



An  
Bord  
Pleanála

## Inspector's Report ABP 309831-21.

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<b>Development</b>	Alterations and extension of existing three-storey semi-detached dwelling.
<b>Location</b>	12 Burdett Avenue, Sandycove, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown Co. Council
<b>Planning Authority Reg. Ref.</b>	D21A/0024
<b>Applicant</b>	The Burdett Settlement
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	William T. Tilley
<b>Observers</b>	None
<b>Date of Site Inspection</b>	18/8/2021
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0338 hectares is located on Burdett Avenue, Sandycove in south County Dublin. It lies at the corner at northern end of the Burdett Avenue. The northern (side) site boundary addresses Marine Parade and Scotsman's Bay.
- 1.2. The subject site contains a three-storey semi-detached four bedroom dwelling with a floor area of approximately 210 square metres. The property was built circa 1900. The dwelling contains design features to the front elevation including decorative bays and balconies. The property is served by a pedestrian gated entrance to front onto Burdett Avenue. There is a gated vehicular access to the side onto Marine Parade which serves the rear yard.

## 2.0 Proposed Development

- 2.1. Permission is sought for the alteration and extension of the existing three-storey semi-detached dwelling house. The works include:
  1. At first and second floor levels the partial removal of the existing rear (east) external wall and minor extension.
  2. The provision of a single storey rear extension and associated alterations.
  3. Alterations to the north elevation including the removal of the existing bay window and the provision of a new bay window serving ground and first floor levels.
  4. Alteration and refurbishment of the existing roof including the provision of new rooflights.
  5. The extension of the existing first floor balcony to the north of the existing house.
  6. The removal of existing vehicular gate on Marine Parade, and the provision of a new vehicular gate on Burdett Avenue including the provision of new replacement boundary walls to Marine Parade and Burdett Avenue at this site.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission was granted subject to 8 no. conditions.

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

#### 3.2.1. Planning Reports

- It was concluded in the report of the Planning Officer that having regard to the residential zoning of the site and the massing, scale and form of the proposed extension to the existing dwelling and the associate access and boundary treatments that the proposed development subject to conditions would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance.

#### 3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

- None

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received two submissions in relation to the planning application. The issues raised are similar to those set out in the appeal.

## 4.0 **Planning History**

Reg. Ref. 20A/0488 – Permission was refused for the demolition of existing rear extension, the provision of a new single storey rear extension, alterations and extension including adjustment to alignment of the rear (east) facing gable wall at first and second floor levels, the extension of the existing north elevation including removal of existing bay window to side (north) elevation, and the provision of a new

bay window serving ground and first floor levels to side (north) elevation. Alteration and refurbishment of the existing roof including the provision of new rooflights. Provision of new first floor terraces to the rear (east) and (north) side of the existing house. Alterations to all elevations. Removal of existing vehicular gates on Marine Parade, and the provision of new vehicular gate on Burdett Avenue including the provision of new replacement boundary walls to Marine Parade and Burdett Avenue.

Permission was refused for two reasons:

1. Having regard to the significant extent of proposed demolitions of the existing habitable dwelling, as demonstrated in the plans and particulars lodged with the Further Information response, it is considered that the proposal would be contrary to Policy AR5 Building of Heritage Interest of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, where it is Council policy to retain, where appropriate, and encourage the reuse and rehabilitation of older buildings. The subject proposal would not substantially preserve the existing building. It is therefore considered that the proposed development would contravene the Dún Laoghaire-Rathdown County Development Plan 2016-2022 with regard to buildings of heritage interest. The proposed development would set a poor precedent for similar type development in the area. The proposed development would, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, namely the extent of proposed rear extensions and side alterations, and the overall increase in dwelling size, and by reason its large size, and layout, would result in a sub-standard provision of useable private open space and rear private open space for the dwelling. The proposal therefore, would not accord with the requirements of Section 8.2.8.4 Private Open Space – Quality (i) Private Open Space for Houses of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- 5.1.2. The site at No. 12 Burdett Avenue, Sandycove, Co. Dublin is located on Map 3 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective A ‘to protect and/or improve residential amenity’.
- 5.1.3. Chapter 6 – Built Heritage Strategy
- 5.1.4. Policy AR5 – It is Council policy to: (i) Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
- 5.1.5. Chapter 8 – Principles of Development
- 5.1.6. Section 8.2.3.4(i) refers Extensions to Dwellings

### **5.2. Natural Heritage Designations**

- 5.2.1. Dalkey Island SAC (Site Code 004172) is 1.8km to the east of the appeal site.
- 5.2.2. Rockabill to Dalkey Island SAC (Site Code 003000) is 1.8km to the east of the appeal site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A third party appeal was submitted by William T. Tilley. The issues raised are as follows;

- The appeal notes the inter-relationship between the appeal site no. 12. Burdett Avenue and the appellant's property no. 11. Burdett Avenue. The properties which are adjoining were constructed circa 100 years ago. The dwellings have a Victorian design style and have a distinct character and the properties are almost visually identical. The appellant contends that the proposed development involving alterations and extension of the Victorian dwelling would be contrary to Policy AR5 of the development which refers to buildings of heritage interest.
- The appellant's primary concern relates to the extent and excessive scale of the proposed extension to the side and rear of the property and in particular in relation to the height and length of the extension.
- It is submitted that the proposed development would involve an increase in the height and length of the rear extension which would cause overshadowing and a loss of natural light to the appellant's property. The appellant stated that a decrease in the ceiling height of the proposed extension from 2.750m to 2.4m should have been conditioned by the Planning Authority to address his concerns in relation to the impact of the proposed extension.
- It is contended in that the proposed extension would have a negative impact upon the appellant's property in terms of the extension protruding above the boundary wall. It is contended that the proposed extension would have an overbearing impact and would affect the outlook from the rear of the appellant's property.
- It is submitted that the proposed extension would not integrate into the existing property and would impact the neighbouring property.

- The proposed development involves alterations to the roof. It is considered that the proposed alterations to the roof would have negatively impact upon the existing design character of the property.
- The appellant has expressed concern regarding potential negative structural impact of the proposed development due to the extent of interior demolition works proposed. Specifically, the appellant stated that the proposed development has the potential to damage the rear boundary wall between the properties. The appellant requested that a structural assessment of the condition of the existing boundary wall should have been undertaken by a qualified conservation engineer.
- Concern is expressed in relation to drainage issues. The appellant stated that there is an ecodrain install within his property adjacent to the boundary. It is considered that if the proposed rear extension were permitted there would be issues with the operation of the drain, that it could become blocked and that it could result in flooding.
- It is submitted that the proposed development would represent an intensification of use which would negatively impact upon the residential amenities of the appellant's property.

## 6.2. Applicant Response

A response to the appeal was submitted by Marston Planning Consultancy on behalf of the applicant, The Burdett Settlement. The issues raised are as follows;

- The proposed development is fully in compliance with Policy AR5 and meets the private open space requirements of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- The extension to no. 12 is solely to the rear only, apart from a new two-storey bay window to the side. The first party highlight the relationship between the application site and the appellant's property no. 11, no. 11 is located due south of no. 12 and there is therefore no potential whatsoever for any overshadowing which is raised in the grounds of appeal.

- The appellant considers that the proposed development would be contrary to Policy AR5 of the development plan which states, *“It is Council policy to: (i) retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.”*

In response to this the first party state that a substantial part of the original building will remain untouched. Policy AR5 encourages the rehabilitation and reuse of older buildings of character and heritage interest. The proposed scheme retains significant parts of the original fabric of the building including almost the entire external façade. The proposal also seeks to bring the house to modern living standards. It is submitted that the changes made from the previously proposed application ensures that the proposal will be fully in accordance with Policy AR5 of the development plan.
- In relation to the issue of overbearing, it is stated in the appeal that proposed extension would double the height of the existing boundary wall. The boundary wall is circa 1.98m high and the height increases to circa 2.5m at the point nearest to the appellant’s property. The proposed rear extension measures 6m by 2.86m and has an area of circa 16.8sq m. Therefore, it is submitted that the proposed extension would not appear over dominant or overbearing and it would not impede the appellant’s ability to further extend their property.
- Regarding the boundary wall, the appellant considers this is an original wall. The first party do not agree this is an original boundary. Best practice will be employed in all construction activities and a structural survey of the joint boundary wall will be undertaken prior to commencement of construction. It is in the best interest of the applicant and the appellant to ensure that the boundary wall remains sound. The applicant is amenable to the attachment of a condition by the Board requiring that such a structural survey and methodology statement for construction against the boundary wall be provided.

- The appellant's concerns in relation to the impact of the proposal on their privacy and amenity are noted by the first party. In relation to the matter of overshadowing, the relationship between the two properties is highlighted. The appeal site is located due north of the appellant's property which will mean that there will be no discernible overshadowing that would impact residential amenity. The BRE Guidelines are clear in stating that developments to the north and single storey will not impact residential amenity due to overshadowing.
- The BRE guide states that: *"It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March."*
- It is respectfully submitted that the orientation of the application site and the appellants property will clearly result in no discernible impact occurring on the rear garden of no. 11 Burdett Avenue. As outlined in the BRE Guidelines, it is not solely at one time of the day that the impact should be considered. However, the first party strongly disagree with the assertion made by the appellant that the proposed rear extension would cause overshadowing.
- The first party respectfully submit that there is no basis for the statement in the appeal that the proposed development would negatively impact on the visual amenity of the area. The first party refer the Board to the proposed design which entails minimal changes to the front elevation and significant improvements which are proposed to the northern elevation which addresses Marine Parade. It is the considered opinion of the applicant's planning consultant that a positive design approach is proposed which will improve the visual amenity of the area.

- Regarding the proposed alterations to the roof, it is stated that the roof style change is minor and will not impact on the setting and character of the area. It is submitted that the proposed changes to the northern elevation including the roof form are entirely positive. This change will not be visible for anyone travelling down Burdett Avenue towards the coast. The hipped roof form to the side of no. 11 will not be visible to people travelling along Marine Parade in either direction. The hipped roof of no. 12 has already been broken with the gable end at second floor level about half way along the northern elevation. The proposed design will represent a double replication of this pattern which is considered a reasonable design approach.
- In relation to the appellant's concerns regarding potential negative structural impact, the applicant's planning consultation confirms that the applicant would be willing to undertake a structural survey of the boundary wall by a suitably qualified structural engineer prior to commencement of construction. It is submitted that the nature of the works are relatively unobtrusive and that it will be managed in accordance with best practice to ensure minimal disturbance to all neighbouring residents.
- Regarding the matter of drainage issues, it is stated that there are no grounds for concluding that the proposal would result in an increased flood risk to the appellant's property.
- In relation to the issue of intensification of use, it is submitted that the proposed extension is moderate, and the proposed internal works would reduce the number of bedrooms within the house.
- The applicant respectfully requests that the Board grant permission for the proposed development. It is in keeping with the character of the existing house, it would enable a significant positive design response so that this corner property addresses the main public road and its coastal views.

### **6.3. Planning Authority Response**

- The Board is referred to the report of the Planning Officer.

- It is considered that the grounds of the appeal do not raise any new matters which would in the opinion of the Planning Authority justify a change of attitude to the proposed development.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and impact upon residential amenity
- Appropriate Assessment

### 7.1. Design and impact upon residential amenity

- 7.1.1. The proposal involves alterations and extensions to an existing three-storey semi-detached dwelling located at Burdett Avenue in Sandycove, Co. Dublin. The subject property no. 12 Burdett Avenue was built circa 1900. The Victorian design of the property and the adjoining semi-detached dwelling is characterised by features to the front elevations including decorative bays and balconies. The appellant contends that the proposed development would be contrary to Policy AR5 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022. Policy AR5 states;

*It is Council policy to:*

*i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.*

- 7.1.2. While, I note that the subject property is not included in the Record of Protected Structures and it is not located within an designated Architectural Conservation Area it is nonetheless an older building which is a fine example of late Victorian residential design. Accordingly, any proposals to alter or extend the property should seek to

protect and enhance the existing design character of the property. Furthermore, I note the prominent corner location of the appeal site.

- 7.1.3. To the front elevation of the dwelling a few minor alterations are proposed these include the insertion of a small circular window to the roof to serve the attic. It is also proposed to relocate the front door to the southern side of the front elevation. I am satisfied that these relatively minor alterations to the façade of the dwelling would not unduly impact upon the overall design character of the property. Alterations are proposed to the northern side elevation with the removal of the existing bay window at ground floor and the provision of a new bay window at ground and first floor. The proposed new bay windows are in keeping with the design of the existing bay windows to the front of the property. The appellant raised concern in relation to proposed alterations to the roof profile. In response to the matter the first party stated that the proposed alterations to the northern elevation including the roof form would be positive. The first party noted that revised roof design would not be directly visible from Burdett Avenue. They noted that the hipped roof of the subject dwelling has already been broken with the previous extension of the property with a gable ended two-storey extension to the rear. They submit that the proposed design represents a double replication of this pattern which is considered a reasonable design approach. I would concur with the points made by the first party regarding the alterations to the roof design. Accordingly, I consider that the revisions to the roof design would integrate well and would be visually acceptable.
- 7.1.4. Overall, I would consider that the proposed alterations to the northern elevation which addresses Marine Parade would significantly improve the visual appearance of this elevation which is highly visible from the public domain along the seafront.
- 7.1.5. Having inspected the site and assessed the proposed plans, I am satisfied that the alterations and extensions to the property represent a sensitive well considered architectural approach that is in keeping with the character of the property and that the changes proposed would integrate well and will have no significant adverse impact upon the streetscape or upon the adjoining house, the appellant's property. Therefore, I considered that the proposed development would be in accordance with Policy AR5 of the development plan.

- 7.1.6. Section 8.2.3.4(i) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to extensions to dwellings. There are a number of specific criteria set out in this section of the Plan which relate to ground floor rear extensions. It is stated that ground floor rear extensions will be considered on their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.
- 7.1.7. The proposed rear ground floor extension has a floor area of circa 17sq m and a flat roof design is proposed. The proposed extension would project out 6m from the existing rear building line and it would be built along the party boundary with the appellant's property. As detailed on Dwg No: GA09 which indicates the existing and proposed South Elevation, I note that the height of the extension would extend above the boundary wall a maximum of circa 1m at the centre of the wall.
- 7.1.8. The main contention of the appellant relates to the scale of the extension, the proximity to their property and the impact that it would have on the daylight and sunlight which their property would receive. They contend that the proposed development would cause overshadowing and have an overbearing impact.
- 7.1.9. The appellant's property no. 11 Burdett Avenue adjoins the subject dwelling and is situated immediately to the south. The both the subject dwelling and the appellant's property have been extended to the rear at ground and first floor levels. I have examined the proposed plans and elevations and having regard to the location of the appellant's property to the south of the proposed extension I am satisfied that there would be no undue overshadowing as a result of the proposed development.
- 7.1.10. Regarding the matter of overbearing impact, I note the first party response to the matter which refutes the appellant's assertion that the proposed rear extension would double the height of the existing boundary wall. I note that the height of the southern rear boundary wall varies from 1.98m at the lowest point at the centre to a maximum height of 2.5m. The height of the proposed rear extension which features a flat roof design is 3.05m. Therefore, given that the height of the extension would be a maximum of 1m above the height of the lowest point of the boundary wall, I am satisfied that it would not appear overly dominant or have an overbearing impact upon the appellant's property.

- 7.1.11. Therefore, having regard to the site context and single storey nature of the proposed rear extension, I consider that it would not result in an undue overshadowing or overbearing impact upon the appellant's property.
- 7.1.12. The appellant raised concerns regarding potential negative structural impact to the party boundary wall to the rear of the dwellings. In response to the matter the applicant's planning consultation confirms that the applicant would be willing to undertake a structural survey of the boundary wall by a suitably qualified structural engineer prior to commencement of construction. It is submitted that the nature of the works are relatively unobtrusive and that it will be managed in accordance with best practice to ensure minimal disturbance to all neighbouring residents. I note that in the grant of permission the Planning Authority attached a condition which specified that during construction works for the proposed development including demolitions and the construction of the extension that the works shall be monitored on site by a suitably qualified Structural or Chartered Engineer. I consider that is an appropriate response to ensure that no undue damage occurs to the building and other structures including the party boundary wall. Furthermore, in order to assess the existing structural integrity of the rear party boundary wall I consider that it would be appropriate as suggested by the first party that prior to construction that a structural survey be undertaken by a suitably qualified structural engineer.
- 7.1.13. Accordingly, to address these matters, should the Board decide to grant permission I would recommend the attachment of a condition requiring that a structural survey of the rear boundary wall along the southern site boundary be carried out by a suitably qualified Structural Engineer and that during construction works, including demolitions that the works shall be monitored on site by a suitably qualified Structural or Chartered Engineer.

## **7.2. Drainage issues**

- 7.2.1. The appeal refers to concerns in relation to surface water drainage and specifically potential impacts from the development of the rear extension upon the surface water drainage within the appellant's property. In response to the matter the applicant's planning consultant stated that there are no grounds for concluding that the proposal would result in an increased flood risk to the appellant's property.

7.2.2. The surface water layout is indicated on Drawing No.GA02. A separate surface water system is proposed within the site. The surface water generated within the site will be discharged to a soak pit proposed to the front of the dwelling. The Drainage Planning Section in their report dated the 15<sup>th</sup> of February 2021 stated that they were satisfied with the proposals subject to the soak-pit being designed to BRE Digest 365 including that they be located a minimum of 5m from any building/structural foundation and 3m from adjoining property boundaries. Furthermore, in relation to the disposal of surface water on site the Planning Authority has also attached a condition requiring that the driveway/parking/hardstanding area be constructed in accordance with sustainable drainage systems (SUDS). Should the Board decide to grant permission I also consider that it is appropriate to include this requirement by condition. Accordingly, having regard to the fact that the surface water generated within the site will be disposed of via an on-site infiltration system and subject to the provision of SUDS measures to the proposed parking/hardstanding area on site, I am satisfied that the proposed development would not generate undue surface water flooding on site or impact upon the surface water drainage within the appellant's neighbouring property.

### 7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development comprising alterations and extension of an existing residential dwelling on serviced land within an established urban area, and the 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 recommended that permission be granted for the following reasons and considerations.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the design and scale 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 or of property in the vicinity, and would comply with the provisions of the Development Plan. 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 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. 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.

3. The new driveway/parking area shall be constructed in accordance recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the Planning Authority.

**Reason:** In the interest of public health and to ensure a proper standard of development.

4.

- (i) Prior to the commencement of development, a structural survey of the rear boundary wall along the southern site boundary shall be carried out by a suitably qualified Structural Engineer.
- (ii) The construction works for the proposal, including demolitions and the extension construction shall be monitored on site by a suitably qualified Structural or Chartered Engineer.

**Reason:** In the interest of the amenity and the proper planning and sustainable development of the area.

5. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

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

6. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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:** In order to safeguard the residential amenities of property in the vicinity.

7. 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.

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

8. The flat roof of the proposed single-storey, rear extension shall be accessed for maintenance purposes only.

**Reason:** To protect the amenities of the area and for clarity.

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Siobhan Carroll  
Planning Inspector

26<sup>th</sup> of August 2021