



An
Bord
Pleanála

Inspector's Report ABP-309737-21

Development

Removal of existing roof over main two storey section of dwelling, new roof and velux windows, removal of roof over single storey section of dwelling, new two storey flat roof, new extension to north with balcony above, demolition of existing utility, construction of new attached plant room, new pedestrian access to west of site and all associated works.

Location

The Coach House, Mount Merrion Avenue, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D20A/0680

Applicant(s)

Ger Byrne

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

David O'Connor

Date of Site Inspection

19th May 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. 'The Coach House' is a part two-storey/ part single-storey house located on a stated site area of 0.029 hectares, to the north of Mount Merrion Avenue, Co. Dublin. The site is located off the public road on a short lane that provides access to surface car parking serving a six-storey apartment block which addresses Mount Merrion Avenue. This access also serves three/ four other detached houses to the north west of the subject site. Two detached houses are located between the site and Mount Merrion Avenue, therefore views of the house from the public street are limited.
- 1.2. The site is bound by a high boundary wall to the south and west. A high stone wall to the north east provides the boundary on that side. Off street parking is facilitated by a gate to the north of the site and a separate gate provides pedestrian access to the south. To the south east of the site is a walled compound that appears to be a refuse store, perhaps for the apartment block.
- 1.3. As already referenced, the area is characterised by a mix of residential unit types from detached houses to large apartment blocks. Go-Ahead bus route 17 serves Mount Merrion Avenue providing a service from Blackrock to UCD, Dundrum and Rialto. The Stillorgan Road/ N11 is served by a number of bus routes providing for high capacity/ frequency services to and from the city centre and the greater south Dublin/ north east Wicklow area.

2.0 Proposed Development

- 2.1. The proposed development consists of the following alterations to the existing house:
 - Removal of existing roof over main two storey section of dwelling and replacement with a new roof and velux windows.
 - Removal of roof over single storey section of dwelling and the provision of a new two storey flat roof.
 - A new extension to north with balcony above.
 - The demolition of an existing utility, with a stated floor area of 4.3 sq m and the construction of new attached plant room.

- The total area of additional floor space will be 66.3 sq m.
- A new pedestrian access to west of site.
- All associated site works.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. Conditions are generally standard, though condition no. 3 states:

‘Only works indicated for demolition on the plans lodged with the application shall be removed’.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning Authority Case Officer’s report reflects the decision to grant permission for the development. Further information was sought in relation to the provision of additional floor plans/ sections/ elevations demonstrating all proposed demolition works, concerns regarding overlooking from the proposed balcony, the provision of a daylight/ sunlight analysis report in relation to impact on adjoining properties and details on useable private amenity space. Further information was submitted in response and all issues were adequately addressed.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions in relation to surface water drainage.

Transportation Planning Section: No objection subject to conditions.

Environmental Health Officer: No comment to make.

3.2.3. **Objections/ Observations**

At total of four submissions were received opposing the development.

Issues raised include:

- Loss of light with particular reference to winter light.
- Loss of sunlight due to the layout/ design of the proposed development.
- Loss of privacy including through overlooking from the proposed balcony and from bedroom windows to the rear of the unit.
- If the Coach House is an historical building, a conservation impact plan should have been provided in support of the application.
- No construction management plan has been provided with the application.
- Increased noise levels from the proposed development.
- Concern about loss in property value and potential impact if proposing to avail of the 'fair deal' package in the future.
- Concern raised about the stability of the stone wall forming part of the boundary.
- Concern about the lack of supporting documentation submitted with the application.

Photographs were submitted in support of the objections.

4.0 Planning History

None on site.

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.
- 5.1.2. 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'.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

David O'Connor of 55 Merrion Park, has engaged the services of Manahan Planners – Town Planning Consultants to appeal the decision to grant permission, for the development of this site, by Dun Laoghaire-Rathdown County Council

Issues raised include:

- The planning application as submitted to the Planning Authority is described and the assessment of same by the Planning Authority is also considered in detail.
- The conditions as issued by the Planning Authority are insufficient to address the concerns raised in the letter of objection.
- Revisions were made by way of further information in relation to overlooking and the proposed alteration are welcomed.
- Overshadowing/ loss of sunlight are to be expected through the raising of the roof by 1.5 m in height.
- The alterations to the house will result in a structure that is overbearing on the adjoining properties.
- Concern that the raising of the roof by 1.5 m will negatively impact on the structure stability of the walls of the subject site. It is not sufficient that the works be supervised by a structural engineer.
- The boundary walls are covered on render on the applicant's side but are exposed stone on the appellant's side. It is not possible to assess the structural stability of the walls at present.

- Concern that the conditioning of details to be addressed by a compliance submission, does not allow third parties to comment on these submissions.
- The appellant is opposed to the works and will not allow scaffolding etc. onto their property.
- Request than a Conservation Architect assess the origins of the walls between the applicant/ appellant sites.
- Consider the development to be contrary to the zoning objective for the area and would be injurious to the residential amenity of the area. Request that permission be refused for the development.

A number of photographs are included in support of the appeal.

Note: I assume that the appellant's address is actually 95 Merrion Park and not no. 55. No.55 is not impacted by the development in any foreseen any way and I note that Mr David O'Connor submitted an objection to the Planning Authority with his address given as no. 95 Merrion Park.

6.2. Planning Authority Response

- 6.2.1. 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. The proposed development consists of the modification and extension of an existing house. The existing house provides for four bedrooms with two bedrooms on the each of the ground and first floor levels, in addition to a kitchen and sitting room on the ground floor.
- 7.2.2. The site is zoned for residential development and the proposed development is acceptable in principle. I note the modifications to the design/ elevations made in response to the further information request as issued by the Planning Authority.

7.3. Impact on the Visual Amenity of the Area

- 7.3.1. The extension/ modifications to the house will result in a similar design to that already in situ. The proposed development includes the demolition of the single-storey element to the south western side, the removal of the roof over the two-storey section, the removal of a utility room and removal of the internal walls within the house. A two-storey extension is to be built to the south western side, the walls on the house to be raised and a new roof provided, and a new plant room is to be provided to the northern side of the house.
- 7.3.2. The elevations which consist of nap plaster and red brick will be finished with nap plaster and timber cladding. It is not fully clear from the submitted elevations where the timber cladding will be, however this a minor detail that can be addressed to the satisfaction of the Planning Authority.
- 7.3.3. The proposed development is considered to be visually acceptable. As already reported, the house is not easily visible from the public street and although it is in a very visible location within the car parking area of the adjacent apartment block, it will not impact negatively on the visual amenity of this area. Much of the house will remain screened from view by the boundary walls and overall, the character of the area will not change much from the existing situation.

7.4. Impact on Residential Amenity

- 7.4.1. The primary issues raised in the appeal refer to impact on existing residential amenity. I note the revisions from the original proposed development and that submitted in response to the further information request. Concern was expressed about overlooking leading to a loss of privacy to the north/ north east of the site/ the houses in Merrion Park that adjoin the site. This matter was addressed at further information stage through the omission of large windows at first floor level facing

north west and the omission of a balcony on this side of the house. An additional window is provided to serve the first-floor bedroom on the north eastern side of the house.

- 7.4.2. Overshadowing and loss of light were raised as matters of concern in the appeal. The existing two-storey element of this house is given as 6.05 m and the proposed development will have a ridge height of 6.805 m (Drawing no. F.I002), a difference of 0.755 m. This is reduced from the original proposed height of 7.51 m and the difference of 1.5 m is referenced in the appeal. If permission is granted, it should be on the basis of the details submitted under further information.
- 7.4.3. As part of the further information response a Shadow Analysis Report was prepared by LDP in response to the request of the Planning Authority. I note the findings of this report and agree that the impact on the houses to the north west, north and north east will be imperceptible and any loss of sunlight to the gardens will also be very minor. The results are what would be expected for a development of this nature. The house is located to the south/ south west of the Merrion Park units and the alterations to the existing two-storey element are relatively minor in the context of the existing situation.
- 7.4.4. Similarly, the issue of overbearing was raised, and I do not foresee this to be significantly different from the current situation. The pitch of the roof was reduced at further information stage and the increase in the wall height is relatively minor.
- 7.4.5. Concern was expressed about the impact on the existing walls of this house. I can only assume that the development will be carried out in accordance with the requirements of the Building Control Act etc and will be properly constructed. This is not a matter for the Board to consider at this stage.
- 7.4.6. The proposed extension and modifications to this house will provide for a high quality of residential amenity for the occupants. Room sizes are acceptable, and the extended house will be provided with a significant amount of storage space. The footprint of the extended house is not much greater than that of the existing house. The Planning Authority queried the amount of available private amenity space and this has been provided in the further information response. An area of 52 sq m is indicated to the north of the house and a small patio area is located to the south west (Drawing no. F.I002). The increased private amenity space is primarily achieved

through a rationalisation of the car parking area. Space for one car can be provided whilst ensuring that a useable area of private amenity space is available for the occupants of this house.

7.5. Other Issues

- 7.5.1. No concerns were raised in relation to surface water drainage and the increased area of grass (from 30 sq m to 52 sq m) will assist in draining surface water. The house is already served by public foul drainage and water supply systems and I do not foresee any increased loading on these public services.
- 7.5.2. I have referenced the reduction in car parking, but I have also reported that the area is very well served by public transport in terms of frequent/ high-capacity bus services that serve a range of destinations. I do not foresee any concern regarding the provision of an additional pedestrian access on the western side of the site, adjacent to the vehicular entrance.
- 7.5.3. Concern was raised about the historical nature of the building/ stone wall to the side. From the available information, very little if any of this wall will be impacted by the development. The house is not listed on the Record of Protected Structures and its historical importance, if any, may be overstated in the appeal. A requirement for an architectural conservation assessment of the site would be an excessive burden on the applicant and there is no evidence of a justification for such analysis.
- 7.5.4. A permission for development may not proceed if other requirements outside of planning are not met. The applicant has no right under planning to access the lands of a third party and similarly cannot erect scaffolding without the consent of the landowner.
- 7.5.5. I note the conditions applied by the Planning Authority in relation to the reuse of existing materials in the new extension. The existing house appears to be constructed of relatively modern materials and any older materials such as brick/ stone are likely to be contaminated with plaster etc. and would require extensive cleaning for reuse. I do not consider this condition to be necessary. Similarly, Condition no. 3 refers to demolition to be in accordance with the submitted plans, I would assume that that is the case, and the complete demolition of the house may result in enforcement proceedings against the applicant/ developer.

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, zoned for residential development, 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 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 of the site for residential purposes, to the location of the site in an established, serviced, urban area within walking distance of public transport and to the nature, form, scale, density 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 on the 24 th of September 2020, as amended by the further plans and particulars submitted on the 26 th of January 2021, 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
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	<p>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>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures, and specifications and shall indicate the location of the timber cladding on the house.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water and the provision of a green roof shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</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 the hours of 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
6.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>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 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</p>

<p>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.</p> <p>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.</p>
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Paul O'Brien
Planning Inspector

27th May 2021