While I accept that the visual impact would be localised, I would have serious concerns about the precedent that it would set for further such development, and the potential cumulative impact of further such development on the character of the area.

7.3. Impact on Residential Amenity

- 7.3.1. The main concerns raised by the third party appeals are that the proposal represents overdevelopment of the site and would impact negatively on the residential amenities of adjacent properties by reason of overbearing impact, overlooking and overshadowing.
- 7.3.2. The existing site is somewhat constrained and the proposed development would have an overshadowing and overbearing impact on adjacent properties in my view. I note that permission has recently been refused by the Planning Authority for redevelopment of an existing shed/ workshop/office to a two storey two bedroom house to the rear of the site (No. 76) for one reason relating to overdevelopment, design and negative impact on residential amenity. Both sites are constrained and are zoned as 'Objective A' To protect or improve residential amenity.
- 7.3.3. The constrained nature of the site is demonstrated in the private open space provision of c. 28.6m² with a length of c. 5.2m and a width of c. 5.5m. In my view, this would lead to a poor quality of amenity for the intended occupants. I note that the Development Plan requirement for new three bedroom dwellings is 60 square metres and 75 square metres for 4 bedroom houses. Indeed, the private open space provision is significantly below current standards for private open space of all house sizes set out in the Development Plan including one and two bedroom houses.
- 7.3.4. The proposal is sited directly on the site boundaries and provides for an additional floor at this location. Having regard to the orientation of the site, taken together with the design, size, first floor windows and rear garden length, I consider that the proposed development would constitute overdevelopment of a restricted site. Furthermore, I consider that the proposed development would have a significant negative impact on adjacent properties by reason of overshadowing, overlooking and

overbearing impacts. In terms of overlooking, I consider that the future development potential of No. 76 would be negatively impacted by the proposed first floor windows. The proposed development would, therefore, be contrary to the zoning objective of the site which is to protect or improve residential amenity. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature of the proposed development comprising of an extension to an existing dwelling in an established 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.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reason set out below:

9.0 Reasons and Considerations

The proposed development by reason of its excessive height and blank gable wall would represent an incongruous form of development which would detract from the established pattern and character of development at this location. Furthermore the proposed development would represent significant overdevelopment of a constrained site, would lead to overbearing, overlooking, and overshadowing impacts on adjoining properties and would provide inadequate private open space for future occupants. As such, the proposed development would seriously injure the residential amenities of adjoining properties and would provide for a poor quality of amenity for future occupants and would be contrary to Section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

12th February 2021