



An  
Bord  
Pleanála

## Inspector's Report ABP-308815-20

<b>Development</b>	House Extension to approved planning permission D20A/0242 to single storey cottage.
<b>Location</b>	Ross Cottage, Seafield Road, Killiney, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0556
<b>Applicant(s)</b>	Peter Grealis
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paula Kearns and Anthony O' Meara
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2021
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.139 hectares and is located on the east side of Seafield Road, Killiney, Co. Dublin.
- 1.2. The site itself consists of a single storey semi-detached cottage with a hipped roof.
- 1.3. A pedestrian walkway to Killiney beach is located directly to the south of the site. The Dublin to Wexford railway line is located to the rear of the site.
- 1.4. Development in the area is very varied with a mix of detached and semi-detached dwellings with a wide range of designs.

## 2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing extension and the construction of extensions at ground floor level together with the creation of a first floor level to include two bedrooms.
- 2.2. In response to the Further Information request revised notices were submitted, together with drawings providing for a reduction in size of the dormer window to the rear and drainage details.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Permission granted subject to 11 No. Conditions.

**Condition 2** required that only works indicated for demolition on the plans lodged with the application shall be removed.

All other conditions are standard in nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report required the applicant to readvertise the proposed development in the interests of clarity. It considered that the applicant had taken into account the previous concerns raised in the history application PA20/0242 in relation to the design of the dormer window and reduced the overall mass and scale of same. However, it was still considered to be too large. There were a number of discrepancies in drawings which required clarification. The second report considered that the revised details were acceptable.

#### 3.2.2. Other Technical Reports

**Drainage:** No objection subject to conditions.

### 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 the grounds of appeal.

## 4.0 Planning History

### PA D20A/0242

Split decision: Permission granted for demolitions and extensions at ground floor level together with a new car opening and 2 car parking spaces in the garden.

Permission refused for new dormer on the east side to form an upper floor together with new two storey extension.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'A' residential with the objective to protect and improve residential amenity.

Section 8.2.3.4 relates to 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**

The grounds of appeal can be summarised as follows:

- Invalid application.
- Concern regarding excessive scale and massing relative to adjacent domestic single storey cottage dwellings and impact on visual amenities of the area.
- Overdevelopment of restricted site with concerns in relation to insufficient private open space when area proposed for car parking is taken into account.
- The dormer proposed is excessively large and is not sufficiently altered from the previous application on this site to warrant a grant of permission.

## **6.2. Applicant Response**

6.2.1. The response from the applicant can be summarised as follows:

- The development proposed does not increase the ridge height and the cottage has only been extended by 1000mm.
- The development proposed does not injure the residential amenities of the appellant's dwelling or block their view to the sea.
- The development is not out of scale, height or design with surrounding properties.
- The extension proposed is very small in scale.

## **6.3. Planning Authority Response**

The planner's response can be summarised as follows:

- 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.

## **6.4. Observations**

- None.

## **7.0 Assessment**

7.1. Having inspected the site and reviewed the file documents, I consider it appropriate to assess the development under the following headings:

- Impact on Visual Amenity
- Other Matters

- Appropriate Assessment

## **7.2. Impact on Visual Amenity**

- 7.2.1. The site is located in an area which is zoned as 'A' with a stated zoning objective to protect and/or improve residential amenity in this area. The primary issues raised by the appeal in relation to visual impact relate to the size of the extension and the rear dormer window in particular.
- 7.2.2. The appeal considers that the 'substantial issue to be addressed is what material changes were made to proposal D20/0242 to warrant a reversal of their refusal for the dormer extension outlined below'. Furthermore, it is considered that the plans submitted show 'the excessive scale and massing relative to the adjacent single storey cottages.'
- 7.3. In terms of the visual impact, I note that the changes proposed to the front are minimal and provide for velux rooflights, the demolition of an existing extension to the side and the construction of a new extension. The cottage is a semi-detached cottage and the scale and style proposed is in keeping with the other semi-detached cottage at this location in my view. I also note that there is a huge variety in the designs and styles of houses at this location and the proposed development would not be out of place.
- 7.4. I note that a split decision was issued on the history application on the site under D20A/0242 and permission was refused for a new dormer to the east to form an upper floor and a new two storey extension to the south.
- 7.5. I note that the rear of the dwelling would be visible from the pathway leading to Killiney beach at this location and as such the design of the rear dormer is of critical importance. I note that revised drawings were submitted to the Planning Authority dated the 14<sup>th</sup> of October 2020 in response to a Further Information Request. The main alterations provided for a reduction in the size of the dormer and a relocation of the dormer to a more central location within the roof.
- 7.6. I am satisfied that the revised drawings address the previous reason for refusal and I consider that the size and design of the dormer and extension are acceptable and would not constitute overdevelopment of the site in my view.

Having regard to the site context, including the location in a built up area, the variety of development in the vicinity of the site, the limited scale of the proposed development and the alterations to the design of the dormer window to the rear, I do not consider that the proposed development would detract from the visual amenities of the area.

## **7.7. Other Matters**

### **7.7.1. Validity of application**

Whilst the wording of the initial notice was incorrect in my view, I note that a revised notice was submitted to the Planning Authority in response to a Further Information Response. I am satisfied that the revised wording was satisfactory and it is clear from the drawings and details submitted in the appeal that the third party was fully aware in relation to the application details and the development proposed.

### **7.7.2. Overdevelopment of the site**

I note that the third party appeal considers that the proposed car parking spaces would lead to inadequate private open space. I note that the current house has no car parking available within the site and cars park on a very busy road. As such, the proposed development would lead to an improvement in relation to traffic safety. I also note that the Planning Authority has already granted the two car parking spaces as part of the previous application on the site and they do not form part of the current application.

## **7.8. Appropriate Assessment**

- 7.8.1. 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. It is recommended that permission be granted subject to conditions in accordance with the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, the pattern of development in the 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**

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 on the 14th 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. Details of the materials, colours and textures of all external finishes to the proposed development 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. 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.

4. 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, car parking arrangements, and off-site disposal of construction/demolition waste.

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

5. Site development and building works shall be carried out only between the hours of 0700 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.

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 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.

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, 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

17<sup>th</sup> February 2021