



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309079-21

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<b>Development</b>	Construction of flat roof, 5 bedroom, split level, contemporary dwelling. A new vehicular entrance is proposed.
<b>Location</b>	To the rear of and within the curtilage of St German's, Vico Road, Dalkey, Co Dublin, which is a protected structure and is accessed from Torca Road.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0726
<b>Applicant(s)</b>	John Sheridan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John Sheridan
<b>Observer(s)</b>	1. Rose Ivory 2. Anthony and Sarah Cosgrove

**Date of Site Inspection**

1<sup>st</sup> of April 2021

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located to the rear of 'Saint German's' Vico Road, Dalkey, Co. Dublin. Access is proposed from Torca Road at a point where vehicular access is restricted to a small number of residences including 'Torca Hill House', 'Thalassa', and 'Villa Christina'. The road provides for pedestrian access to Killiney Hill. There are a number of pedestrian linkages in close proximity to the site which link Torca Road with Vico Road.
- 1.2. The site has a stated area of 0.1089 hectares. A large detached property 'Thalassa' is located to the east, a wooded area and 'Pinehills' a detached property accessed from Vico Road are located to the west, and Saint German's is located to the south. Saint German's is a protected structure. The site is located within the Vico Road Architectural Conservation Area.
- 1.3. The site is overgrown with vegetation and mature trees. The site slopes downwards from Torca Road. Levels fall from c. 88m OD on Torca Road to c. 75m OD at the rear boundary.
- 1.4. The general area is characterised by large houses on detached sites.

## 2.0 Proposed Development

- 2.1. Permission is sought for a five bedroom split level contemporary dwelling to the rear of Saint German's. Access is proposed from Torca Road. The stated floor area is 426 square metres. It is proposed to increase the height of the existing boundary wall on Torca Road.
- 2.2. The Board is requested in the appeal to consider the original submission to the Planning Authority in the first instance. However an alternative modified design has also been submitted with the appeal for the consideration of the Board.
- 2.3. The alternative design seeks to reduce the total gross floor area from 426 square metres to 390 square metres with a reduction in the scale and height of the dwelling. The reduction in floor area will allow for the dwelling to be set back from the north-eastern and south-western boundaries by a further 2.8 metres. It is also proposed to amend the driveway in order to reduce the amount of hard-standing and to facilitate additional landscaping.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for one reason as follows:

Given the site context, the scale, height and design of the proposed dwelling, works including excavations to facilitate the proposed dwelling, and associated landscaping and boundary and wall changes, it is considered that the proposed development does not represent small-scale, sensitive infill development, and would not be in keeping with and would detract visually from the character of the Vico Road ACA and its receiving environment, particularly views of the elevated prominent site within the ACA. As such, the current proposal does not meet the development management criteria as set out under Section 8.2.3.4 (viii) for the O/O zone, Policy AR12; Architectural Conservation Areas (i) and (ii) and Policy: LHB6: Views and Prospects, of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report expressed concern in relation to the scale, design, proposed excavations and boundary works and considered that the proposed development would detract from the visual amenities of the area and erode the character of the ACA.

#### 3.2.2. Other Technical Reports

**Conservation:** Considered that the increased scale and orientation within the site was not in keeping with the receiving environment. Concerns raised in relation to boundary treatment on Torca Road and the impact on the built and sylvan character of the ACA, particularly views of this elevated prominent site within the ACA.

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

**Environmental Health Officer:** No comment on proposal.

### 3.3. **Prescribed Bodies**

3.3.1. Irish Water: No objection subject to conditions.

### 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 in the grounds of appeal.

## 4.0 **Planning History**

### **PA Reg. Ref. D17A/0995**

Permission granted by PA for a new flat roof, 4 bedroom, 2 and a half storey split level dwelling (275.8 square metres) and all ancillary site works, including access road, terrace, landscaping and a carport, accessed from Torca Road. The proposed development consists of amendments to previously approved development granted under PA Reg. Ref. D15A/0730.

### **PA Reg. Ref. D15A/0730**

Permission granted by PA for a new flat roof, 4 bedroom, 2 and a half storey, split level dwelling (320 square metres) and all ancillary works, including access road, terrace, landscaping and a carport, accessed from Torca Road.

### **PA Reg. Ref. D20A/0660**

Permission refused by PA on adjoining site for dwelling for 4 No. reasons relating to traffic hazard, location of vehicular access on lands zoned 'F', impact on Vico Road ACA, and impact of design on lands zoned as 0/0.

## 5.0 Policy Context

### 5.1. Dún Laoghaire Rathdown County Development Plan 2016-2022

- 5.1.1. The site is zoned as 'Residential' and located within the '0/0' area where no increase in the number of buildings will normally be permitted.
- 5.1.2. The site is located within the Vico Road Architectural Conservation Area (ACA) and within the curtilage of 'Saint Germans', a Protected Structure (RPS No. 1627).
- 5.1.3. It is an objective of the plan to preserve views towards the sea from Torca Road (i.e. across the site to the sea) and views of Dalkey Hill as seen from Ulverton Road, Station Road and the East Pier.

- 5.1.4. The following sections and policies are relevant:

Policy AR1- Record of Protected Structures

Policy AR12: Architectural Conservation Areas

Policy LHB6: Views and Prospects

Section 8.2.3.4 (vii) Infill Development

Section 8.2.3.4 (viii) 0/0 Zone

Section 8.2.11.3 Architectural Conservation Areas

Guidance for the Vico Road ACA is set out in the Vico Road Conservation Area Character Appraisal.

### 5.2. Architectural Heritage Protection, Guidelines for Planning Authorities, DoEHLG, 2011

- 5.2.1. Section 13.8 refers to Development affecting the Setting of a Protected Structure or an Architectural Conservation Area.

### 5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 sites are Rockabill to Dalkey Island SAC Site Code 003000 c. 0.8m to the east and Dalkey Island SPA Site Code 004172 c. 0.9m to the east.

## 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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 appeal can be summarised as follows:

- ABP is asked to consider the original submission in the first instance. However, an alternative modified design has also been submitted for the consideration of the Board.
- The modified design provides for a reduction in height, an increased set back from the boundaries, a reduction in floor area and amendments to the driveway.
- The proposal has been appropriately designed and represents a small infill and sensitive development.
- The dwelling is located further up the hillside than the previous permissions to ensure less of a disruption to the hillside.
- The subject site, whilst it has a prominent position in the landscape, is not visible from viewing points. Photomontages are included in the appeal to demonstrate this.
- The proposed dwelling will not have overshadowing or overbearing impacts on adjacent properties.

### 6.2. Planning Authority Response

- The Planning Authority response notes the suggested appeal modifications however, it is considered that the refusal reasons and concerns still remain.

- These concerns relate to the large size of the dwelling (and noting the increase in size over the previous proposals), and its associated hard landscaping proposals and the reduction in site size from previous proposals.
- Concerns are also expressed in relation to the separation distances to site boundaries (smaller than previously proposed), the overall site coverage, and height etc. as seen from the surroundings, and looking to/from the coast etc.

### 6.3. Observations

6.3.1. Observations to the appeal were submitted by the following (1) Rose Ivory (2) Anthony and Sarah Cosgrove.

6.3.2. The main issues raised can be summarised as follows:

- Notwithstanding the modifications proposed, concerns remain in relation to the design and impact.
- No elevations of alternative design have been submitted with the appeal.
- The view over the site from Torca Road is specifically protected by the Development Plan.
- Concern regarding impacts on boundary wall.
- Concern regarding overlooking.
- Tree Survey dates to 2015. Concern regarding removal of trees and impact of same on adjoining dwellings.
- Concern regarding excavation impacts.

## 7.0 Assessment

7.1. Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:



- Impact on Residential Amenities
- Visual Impact and Impact on Architectural Conservation Area
- Other Matters
- Appropriate Assessment

## **7.2. Impact on Residential Amenities**

7.3. The main concerns raised regarding impact on residential amenities relate to overlooking of adjoining residences 'Thalassa' and 'Pinehills'

7.4. I consider that there is no direct overlooking between the proposed development and existing properties due to the layout of the development proposed and the considerable distance from adjoining properties. As such, I am satisfied that the proposed development would not have an undue impact on the residential amenities of adjoining properties.

## **7.5. Visual Impact and Impact on Architectural Conservation Area**

7.5.1. It is considered by the Planning Authority that the principle of development is acceptable and permission has previously been granted twice on the site under PA Reg. Ref. D15A/0730 and PA Reg. Ref. D17A/0995.

7.5.2. The main alterations from the permitted design include a reduced site area from 0.1089 hectares to 0.1401 hectares, an increase in the size and scale of the dwelling from 275.8 square metres plus 30 square metre carport to 426 square metres, a larger driveway and parking area, and a revised layout which results in the relocation of the dwelling on the site and a reduction in distances to the site boundaries.

7.5.3. The roof level as granted on the site under is PA Reg. Ref. D17A/0995 is c. 84.2m OD, the roof level originally proposed is c. 87.3m OD, and the roof level proposed under the revised drawings submitted at appeal stage is c. 85.8m OD.

- 7.5.4. The appellant has requested that the Board consider the application as originally submitted to the Planning Authority in the first instance. However, an alternative design option has also been submitted to the Board for consideration.
- 7.5.5. The revised alternative design submitted at appeal stage provides for a reduced floor area to 390 square metres together with greater set back distances from the site boundaries. It is proposed to amend the driveway to provide for a reduced area. The revised plans indicate a reduced finished floor level from c. 84.79m OD at the entrance to the house to c. 82.45m OD.
- 7.5.6. I consider that both designs proposed are visually interesting and contemporary and of high quality. However, there is a protected view in front of the site towards the sea and the site is located in close proximity to pedestrian paths leading to Killiney Hill and Vico Road. On the day of inspection, the area surrounding the site was very busy with pedestrians and joggers and there were a number of people looking at the view from the wall in front of the site including a couple sitting on the wall.
- 7.5.7. The site is also located within an area that is subject to O/O zoning where no increase in the number of buildings will normally be permitted. Section 8.2.3.4 (viii) of the Development Plan refers to the O/O zone and advises that such locations include areas in the vicinity of the coastline where density controls are considered appropriate in the interests of preserving their special amenity. The zoning provides that 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 congestion issues that would, in turn, necessitate road widening or other significant problems.
- 7.5.8. Furthermore, the site is located within the Vico Road Architectural Conservation Area. The report from the Conservation Officer considers that the current proposal by way of the increased scale and orientation within the site, would not be in keeping with the receiving environment. Concern is also expressed in relation to the alterations to the front boundary wall which contribute to the character of the ACA. Overall, it is considered that the permitted development under D17A/0995 to have reached capacity for the site and it is considered that the proposed development by nature of its scale is incongruous with the built heritage and sylvan nature of the ACA.

- 7.5.9. I concur with the views of the Conservation Officer on this matter. This is an extremely sensitive site and what has already been permitted has reached the capacity for the site in my view. What is now proposed under both the original drawings and the revised drawings submitted at appeal would not in my opinion constitute sensitive infill development in the 0/0 zone.
- 7.5.10. Views worthy of protection are shown on Development Plan Map No. 4 from Torca Road in front of the site towards the sea. It is Council Policy under Policy LHB6 to prevent development that would block, or otherwise interfere with a view which is designated for protection. Figure 6 of the appeal provides a photomontage of the amended design from this location whilst Figure 7 of both of the observations illustrate the existing view from this location. Having regard to the sylan nature of the site, the considerable excavation required, the scale of the development proposed over 3 levels, and the exposed nature of the site, I consider that the proposed development would be visually obtrusive at this location and would detract from a view which is designated for protection.
- 7.5.11. I consider that whilst the design proposed at appeal stage has reduced the height of the dwelling by 2.3 metres, this would require significant levels of excavation to the site. I note that notwithstanding the reduction proposed, the roof level is still c. 1.6m higher than that granted under PA Reg. Ref. D17A/0995. In my opinion, this is a very sensitive site which requires a discreet and sensitive design and I consider that the scale, levels of excavation required, and proximity to the boundaries would not constitute sensitive infill development in the 0/0 zone. In addition, the increased scale would be incongruous with the character and sylan character of the ACA and would not protect the character and special interest of the Vico Road Architectural Conservation Area. Accordingly, I consider that the proposed development would detract from the unique character and seriously injure the visual amenities of this sensitive site.

## 7.6. Other Matters

- 7.6.1. I note that the drawings submitted with the appeal for the revised design do not include elevations. Should the Board be minded to grant permission for the revised design, this matter could be addressed by a Further Information Request.

## 7.7. **Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, an infill site in a serviced urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed 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 permission is refused.

## 9.0 **Reasons and Considerations**

Having regard to the scale, context, height and design of the proposed dwelling together with the extent of excavations proposed, it is considered that the proposed development does not represent small-scale, sensitive infill development and would be detrimental to the visual amenities of the area and would detract from the character of the Vico Road Architectural Conservation Area. As such, it is considered that the proposed development fails to accord with the provisions of Section 8.2.4.4 (viii) '0/0 Zone', Section 8.2.11.3 (i) New Development within an ACA, Policy AR12 and Policy LHB6, in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and would set an undesirable precedent for future development in the area. It is considered that the proposed development would seriously injure visual and residential amenities in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector  
13<sup>th</sup> April 2021