



Development

Permission for development consisting of demolition of existing three storey, four bedroom house and the construction of a three story, five bedroom house, a roof terrace and a garage, and all associated site works.

Location

Whitestacks, Killiney Hill Road,
Killiney, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D21A/0224

Applicants

Jennifer and Andrew Jackson

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellants

Jennifer and Andrew Jackson

Observers

1. Brendan and Fionnuala McCabe
2. Karen Keaveney

3. Gerard MacCarthy Jnr, Gerard
MacCarthy Snr & Colette
MacCarthy
4. Lorna McDermott
5. Anthony and Ursula Hussey

Date of Site Inspection

7th February 2022

Inspector

Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site is a mature residential area featuring a mix of two and three storey dwellings in a variety of architectural styles. The subject site has an area of 0.1004Ha and is a corner site located on the western side of Killiney Hill Road in Killiney, Co. Dublin.
- 1.2. More specifically, the subject site comprises of a c. 275sqm three storey, 4-bedroom detached dwelling, known as Whitestacks, accessible off a private cul de sac off Killiney Hill Road. This dwelling was built in the late 1960's/early 1970's. The site's front boundaries (south and east) feature an existing stone clad wall and established hedge. There is a level difference across the subject site, falling from c. 97m A.O.D. in the north-western corner to c. 92m A.O.D. at the south-western corner and to c. 91m along the southern and western boundaries. Due to the difference that exists level wise across the site, part of the lower floor level comprises a basement. The subject site also falls within the Killiney Architectural Conservation Area.
- 1.3. To the immediate west of the site is Villa Alta, a three storey detached dwelling. To the immediate north of the site is Derryolan, a two storey detached Tudor style dwelling. The site's southern and eastern boundaries are flanked by a private road and Killiney Hill Road, respectively. To the south, on the opposite side of the private road is two storey detached period house known as Killiney House, which is a Protected Structure (RPS No. 1661) and to the east, on the opposite side of Killiney Hill Road, is Bramley Cottage (a 2-storey semi-detached dwelling) and the vehicular access to Paddock Wood (a part 2-part 3 storey detached dwelling which sits to the north-east/behind Bramley Cottage).

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing 275sqm three storey, four bedroom house known as Whitestacks and construction of a detached 5 no. bedroom dwelling and garage. The proposed dwelling has an area of 398.6sqm and comprises a 3 storey dwelling with roof terrace. The maximum height of the dwelling is 12.569 metres.

2.2. The dwelling has a contemporary design and materials/finishes comprise white render finish, timber cladding, weathered stone and zinc finish roofing. Access to the dwelling is via an existing entrance featuring centrally on the site's southern boundary, which will be remodelled to provide separate pedestrian and vehicular gates. Save for this, existing perimeter planting and boundaries are to be retained.

3.0 Planning Authority Decision

3.1. Decision

On 13th May 2021, the Planning Authority refused permission for the following 2 no. reasons:

- 1. The proposed development does not accord with the provisions of Section 8.2.3.4(xiv) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 regarding Demolition and Replacement Dwellings, in that strong justification has not been provided for the demolition of the dwelling as it appears that the existing dwelling is not beyond repair due to structural defects, and is of adequate structural condition. Furthermore, as the application site is located within Killiney Architectural Conservation Area, the proposed development would be contrary to Section 8.2.11.3(i) New Development within an ACA, which states, inter alia, that demolition of structures that contribute to streetscape character will not normally be permitted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would set a poor precedent for similar type development in the area.*
- 2. Having regard to the overall design, bulk, in particular at first and second floor levels, scale, massing and finishes it is considered that the proposed development would be visually obtrusive, incongruous, and overly dominant when viewed from adjoining property, along the streetscape of the cul de sac, the adjoining Killiney Hill Road and the surrounding area. Furthermore, having regard to the overall height of the proposed development, it is considered that the proposed development may give rise to some undue overshadowing impacts onto adjoining property. The proposed development would be out of character with the adjacent development in the area and would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would,*

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

3.2. Planning Authority Reports

3.2.1. Planning Report

- It is not considered that the applicants have provided adequate justification/rationale for the loss of the existing dwelling on site, contrary to the requirements of Section 8.2.3.4(xiv) of the Development Plan. It has not been demonstrated that the existing building is incapable of viable repair and re-use. It is considered that the existing house on site does not unduly impact on the character of the Killiney Architectural Character Area.
- The overall floor area and internal floor areas of the proposed dwelling is considered acceptable with regard to the provisions of the Quality Housing for Sustainable Communities-Best Practice Guidelines 2007 for a four-bedroom, three storey house and with regards to the current Development Plan.
- Although the proposed amenity space is positioned to the front of the proposed dwelling, the open space layout is considered acceptable in this instance having regard to the existing site layout which comprises of open space to the front.
- Having regard to the separation distances from the existing dwelling to Derryolan (north) and Villa Alta (west) and the existing pattern of development in the area, it is considered that the proposed development would comply with Section 8.2.8.4(ii) of the Development Plan.
- Having regard to the height of the proposed dwelling and its length forward of the building line of Villa Alta, it is considered that the proposed development would appear visually overbearing when viewed from Villa Alta. Furthermore, having regard to the height of the proposed dwelling and its proximity to the adjoining property, the proposed dwelling would give rise to overshadowing concerns. At second floor level, the west-facing balcony would give rise to overlooking of the front garden on Villa Alta but this is not considered to be serious overlooking.

- The second floor kitchen window could result in overlooking to the north. This could be dealt with by condition in the event of a grant of permission. Having regard to the existing dwelling, it is not considered the proposed windows on the side or northern elevations will create any new overlooking possibilities.
- The proposed second floor level balcony is considered to have the potential to give rise to more serious overlooking than the south-facing windows featuring on the existing dwelling. However, given the position of the balcony relative to the outbuilding to the south and the topography of the area, further clarity would be required in terms of cross-sections through the site to the south to ascertain the level of overlooking, if any, of the grounds of the Protected Structure. In the absence of such information, the proposed development is considered to be contrary to the 'A' zoning objective.
- Having regard to the dwelling's setback adopted from Killiney Hill Road and the siting of dwellings to the east of this road, it is not considered that the proposed dwelling would give rise to undue impacts on property to the east of Killiney Hill road in terms of overlooking, overshadowing or overbearing appearance.
- It is considered that the proposed development would be visually obtrusive and would be out of character at this location.
- Given the topography of the site, the site sits lower than the dwellings to the north and west and the mature perimeter hedging/planting screens the existing house from Killiney Hill Road and at the entrance to the private road. While the proposed dwelling is 'of its time' and of modern design, which may be acceptable within an ACA, it is considered that in this case the proposed development due to its design, height, bulk, scale, massing, finishes and roof profile would be out of character with the surrounding area, would be visually obtrusive and overly dominant at this location, would constitute a visually incongruous feature in the streetscape which would be out of character with the established pattern of development in the area, would have a negative impact on the visual amenity of the area and therefore be detrimental to the special character of the Killiney ACA.

- As there is no increase in the number of buildings at this location as a result of the subject proposal, the proposal would be acceptable having regard to the O/O zoning.
- Having regard to the minimal loss of original boundary treatment and the significant amount of soft landscaping/planting being retained, it is considered that the remodelling works to the existing entrance are acceptable from a visual amenity perspective and would not have a detrimental impact on the character and setting of the Killiney ACA.

3.2.2. **Other Technical Reports**

Drainage Planning (19/04/2021): No objection, subject to conditions.

Transportation Planning (04/04/2021): No objection, subject to conditions.

Environmental Health Service (21/04/2021): No comment to make.

Conservation Officer: No report received

3.3. **Prescribed Bodies**

Irish Water/Heritage Council/An Taisce/Failte Eireann/Arts Council/Department of Culture, Heritage and the Gaeltacht: None Received

3.4. **Third Party Observations**

10 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Obstruction of views;
- Overdevelopment of the site;
- Excessive size, scale and height of the proposed dwelling;
- Impacts on daylight/overshadowing of windows on adjacent properties;
- Overshadowing of adjacent open space areas;
- Lack of response to topography of the site and sensitivity of the area;
- Unsuitable architectural style/out of character;

- Loss of privacy/overlooking;
- Existing house should be renovated rather than a new dwelling being constructed;
- Lack of information on plans regarding site levels and enclosure of roof terrace;
- Inconsistent with Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Killiney Architectural Conservation Area;
- Clarity sought on how excavation works are to be undertaken;
- Photomontages don't show sufficient views from neighbouring properties;
- The precedents referenced in the planning application material are irrelevant to the subject proposal;
- Applicant did not engage with neighbours prior to lodgement;
- Devaluation of property;
- Roof terrace is extremely problematic element of proposal;
- Concerns regarding demolition and construction traffic impacts; and
- Contrary to policy requiring preservation and protection of prospects/views from Killiney Hill.

4.0 **Planning History**

4.1. **Subject Site**

4.1.1. There have been no previous applications pertaining to the subject site of relevance.

4.2. **Adjacent Sites**

4.2.1. There has been a number of recent applications on sites adjacent to the subject site that are pertinent to the current proposal. This is summarised overleaf.

Derryolam, Killiney Hill Road, Killiney, Co. Dublin (immediately north of the subject site)

PA Reg. Ref. D06B/0090

This application related to a proposal for construction of a first floor extension to the rear with single storey extension with balcony over to side. Permission was granted on 3rd April 2006, inclusive of the following condition (Condition No. 5):

'The proposed balcony shall be omitted. Access to the flat roof shall be restricted for maintenance purposes only. The proposed door providing access to the balcony shall be omitted.'

Reason: *To prevent overlooking of the property to the south.'*

Killiney House, Killiney Hill Road, Killiney, Co. Dublin (south of the subject site, on the opposite side of the private road)

PA Reg. Ref. D18A/0240

Permission was granted in March 2018 for refurbishment works to existing sliding sash windows of the main house, including renewal and upgrading of draft proofing, replacement of cracked and broken panes of glass, remedial works to existing cords, weights and internal timber shutters, replacement and refitting of appropriate ironmongery and the provision of new internal secondary glazing with opening sections to match locations of existing sashes and all necessary repairs to frames generally.

PA Reg. Ref. D19A/0315 (Parent Permission)

Permission sought for: 1. restoration, refurbishment and extension of the coach house for use ancillary to the main residence, Killiney House, including minor alterations to the interior, alterations to the non-historic roof, alterations to existing fenestration, provision of a rear extension, a side extension and a light metal frame to support existing 100 year old wisteria and removal of non-historic lean-to projection and non-historic chimney. 2. Refurbishment of the non-historic guesthouse, to include: - removal of the contemporary conservatory and timber decking; introduction of a new natural slate roof; extension of the guesthouse to link to the coach house, construction of an extension to the east and minor alterations to the fenestration. 3. Introduction of a contemporary glass house in the north-eastern corner of the walled garden connected to the coach house. 4. Construction of a contemporary garden room within

the walled garden. 5. Introduction of a contemporary light metal frame containing a childrens play area. 6. Introduction of a glazed porch to the front of Killiney House. 7. Setting back of the existing entrance gates, reconstructing existing historic piers, minor modifications to the existing boundary wall, removal of existing non historic gates and replacement with a new pair of wrought iron gates. Permission was granted in May 2019, inclusive of the following condition (Condition No. 2):

‘That the glazed porch to front of Killiney House (floor area of 9.5sq.m) shall be omitted from the development hereby permitted.

Reason: *In order to safeguard the special architectural or historical interest of the building.’*

PA Reg. Ref. D20A/0960

Permission was granted in February 2021 for amendments to previously granted permission Reg. Ref. D19A/0315 for the demolition and reinstatement of existing coach house walls due to structural inability and replacement of same using the salvaged stone.

PA Reg. Ref. D21A/0564

Permission was granted in September 2021 for amendments to previously approved Reg. Ref: D20A/0960 consisting of: - A: Changes to the proposed ground and first floor wall layouts of the coach house, extension to the roof dormer element and changes to the window fenestrations throughout; and B: Proposed demolition and rebuild of the non original single storey guest house and conservatory, replacement with a single storey building.

PA Reg. Ref. D21A/0962

This application relates to a proposal for a semi-basement structure containing a swimming pool, associated changing and shower facilities, an external zen garden with access steps and glass balustrade, with proposed planting and associated amendments to previously approved Reg. Ref. D19A/0315 landscape plan, to accommodate semi basement structure, its access, planted roof and rooflight. This application is currently being considered by Dun Laoghaire Rathdown County Council and they issued a further information request on 21st December 2021, seeking clarification regarding modifications to previous approvals proposed, seeking

additional rendered images/CGIs, seeking a Site-Specific Construction and Environmental Management Plan and confirmation of the area of the overall lands subject to the application.

Cuil Aluinn, Killiney Hill Road, Killiney, Co. Dublin (north-west of the subject site)

PA Reg. Ref. D14A/0469 (Appeal Reference PL06D.244513)

This application related to a proposal for the demolition of the existing dwelling and garage and the provision of a new two storey over garage 4-bedroom dwelling and all associated site works. The Board, concluding that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience, having had regard to the residential zoning of the site and the nature/scale of the proposed development, granted permission for this application in July 2015.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2016-2022

The subject application was originally assessed having regard to the Dún Laoghaire Rathdown County Development Plan 2016-2022. This has subsequently expired.

5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028

In the intervening period since the subject application was determined, the Dún Laoghaire Rathdown County Development Plan 2022-2028 has been adopted by the elected members and came into effect on the 21st April 2022, save for a no. of sections which have been deleted pursuant to a Ministerial Direction issued in accordance with Section 31(4) of the Planning and Development Act, 2000 (as amended). The applicable sections are: - Section 12.3.8.8 O/O Zone and associated text/symbols appearing on development plan maps; the policy section on 'Notable Character Area Exclusions' under Section 4.3.1; and the first paragraph of Section 12.3.3 Quantitative Standards for All Residential Development.

5.2.1. Land Use Zoning

The site is zoned Objective 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective '*to provide residential development and improve residential amenity while protecting the existing residential amenities.*'

5.2.2. **Other Relevant Sections/Policies**

The subject site falls within the Killiney Architectural Conservation Area and within the area subject to Specific Local Objective 130. Specific Local Objective 130 seeks to *'ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.'* Killiney House and its associated outbuildings to the south of the subject site is a Protected Structure (RPS. No. 1661).

The following policies are considered relevant to the consideration of the subject proposal:

Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings

'It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).'

Section 8.4.5 Policy Objective GIB6: Views and Prospects

'It is a Policy Objective to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects.'

Table 8.1 identifies Killiney Hill from Vico Road, Station Road and the East Pier as a prospect to be preserved

Section 11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

'It is a Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*

- ii. *Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. *Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. *Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.*
- v. *Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. *Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.'*

Section 11.4.2.2 Policy Objective HER14: Demolition within an ACA

'It is a Policy Objective to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA.'

Section 12.3.7.7 Infill

'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings.'

Section 12.3.9 Demolition and Replacement Dwellings

'The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant.'

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.'

Section 12.4.5.6 Residential Parking

A car parking rate of 2 spaces per dwelling is specified for sites located within Parking Zone 3.

Section 12.4.6 Cycle Parking

'Cycle parking should accord with the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards'.

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of 3+ bed dwelling houses.

Section 12.4.8.3 Driveways/Hardstanding Areas

'A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS.'

Section 12.4.8.4 ACAs/Protected Structures

'Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted.'

Section 12.8.3.3 Private Open Space (i) Private Open Space for Houses

All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building. The minimum requirements are as follows: - 1-2 bedroom 48sq.m.; 3 bedroom 60sq.m; and 4 bedroom (or more) 75sq.m. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc.

Section 12.11.4 New Development within an ACA

'A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale.

All planning applications for development within an ACA shall have regard to the following criteria:

- All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should be to a high standard of design and should have a positive contribution to the character of the ACA.*
- Demolition of structures that contribute to the streetscape character will not normally be permitted. Where demolition is proposed a key consideration is the quality of any replacement structure and whether it enhances/contributes to the ACA.*
- Where proposals include modifications and/or alterations, extensions, or roof alterations affecting structures within an ACA, these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development, which would be detrimental to the character of either the structure, or its setting and context, within the ACA.*
- When considering development of a site within an ACA (including backland sites), proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.*
- Where development proposals seek to amalgamate one or more sites, the scheme will be required to demonstrate sensitive planning and design treatment. The onus will be on the applicant to demonstrate that the special character of the ACA will not be adversely affected.*
- The Council will seek to encourage the retention of original features where appropriate, including windows, doors, renders, roof coverings, and other significant features of buildings and structures or otherwise whilst simultaneously*

encouraging a continued diversity of sensitively scaled contemporary and energy efficient designs.'

5.3. Killiney Architectural Conservation Area Character Appraisal and Recommendations, December 2010

5.3.1. The site is located in Killiney Architectural Conservation Area. More specifically, of the 11 different Character Areas identified, this site is located in Character Area 1 (Killiney Village). Killiney Village is stated as forming an identifiable visual and focal point for the ACA. It is the meeting point of a number of communication lines, a place where, besides being at a roads junction a number of walking routes converge. The pedestrian link through Claremount Road connecting the two hills, though not well flagged, is particularly important.

5.3.2. The following General Policy Objectives outlined in Section 10 are considered relevant in this instance:

- *The Council will not normally consider the demolition of a structure without proposals for re-development, and will seek to ensure that demolition if permitted will be followed by continuous re-development building operation.*
- *The Council will seek to prohibit the demolition of structures that positively contribute to the character of Killiney ACA, except in exceptional circumstances in accordance with Policy AR12 of the County Development Plan 2010-2016. Where demolition of a building/structure/item is considered, within the ACA, one of the key considerations that will be taken into account is whether the quality of the new structure will visually enhance and enrich the area.*
- *The designation of Killiney ACA does not preclude the sub-division of dwellings into apartments, extensions, or for „sensitive infill“ in accordance with land-use zoning objective 0/0 of the County Development Plan 2010-2016, or „change of use“, and the re-use of existing entrances/maintenance of original boundary walls where appropriate in order to maintain the essential character of Killiney ACA.*

5.3.3. The following guidance set out in Section 10 in relation to new builds is considered relevant in this instance:

- *The Council will seek to ensure that any development including modifications and/or alterations or extensions affecting structures within the Killiney ACA, are*

designed and sited appropriately and are not detrimental to the character of the structure or its setting and context within the ACA.

- *The Council will encourage where appropriate the use of non-reflective glazing to exposed elevations containing a low solid to void ratio (i.e. large extent of glazing relative to masonry). In considering all proposals for building/structures, the Council will seek to encourage the development of new buildings in Killiney ACA in accordance with County Development Plan Policy as being a stimulus to imaginative, high quality, passive design, and an opportunity to enhance the ACA generally. In this regard appropriately scaled new build should have respect for the site/building context, without imitating earlier styles.*
- *In Killiney Village Character Area 1 (Map of Character Areas shown in Appendix 3), (generally), the Council will encourage a sensitive design approach to infill/gap sites, to maintain the overall integrity of the urban grain, whilst also encouraging where appropriate, contemporary designs that are complementary and/or sympathetic to their context and scale. Particular regard will be had to roofscape treatment to avoid large unbroken flat roof spans.*

5.4. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.4.1. The subject site is within the Killiney Architectural Conservation Area and Killiney House and its associated outbuildings to the south of the subject site is a Protected Structure (RPS. No. 1661). Therefore, the 'Architectural Heritage Protection, Guidelines for Planning Authorities' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives: a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and b) for preserving the character of architectural conservation areas.

5.4.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures or within an Architectural Conservation Area. Section 3.10 of the Guidelines relates to proposals within an Architectural Conservation Area and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure

or an Architectural Conservation Area. In the context of proposals within an Architectural Conservation Area, demolition of a structure that contributes to the character of an ACA is discouraged and the visual impact of new development on its setting should be minimised. Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area is encouraged. In the context of proposals proximate to a Protected Structure, care should be taken to ensure proposals do not have an adverse effect on the special interest of the protected structure. When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.

5.5. Quality Housing for Sustainable Communities (2007)

5.5.1. These guidelines outline a target gross floor area of 120sqm for 4-bedroom/7-person three-storey dwellings. The Guidelines also recommend the following:

- A main bedroom area of at least 13sqm (minimum width 2.8 metres);
- A single bedroom of at least 7.1sqm (minimum width 2.1 metres);
- An aggregate bedroom area of 43sqm;
- Main living room with a minimum floorspace of 15sqm (minimum width 3.8 metres);
- An aggregate living area of 40sqm; and,
- Storage space of 6sqm.

5.6. Natural Heritage Designations

5.6.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the Dalkey Islands SPA (Site Code 004172) and Rockabill to Dalkey Island SAC (Site Code 003000), located c. 1.7km east and 1.9km north-east, respectively.

5.7. EIA Screening

5.7.1. Having regard to the nature and scale of the proposed development and its location in a serviced 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

A first party appeal against the decision to refuse permission by the planning authority has been lodged by O'Keefe Architects on behalf of the applicant. A Building Condition Report, an updated Architectural Conditions Assessment of the Existing House, a Report on the Architectural/Historic Significance of the Existing House, a Shadow Study Report and contextual photomontages accompany the appeal for the Board's consideration. The appeal also includes revised plans (Drawings No. Sy-02, Sy-05, Sy-10.1, Sy-10.2, ABP-01, ABP-02, ABP-03, ABP-04, ABP-05, ABP-10.1, ABP-10.2, ABP-11, ABP-20, ABP-21 and ABP-22, prepared by O'Keefe Architects) in response to the Planning Authority's reasons for refusal of planning permission. These revised plans included the following amendment: - a 0.6 metres reduction in the building height.

In summary, the grounds of appeal can be summarised as follows:

- In the context of the first aspect of the Planning Authority's first refusal reason (demolition of the existing house): - Demolition of the existing dwelling is appropriate as the existing building has exceeded its 50-year design life and has the following issues: - uncertain structural integrity, significant damp penetration and perforated damp proof membrane, wet rot and poor thermal performance, as detailed in the Building Condition Report accompanying the appeal. Further to this, the existing dwelling is non-compliant with current Building Regulations.
- In light of the current structural and building fabric condition of the existing dwelling, even if all issues/non-compliances were addressed the resultant building would be much less energy efficient than the proposed dwelling. The most environmentally friendly and sustainably responsible route to replace the existing dwelling on site, particularly in light of the environmentally friendly measures being adopted in the construction of the new dwelling. Further to this, the cost of repairing the existing dwelling would be far greater than to build a

new house. Provision of a new, low energy building is consistent with Section 8.2.4(xiv) of the Development Plan.

- In the context of the second aspect of the Planning Authority's first refusal reason (demolition of the existing house in the context of the ACA): - The supporting Heritage Impact Assessment Report, prepared by Slattery Conservation, prepared subsequent to the Planners decision confirms the original assessment that the existing building is of no importance to the heritage and visual aesthetic of the streetscape and ACA and is uninteresting architecturally i.e. is of no consequence or significance to the ACA.
- In the context of the Planning Authority's second refusal reason: - the Killiney Architectural Conservation Area is home to many large contemporary buildings, including Cuil Aluin and Tenerife, and the Killiney Architectural Conservation Area Character Appraisal (December 2010) was prepared before they were developed. The proposed development is consistent with these recently developed dwellings.
- The proposed dwelling was designed to fit in with its surrounding context, respecting the urban grain, matching the scale and massing of existing buildings and protecting neighbouring residential amenity.
- The Planners Report acknowledges that the proposed dwelling is acceptable in terms of compliance with a no. of elements of the development plan standards/requirements, including O/O zoning, internal areas, private amenity space, separation distances, residential amenity in the context of overlooking, access/parking and drainage.
- The proposed balcony at second floor level on the southern elevation is at a very similar level to the existing second floor balcony off the master bedroom, from which no overlooking occurs.
- Whitestacks is invisible/remote from view from Killiney Hill Road due to its orientation and the local topography. Therefore, it is diminutive and does not have any role in the character of the streetscape and area's composition. The applicant contends that the 'gap' created by the existing dwelling on site weakens the area and is disruptive to the otherwise excellent strong urban form

of the area. The proposed dwelling has been designed to make a greater contribution to the neighbourhood, adopting a more consistent scale, mass and bulk more akin to the surrounding properties.

- The design response for the proposed house includes the following features and strengths:
 - the placement of the new house respects the geometries/respective building morphologies and orientations created by Killiney Hill Road and the cul de sac;
 - the new plan form is in a similar location to the existing building but is more compact than the existing building allowing greater setback from site boundaries shared with neighbouring properties;
 - the plan form 'twists' to accommodate and respect the two road geometries;
 - the house plan has a more vertical mass which emulates the vertical massing of the neighbouring dwellings, especially those on Killiney Hill Road;
 - the subject site is one storey lower than the Derryolan site and two storeys lower than Villa Alta. The new dwelling has been designed to match the adjacent scale/massing and complete the local morphology;
 - the new building form and mass take up and act to join the two building lines and heights. The eastern elevation looks to match the adjacent Derryolan and the western elevation adjacent to Villa Alta steps up to connect that side;
 - the proposed dwelling is sited further away from the northern and western boundaries to make more space between dwellings and allow more light to the applicable neighbours;
 - the steep sloping profile of the site is reflected in the stepped floor plans, using the sloping profile and its topography as part of the expression of the house design; and
 - it is proposed to reduce the building height in light of the review carried out by Slattery Conservation as part of the appeal.

- The revised photomontages accompanying the appeal show the existing and proposed house (inclusive of the proposed 600mm reduction in height) in a far wider range of locations and in better context with its surroundings. They illustrate that the proposed dwelling fits into the area and makes little impression on the Killiney Hill Road side. On the cul de sac side, its massing acts to complete the cul de sac and makes a far more pleasing entity of the whole cul de sac. The proposed dwelling is not visually dominant nor out of character at this location and it fits in quietly.
- The design and nature of the scale, mass and bulk of the proposed development is informed by the following: - comparison of surrounding building masses; the width of front facades fronting the cul de sac; the main roof overhang provides shade and also connects the eastern and southern facades, making a feature which acknowledges the corner site location; the new house affords more space between adjacent properties; and the Killiney Hill Road building line.
- With regards to concerns raised by the Planners Report that the proposed dwelling will cause overshadowing, the shadow study accompanying the appeal confirms that the new dwelling will have little impact with regard to overshadowing. The proposed development casts no materially greater shadow onto its neighbours than the existing building casts.
- The existing mature planting and screening is all proposed to be retained and this further softens impact of the new house.

6.2. Planning Authority Response

- 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.

6.3. Observations

5 observations have been submitted within the prescribed time which can be summarised as follows:

- The proposed development, particularly the proposed rooftop viewing balcony, will overlook/negatively impact on the privacy of adjacent properties, including the adjoining garden to the north at Derryolan House and Bramley Cottage and Paddock Wood which are located directly across Killiney Hill Road.
- The proposed dwelling is disproportionate to the height of the surrounding properties. A development of more modest height without a viewing balcony would be much better suited to the site in question.
- Demolition of the existing dwelling featuring on site and the proposed new dwelling on site will be detrimental to the character of the structure/its setting and context within the ACA.
- The proposed development will have a detrimental effect on the preservation and protection of views from Killiney Hill and the Architectural Conservation Area.
- The proposed development contravenes several policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- The public notices did not adequately describe the proposal and the plans submitted do not accurately reflect the existing/proposed development on site, i.e. the roof plan included with the application does not accurately indicate the high level roof proposed over the top deck level and the existing hedgerow between the subject dwelling and Villa Alta is exaggerated. Further to this, the photomontages submitted do not adequately show the impact of the proposed development.
- The proposed dwelling would dominate/negatively impact upon Derryolan House and Villa Alta due to its massing, height, the excessive floor to ceiling heights adopted at second floor level and southern building line proposed.
- The proposed development would overshadow and have an overbearing impact on Villa Alta as well as negatively impact on its aspect and outlook. Further to this, it would depreciate the value of this property.
- Retention and renovation of the existing dwelling is the best solution for the subject site.

- The proposed dwelling blocks views of the Sugarloaf Mountains currently available from Derryolan House, will negatively affect the enjoyment of this property/its residential amenities and as a result will devalue this property.
- Given the price paid for the subject property and the photos of the property published in the Irish Times a few years ago, it seems unlikely that it is beyond repair as suggested by the applicant. Further to this, the Engineering Report submitted with the appeal does not confirm the building is structurally unsound and the Planners Report notes there is in fact someone living there.
- The proposed development is much higher, bulkier, larger and closer to Killiney Hill Road than the existing house, and appears to be designed to maximise views at the expense of local residential and visual amenities, including the visual amenities of the ACA.
- The design response accompanying the appeal includes a 0.6 metre reduction in height from what was originally proposed. It is not considered that this goes far enough and that the submission of material changes at this juncture is inappropriate given that: - a) the appeal was not circulated to third party observers; and b) the amendments to height have not been publicly advertised.
- The proposed development is ultra-modern and entirely out of character with the personality of the road.

6.4. Further Responses

- None.

7.0 Assessment

As part of the grounds of appeal, the appellant submitted additional information and revised plans in response to the Planning Authority's reasons for refusal of planning permission. This additional information/revised plans included the following:

- A Building Condition Report;
- An updated Architects Summary Condition Report;
- A Report on the Architectural/Historic Significance of the Existing House;
- A Shadow Study Report;

- Contextual photomontages; and
- Drawings No. Sy-02, Sy-05, Sy-10.1, Sy-10.2, ABP-01, ABP-02, ABP-03, ABP-04, ABP-05, ABP-10.1, ABP-10.2, ABP-11, ABP-20, ABP-21 and ABP-22, prepared by O'Keefe Architects.

The revised plans submitted include the following amendment: - a 0.6 metres reduction in the building height. The applicants ask that they be read in conjunction with the original reports submitted with the planning application. It is noted that the revised plans submitted with the appeal introduce no new elements or issues which may be of concern to third parties in the context of the proposed development. Accordingly, this assessment is based on the plans and information received by Dun Laoghaire Rathdown County Council on 19th March 2021 as amended by further plans and particulars received by the Board on 9th June 2021.

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Principle of Development/Demolition of Existing Dwelling.
- Visual Impact / Impact on Built Heritage Considerations.
- Residential Amenity of Adjoining Properties.
- Residential Amenity of Proposed Dwelling.
- Access, Traffic and Parking.
- Impact on Protected Views and Prospects.
- Other Matters.
- Appropriate Assessment.

7.1. Principle of Development/Demolition of Existing Dwelling

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land and residential use of the site has been established, with a 3 storey dwelling currently featuring on site. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the

area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.1.2. In its decision to refuse permission, the Planning Authority (in their first refusal reason) has referenced Section 8.2.3.4(xiv) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 regarding demolition and replacement dwellings which states that proposals for single replacement dwellings in urban areas will be assessed on a case-by-case basis (with all such applications to be accompanied by a strong justification / rationale for the works) and that any such developments may only be permitted where the existing dwelling is beyond repair due to structural defects. Notwithstanding the applicant's assertions in the material accompanying the application that the existing dwelling house is of no architectural merit/makes no impression/contribution as regards the Killiney Architectural Conservation Area; the poor quality of the existing dwelling (considerable water ingress to ground/first floors, no insulation and uncertainty about beams and foundation capacity, among other things); the emphasis placed on the higher standard of accommodation and energy efficiency to be provided in the replacement dwelling; and the seemingly prohibitively high costs likely to be incurred in any attempt to retrofit/upgrade the existing construction to meet new building standards; the Planning Authority has formed the opinion that a sufficiently strong justification has not been provided for the demolition of the existing dwelling given the acknowledgement by the applicant that there is '*no evidence to suggest structural issues*' and the fact that the property is currently occupied. They also contend that if permission were to be granted in the absence of a 'strong justification' for the demolition of the existing dwelling, it would set an undesirable precedent for similar type development in the area. Further to the conclusions reached by the Planning Authority in this regard, a no. of the observations on the appeal make the case that demolition is unwarranted as the house can be refurbished.

7.1.3. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note the same policy pertaining to demolition and replacement dwellings features in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, in Section 12.3.9 more specifically. Further to this, the recently adopted Development

Plan also includes a policy (Policy Objective CA6) in Section 3.4.1.2 which seeks retrofit/reuse of existing buildings rather than their demolition/reconstruction for energy conservation reasons. Therefore, the proposed demolition of the existing dwelling still requires consideration in the context of the subject application.

7.1.4. Having inspected the site and reviewed the material accompanying the application/appeal, I would concur with the assessment of the Planning Officer that although remedial works may be required, the existing dwelling is of adequate structural condition and not beyond repair due to structural defects. However, contrary to the opinion formed by the Planning Authority, I do not form the view that this automatically requires that the single replacement dwelling proposal be refused. Having reviewed Section 12.3.9 Demolition and Replacement Dwellings of the Development Plan, it is my interpretation that the requirement to assess proposals for single replacement dwellings on a 'case-by-case' basis can be readily distinguished from the second part of that sentence which states that the Planning Authority 'may' only permit such developments where the existing dwelling is beyond repair due to structural defects, notwithstanding that all applications concerning replacement dwellings should be accompanied by a strong justification / rationale for the works. The use of the terminology 'may' as distinct from 'shall' or 'will' would seem to suggest that there is no overt requirement for an existing dwelling to be structurally unsound and beyond repair so as to warrant its replacement, but rather that any such proposals will be assessed on their merits with a key consideration being the justification provided for same. Indeed, I am aware of multiple examples of replacement housing having been permitted by both the Planning Authority and the Board pursuant to the policy regarding demolition and replacement dwellings originally featuring in Section 8.2.3.4(xiv) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 without there being a need to establish that the dwelling to be replaced is '*beyond repair due to structural defects*'. Therefore, it is my opinion that the reliance placed on the '*adequate structural condition*' of the existing property as a basis upon which to refuse permission is flawed and thus I propose to assess the proposal on its own merits.

7.1.5. In support of the proposed development, further to the BER Primary Energy Analysis (prepared by IHER Energy Services Ltd) and Planning Assessment and Commentary

(prepared by O'Keefe Architects Ltd) that accompanied the application, the first party appeal has been accompanied by a Building Condition Report (prepared by N.J. O'Gorman & Associates) and an updated Architects Summary Condition Report (prepared by O'Keefe Architects Ltd), which aim to lend weight to the wider sustainability of the proposal. In this regard, a particular emphasis has been placed on the poor condition of the existing dwelling and the energy performance/efficiency of the existing and proposed dwellings.

7.1.6. By way of summation, the BER Primary Energy Analysis has determined that the replacement dwelling will achieve an 'A2' BER, which represents a considerable improvement in the 'E2' BER of the existing house. It also asserts that the new construction will provide for a significant improvement in energy efficiency/running costs over the pre-existing dwelling. The Building Condition Report details a significant no. of issues/defects that exist in the context of the existing building's structural frame, including absence of appropriate waterproofing/damp-proofing courses, absence of radon barrier/protection, rising damp/wet rot, inaccessibility/poor layout, cold bridging of walls and poor ventilation/natural light. In light of the foregoing, as well as the fact that the foundation construction/details are unknown, it concludes that the existing dwelling has already exceeded its expected 50-year design life and that the existing property should be demolished in order to construct the proposed dwelling. The updated Architects Summary Condition Report details an extensive list of problems associated with the existing dwelling, including absence of insulation, rot, dampness and water ingress and cracking, and also advises that a number of rooms do not conform with current Building Regulation requirements, including those pertaining to fire, due to the positioning of a no. of rooms, available egress points, non-fire rated floors featuring therein and floor to ceiling heights provided. In combination, they conclude that upgrading/retrofitting the existing structure would be very challenging/costly and recommend demolition/replacement.

7.1.7. The foregoing conclusions subsequently inform the appeal, prepared by O'Keefe Architects Ltd. on behalf of the applicants, which essentially concludes that to upgrade and retrofit the existing building would demand significant resources/result in a poorer performing building than would be achieved by replacing it and it is a far better solution, sustainability wise, to replace the existing house with a new house that is a high-quality

space for modern living, a NZEB low energy building and in compliance with Building Regulations.

- 7.1.8. Having considered information provided by the applicants, and in light of the discretion afforded by Section 12.3.9 of the Development Plan in relation to consideration of dwelling demolition/replacement proposals, I am satisfied that the applicants have put forward a sufficient case/provided an acceptable justification for the demolition of the existing dwelling and the construction of a replacement dwelling. In the context of Policy Objective CA6, I am satisfied that the demolition of the existing dwelling is considered appropriated from an energy conservation perspective. The BER Primary Energy Analysis, prepared by IHER Energy Services Ltd., which accompanied the application outlined that the new dwelling would achieve an A2 BER due to its modern low energy design. This is a vast improvement from the E2 BER afforded the existing dwelling on site. The replacement house will save 4,411MWH of energy and 673 tonnes of CO2 over a 50-year timeframe which will compensate for the energy cost of demolition and rebuild. Having regard to the poor condition of the existing dwelling, the challenges that exist in relation retrofitting the existing dwelling to improve its energy rating and the BER/high standard of accommodation achieved by the proposed dwelling, on balance, I consider dwelling demolition/reconstruction to be an appropriate proposal in this instance.
- 7.1.9. Demolition of the existing dwelling in the context of the Killiney Architectural Conservation Area will be considered subsequently in Section 7.2 of this report.

7.2. Visual Impact / Impact on Built Heritage Considerations

Impact on the Killiney Architectural Conservation Area

- 7.2.1. The proposed development site occupies a prominent location at the junction of Killiney Hill Road and a private road within the Killiney Architectural Conservation Area. The second aspect of the Planning Authority's first reason for refusal to grant planning permission refers to Section 8.2.11.3(i) New Development within an ACA, which states, inter alia, that demolition of structures that contribute to streetscape character will not normally be permitted, and contends that the proposed development would, therefore, be contrary to the proper planning and sustainable development. The

observers on the appeal also contend that demolition of the existing dwelling featuring on site and the proposed new dwelling on site will be detrimental to the character, setting and context of the Killiney ACA.

7.2.2. Although the Dun Laoghaire Rathdown County Development Plan 2016-2022 has expired in the intervening period since this application was determined, I note similar policies pertaining to Architectural Conservation Areas, demolition within an ACA and new development within an ACA feature in the recently adopted Dun Laoghaire Rathdown County Development Plan 2022-2028, in Sections 11.4.2.1, 11.4.2.2 and 12.11.4, respectively. Further to this, the subject site continues to form part of the Killiney Architectural Conservation Area. Therefore, the impact of the proposed demolition of the existing dwelling and new dwelling being constructed on site still requires consideration under the Development Plan in the context of the subject application. Further to this, the appropriateness of the proposed demolition and replacement dwelling requires consideration in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

7.2.3. The site is located in the Killiney Architectural Conservation Area. A map attached to the Killiney Architectural Conservation Area Character Appraisal and Recommendations (December 2010), at Appendix 3, indicates 11 different character Areas. This site is located in Character Area 1 (Killiney Village). Chapter 7 of the report describes each character area in detail. Killiney Village is described as an identifiable visual and focal point for the ACA, which comprises the meeting point of a number of communication lines, roads junction and walking routes converge. The village is more extensive than that part visible from the Hill Road, the fine grain that establishes its essential character extending upwards and to the west along Talbot Road towards Glenalua Road and Claremont Road. This character area has a classic estate village setting where the houses of the estate workers cluster outside the high wall of the grounds of the main house, in this instance Mount Mapas estate, now Killiney Hill Park. This character was reinforced during the mid to late 19th century with the construction of the artisans cottages on the east side of the Hill Road. The Killiney Architectural Conservation Area Character Appraisal and Recommendations (December 2010), at Section 10, discourages the demolition of structures that positively contribute to the

character of Killiney ACA. In the context of new builds in the Killiney Village Character Area, guidance provided in Section 10 encourages *‘a sensitive design approach to infill/gap sites, to maintain the overall integrity of the urban grain, whilst also encouraging where appropriate, contemporary designs that are complementary and/or sympathetic to their context and scale’*.

7.2.4. Although the Planning Authority’s first refusal reason infers that the proposed demolition of the existing dwelling would be contrary to Section 8.2.11.3(i), the Planners Report expands on this point only to say that *‘the existing house on site does not unduly impact on the character of the Killiney ACA’* which contradicts the refusal reasons inference. Upon reading the Planners Report, it appears that the Planning Authority is of the view that the proposed development is contrary to Section 8.2.11.3(i) due to the new dwelling proposed. They contend that it would be detrimental to the special character of the Killiney ACA due to its design, height, bulk, scale, massing, finishes and roof profile being out of character with the surrounding area/the established pattern of development, visually obtrusive/overly dominant at this location, equate to a visually incongruous feature in the streetscape and would have a negative impact on the visual amenity of the area. Irrespective of the divergent sentiments expressed across the Planners Report and the Notification of Decision to Refuse Permission, both aspects of the proposed development will be considered having regard to their potential impacts on the Killiney ACA.

7.2.5. I note, in response to the Planning Authorities refusal reasons, the appeal submitted was accompanied by a Report on the Architectural/Historic Significance of the Existing House, prepared by David Slattery Conservation Architects, as well as additional contextual photomontages, prepared by O’Keefe Architects. These additional contextual photomontages supplement site context photographs and photomontages, both prepared by O’Keefe Architects, which accompanied the original application.

7.2.6. I firstly turn my attention to the potential implications of the proposed existing dwelling’s demolition on the Killiney ACA. The existing house on site comprises a c. 275sqm three storey, 4-bedroom detached dwelling which was built in the late 1960’s/early 1970’s. The Report on the Architectural/Historic Significance of the Existing House, prepared by David Slattery Conservation Architects, which accompanies the appeal

deems the existing dwelling on site not to be of any particular architectural significance as (in summary): - it is a plain 1970's building which is not exemplar of good quality architectural design or building type/plan-form/style of any period; it is not the work of a known/distinguished architect/engineer/designer/craftsperson; the existing dwelling has little or no presence within the Killiney Hill Road streetscape due to its setback, the architectural quality of the existing dwelling and the treatment featuring along the southern and eastern boundaries; and the building interiors are not well designed, rich in decoration, complex or spatially pleasing. The only aspect of the subject property deemed to contribute architecturally to the Killiney ACA to some degree is the eastern boundary wall to Killiney Hill Road and the subject application does not propose to make any changes to this as part of the proposed development. Further to this, the existing dwelling is not considered to be of any significant or special interest when assessed under the remaining 7 headings (historical, archaeological, artistic, cultural, scientific, social or technical interest) set out in the Planning and Development Act, 2000 (as amended). In light of the foregoing, it concluded that the existing dwelling is not considered to contribute to the character of the Killiney ACA and demolition of the same would not constitute the loss of architectural heritage or historic fabric and is not considered to have any appreciable impact on the character of the streetscape or the Killiney ACA.

- 7.2.7. I consider that the proposal to demolish this dwelling is satisfactory and in line with Development Plan policies and the Architectural Heritage Protection Guidelines in relation to the demolition of structures as it is of no architectural merit, it does not contribute in any way to the character of the area/ACA and it is proposed that demolition will be followed with the construction of a new dwelling informed by the characteristics of the ACA/surrounding area (the appropriateness of which will be discussed subsequently).
- 7.2.8. I now turn my attention to the proposed dwelling's suitability in the context of Killiney ACA/adjoining streetscapes. In response to the concerns raised by the Planning Authority regarding the presentation/residential amenity impacts of the new dwelling, the applicants have submitted amended plans that include a 0.6 metres reduction in the proposed building height. These will form the basis of my assessment of the suitability of the proposed new dwelling. On a sidenote, the reduction in height adopted

has been indicated by way of updated floor and roof levels and a visible reduction in the building as drawn detailed on Drawings No. ABP-03, ABP-04, ABP-05, ABP-10.1, ABP-10.2, ABP-11, ABP-20, ABP-21 and ABP-22, prepared by O'Keefe Architects, which accompany the appeal. However, the dimensioned heights included on the proposed elevations and sections have not been updated to reflect the change in building height adopted. Therefore, in the interest of clarity, it is recommended that the Board include a condition requiring that the dimensions included on the proposed elevation and section drawings be updated to reflect the reduction in building height indicated by the floor and roof levels detailed on the applicable drawings.

7.2.9. Policy Objective HER13, featuring in Section 11.4.2.1 of the Development Plan, seeks *'a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style'*. Section 12.11.4 of the Development Plan also outlines that new developments within Architectural Conservation Areas should be site specific, take account of their context without imitating earlier styles and should make a positive contribution to the character of the ACA.

7.2.10. In the context of the new dwelling proposed, the Report on the Architectural/Historic Significance of the Existing House, which accompanies the appeal contends that the proposed new dwelling is of high architectural quality and will sit comfortably in the context of contemporary houses in the area (including Blud Ridge and Knockbo) referenced in the Killiney ACA as well as in the context of the neighbouring dwellings on Killiney Hill Road. The neighbouring dwellings are considered to have informed the proposed dwelling's design, with the proposed dwelling continuing the building line established by Derryolan and Mount Albert and the materials/finishes palette incorporating white render and dark aluminium detailing in response to the detailing of these 2 neo-Tudor houses. The 0.6 metre reduction in height proposed results in the subject proposal matching the Derryolan's ridge height and ensures the existing scale of buildings along this section of streetscape is maintained. In light of this assessment, as well as the screen planting featuring along the street frontages, it concludes that the new dwelling will not have an overbearing or negative impact on the character of

the streetscape of the Killiney ACA and will in fact make a positive contribution to the same. The design/layout of the proposed dwelling in the context of the cul de sac to the south and south-west is discussed, among other things, in the Planning Assessment and Commentary, prepared by O'Keefe Architects, submitted with the application. As illustrated by the illustration featuring at page 11 therein, the building positioning/setback adopted from the site's southern boundary is reflective of the curvature of the building line featuring in the cul de sac. Further to this, they state that the stepped floor plan adopted responds to the slope of the site.

7.2.11. I consider that the site assessment and design response included in the Planning Assessment and Commentary and the site context photographs, photomontages and additional contextual photomontages (all prepared by O'Keefe Architects) submitted with the application and subsequently with the appeal to be very useful as an aid to demonstrate the context of both existing and proposed development. These illustrate that there is no specific architectural style in this area with a huge variety of styles, designs, sizes, building heights, and building lines featuring in the immediate area. Further to this, the visual aids also successfully illustrate the undulating topography of the area within which the proposed dwellings will sit.

7.2.12. The proposed development is certainly very different to the existing development on site. The proposed development is modern and contemporary with a mix of flat and angled roof components. The finishes proposed are of a high quality and include render, timber cladding, weathered stone and zinc finish roofing. In principle, I consider the contemporary approach adopted in relation to the proposed infill dwelling to be an appropriate one in the context of the surrounding dwellings/Killiney ACA and the guidance included in the Development Plan and Architectural Heritage Guidelines. In terms of siting, I consider the building positioning/setbacks adopted from the southern and eastern boundaries appropriately respond to the established building lines of the cul de sac and Killiney Hill Road and the proposed dwelling will sit comfortably in the context of both of these streetscapes in this regard. I also think the stepped nature of the proposed floor plans appropriately responds to the topography of the subject and surrounding sites.

7.2.13. While the subject site, given the plot size, topography and surrounding context, is capable of accommodating a new dwelling of a larger scale than that currently featuring on site, I would have concerns with one aspect of the proposed dwelling in the context of the visual amenity of the area/the Killiney ACA: - the proposed roof terrace. The northern and western edges of the proposed roof terrace are enclosed by a rendered masonry wall and the northern most part of the roof terrace is enclosed with a zinc roof. The masonry wall is adopted to limit views from this space to upper floor windows and balconies associated with neighbouring properties, however despite its good intentions, it comprises a visually prominent feature when viewed from the adjacent streetscapes. The visual prominence of the proposed roof terrace as viewed from the cul de sac is clearly illustrated in Visual Photomontages 1 and 2 Proposed, prepared by O'Keefe Architects, which accompanied the planning application, while the visual prominence of the proposed roof terrace as viewed from Killiney Hill Road is clearly illustrated in Visual Photomontage 4 Proposed. Although the 0.6 metre reduction in the building height encapsulated in the revised drawings accompanying the appeal has improved the proposed dwelling's 'fit' on site and within the cul de sac and Killiney Hill Road streetscapes, I am still of the view that the proposed roof terrace remains a visually obtrusive and overly dominant feature when viewed from adjoining properties, along the streetscapes of the cul de sac and adjoining Killiney Hill Road and the surrounding area. Visual Photomontages 1 and 3 Proposed, prepared by O'Keefe Architects, which accompanied the planning appeal affirm this conclusion regarding the visual prominence of the proposed roof terrace.

7.2.14. It is not considered that this issue necessitates refusal of the proposed dwelling in its entirety but rather inclusion of a condition requiring that the proposed roof terrace be omitted (there are further merits to the omission of the proposed roof terrace, in terms of residential amenity impacts, which will be discussed in Section 7.3 of this report). With the roof terrace removed, I am satisfied that the proposed dwelling will sit comfortably in the context of the cul de sac and Killiney Hill Road streetscapes. The resultant dwelling will adopt a similar ridge height to that of Derryolan to the immediate north and sit lower than Villa Alta to the immediate west which responds to the sloped terrain featuring in this immediate area, while the stepped/modulated form the proposed dwelling adopts ensures Derryolan and Villa Alta retain their visual prominence within the streetscape. Therefore, it is recommended that the Board

include a condition requiring deletion of the roof terrace in order to protect the visual amenity of the area, the adjacent streetscapes and the Killiney ACA.

7.2.15. Having regard to these policies and the guidance included in the Killiney Architectural Conservation Area Character Appraisal and Recommendations (December 2010) and having examined the drawings and visual aids on file, I am of the view that, subject to the deletion of the proposed roof terrace by way of condition, the overall impact of the proposed dwelling will be beneficial to the area. As such, subject to the condition referred to above, I consider that the proposed dwelling is of a high quality design which is appropriate for the Killiney Architectural Conservation Area and will enhance the area and adjoining streetscapes in my view.

Impact on the Killiney House and its Associated Outbuildings

7.2.16. Section 13.8 of the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011) requires that when dealing with applications for works outside the curtilage and attendant grounds of a protected structure which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds. The subject site is located to the north of the Killiney House and its associated outbuildings which is a Protected Structure (RPS. No. 1661).

7.2.17. The subject site's southern boundary sits c. 26 metres north of this Protected Structure. Having regard to the proximity of the proposed dwelling to the adjoining protected structure, the siting of the applicable Protected Structures and the existing site context, the proposed dwelling replacing an existing dwelling currently featuring on site, I have no objections to the proposed development in terms of potential impacts on the adjacent protected structure.

7.3. Residential Amenity of Adjoining Properties

7.3.1. The subject site is currently occupied by a 275sqm three storey, four bedroom house built in the late 1960's/early 1970's which occupies the westernmost part of the site. The existing house extends to a maximum height of 8.789 metres and adopts setbacks of between 3.34 and 4.03 metres from the northern site boundary and between 1.54 and c. 5.2 metres from the western site boundary. The proposed development, as

initially submitted to the Planning Authority, involves the construction of a contemporary, 398.6sqm three storey dwelling with roof terrace located in a similar position to the existing dwelling on site, although it is tilted further eastwards and adopts a greater setback from the site's southern boundary (c. 8 metres as opposed to 5.457 metres) and a lesser setback from the site's eastern boundary c. 19.8 metres as opposed to 23.491 metres), than the existing dwelling on site. The maximum height of the proposed dwelling is 12.569 metres.

7.3.2. One of the primary issues raised by the Planning Authority and observers alike is that the proposed development will have a negative impact on the residential amenities of the nearby properties and the area. In response to the concerns raised by the Planning Authority and owners of the neighbouring properties, the applicant has included revised drawings with their appeal submission which reduce the building height proposed by 0.6 metres.

Property to the North (Derryolan)

7.3.3. The site is adjoined to the north by Derryolan, a two storey detached Tudor style dwelling. The owner of this property, in their observation on the appeal, raised specific concerns about overlooking/negative impacts on their privacy resulting from the proposed development, particularly the proposed rooftop viewing balcony, and the proposed development having a negative impact/dominating their property due to its massing, height, the excessive floor to ceiling heights adopted at second floor level and southern building line proposed.

7.3.4. Before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property, Derryolan, in particular the level difference that exists between the two sites. As is clearly visible when on site and illustrated in the contextual elevations/site sections and photomontages, submitted with the planning application and appeal, the subject site sits lower than the existing dwelling at Derryolan. Due to the c. 6 metre drop that occurs across the subject site, in the northernmost part of the proposed dwelling the ground floor level will sit below Derryolan and the proposed dwelling's first, second and roof terrace levels will sit opposite Derryolan's ground and first floor level.

- 7.3.5. I firstly turn my attention to the matter of overlooking. There are two aspects in relation to potential overlooking from the proposed dwelling that need to be considered in the context of this neighbouring property: - the upper floor level windows and roof terrace proposed. Each of these aspects of the proposed development will be considered, in terms of potential overlooking/loss of privacy, in turn. The first and second floor windows proposed on the dwelling's northern facade will sit proximate to Derryolan's ground and first floor south facing windows and rear amenity space. In general, I do not consider the proposed development would result in any significant or undue overlooking impacts on this property due to the boundary wall/vegetation currently featuring along the common boundary, the separation distance adopted from the common boundary and the majority of the windows being angled/featuring a projection along their northern edge to direct views towards Killiney Hill Road. I do however have concerns regarding potential overlooking from the north facing window associated with the proposed kitchen. I am satisfied however, that this matter can be appropriately dealt with by way of condition of planning permission. Therefore, it is recommended that the Board include a condition requiring that this window be omitted, angled or have obscure glass applied to it to protect the residential amenity of adjacent residents at Derryolan.
- 7.3.6. In terms of overlooking from the proposed roof terrace, the northern edge and western edge (the northernmost part) of the proposed roof terrace are enclosed by a rendered masonry wall which successfully limits views from this space to upper floor windows and private open space areas associated with the neighbouring property to the north.
- 7.3.7. With regards to the potential overbearing impacts on the dwelling to the north, upon review of the plans/visual aids submitted with the application/appeal, I would share some of the concerns raised by the Planning Authority/the owners of Derryolan regarding the proposed dwelling's overbearing impact. More specifically, in relation to the proposed roof terrace. Although successful in restricting overlooking, the masonry wall enclosing the northern/western terrace edges, in combination with the zinc roof which encloses the space, comprises a visually prominent/dominant feature when viewed from the adjacent property to the north in my view. It is not considered that this issue necessitates refusal of the proposed dwelling in its entirety but rather inclusion of a condition requiring that the proposed roof terrace be omitted (further merits for the

omission of the proposed roof terrace, in terms of the Killiney ACA, were discussed in Section 7.2 of this report). In the absence of the proposed roof terrace and in light of 0.6 metre reduction in height proposed, I am satisfied that the proposed dwelling will not have an unreasonable overbearing impact on the property to the north. Whilst I acknowledge that the proposed dwelling is larger/taller and adopts more generous floor to ceiling heights than the existing dwelling featuring on site, I am satisfied that the stepped/modulated form the proposed dwelling, the roof form and varying materials/finishes proposed, in combination with the separation distances adopted, the variation in topography across the subject site and Derryolan, and the presence of intervening features, such as mature planting/boundary walls, would appropriately obviate the scale/bulk/impact of the proposed dwelling so as not to unacceptably undermine the residential amenity of Derryolan by way of overbearing. With regards to the observers contention that the reduction in the setback adopted from Killiney Hill Road also creates an overbearing impact, I consider the setback adopted to be appropriate as it matches that adopted by Derryolan and a generous separation distance exists between the two buildings at this point.

7.3.8. In terms of potential overshadowing, Derryolan's private open space area, which is tiered/elevated, sits immediately north of the proposed dwelling separated by an existing stone boundary wall. In this regard, the appeal is accompanied by a Shadow Study Report, prepared by G-Net 3D. The shadow diagrams contained therein illustrated that the proposed dwelling will cause a limited increase in overshadowing of the adjoining private open space areas. The appellants contend that the resultant shadows cast will not be materially greater than that cast by the existing dwelling/boundary treatments. Having regards to the contents of G-Net 3D's report (the findings of which I deem to be accurate), as well as the variation in topography across two sites, the existing site context and tiered/elevated nature of the adjoining open space area, I am satisfied that the proposed dwelling will not result in unreasonable overshadowing of the private open space associated with Derryolan. It is noted that I am recommending that the Board omit the proposed roof terrace, in the interest of visual and residential amenity (not pertaining to overshadowing impacts), which will further reduce/possibly obviate potential overshadowing impacts to the north.

Property to the West (Villa Alta)

- 7.3.9. The site is adjoined to the west by Villa Alta, a three storey detached dwelling. Expanding on reason for refusal No. 2, the Planners Report (in summary) states that having regard to the height of the proposed dwelling, its length forward of the building line of Villa Alta and its proximity to this adjoining property, it is considered that the proposed dwelling would appear visually overbearing when viewed from Villa Alta and give rise to overshadowing concerns. The owner of this property, in their observation on the appeal, raised specific concerns about overshadowing/overbearing impact the proposed dwelling will have on Villa Alta due to its massing, height and the excessive floor to ceiling heights adopted at second floor level.
- 7.3.10. Again, I think it beneficial to discuss the subject site in the context of its interface with the neighbouring property, Villa Alta, before considering the proposed development's potential impacts in terms of overlooking, overbearing and overshadowing. Similar to the relationship with Derryolan to the north, the subject site sits lower than the existing dwelling at Villa Alta. Due to the change in topography across the subject site, in the westernmost part of the proposed dwelling the ground floor level of will sit below Villa Alta and the proposed dwelling's first, second and roof terrace levels will sit opposite Villa Alta's ground, first and second floor levels.
- 7.3.11. Turning my attention to the matter of overlooking. There are two aspects to potential overlooking from the proposed dwelling that need to be considered in the context of this neighbouring property: - the upper floor level windows and roof terrace proposed. Each of these aspects of the proposed development will be considered, in terms of potential overlooking/loss of privacy, in turn. The proposed dwelling's western façade is devoid of west facing windows at first and second floor levels and the northern facade does not feature any windows proximate to the Villa Alta (it's east-facing windows or rear private open space area). Therefore, there are no opportunities for overlooking from habitable windows featuring in the proposed dwelling in my view.
- 7.3.12. In terms of overlooking from proposed terrace/balconies serving the new dwelling on site. The western edge of the roof terrace, where it sits opposite of the habitable room windows and the south facing balcony associated with Villa Alta, is enclosed by a

rendered masonry wall which successfully limits views from this space to upper floor windows and private open space areas associated with the neighbouring property to the west. Further south, where the roof terrace sits opposite Villa Alta's front garden, glass balustrade screening features along the roof terrace's western edge. Having visited the appeal site and the immediately surrounding area, I would not consider the area to the front of Villa Alta to constitute an area of private amenity space in the context of overlooking consideration. The area is open, elevated and clearly visible to persons traversing the cul de sac. In light of this, I do not consider the proposed roof terrace will unreasonably overlook this area. I share the same view in relation to overlooking of Villa Alta's front garden from the second floor balcony proposed off the study hub/lounge.

7.3.13. With regards to the potential overbearing impacts on the dwelling to the west, the same concerns as expressed in relation to Derryolan exist in the context of Villa Alta. More specifically, in relation to the proposed roof terrace. As previously discussed, the masonry wall enclosing the northern/western terrace edges and the zinc roof enclosing the space, comprises a visually prominent/dominant feature including when viewed from the adjacent property to the west in my view. This issue is not considered to necessitate refusal of the proposal in its entirety but rather inclusion of a condition requiring that the proposed roof terrace be omitted. Subject to the deletion of the proposed roof terrace/the 0.6 metre reduction in building height, the proposed dwelling will sit well below the ridge height of Villa Alta and I am satisfied that it will not have an unreasonable overbearing impact on the property to the west. Whilst I acknowledge that the proposed dwelling is larger/taller and adopts more generous floor to ceiling heights than the existing dwelling featuring on site, I am satisfied that the stepped/modulated form the proposed dwelling, the roof form and varying materials/finishes proposed, in combination with the separation distances adopted, the variation in topography across the subject site and Villa Alta, and the presence of intervening features, such as mature planting, would appropriately obviate the scale/bulk/impact of the proposed dwelling so as not to unacceptably undermine the residential amenity of Villa Alta by way of overbearing.

7.3.14. In terms of potential overshadowing, Villa Alta's private open space area sits immediately north-west of the proposed dwelling, separated by a row of established

vegetation/trees. In this regard, the appeal is accompanied by a Shadow Study Report, prepared by G-Net 3D. The shadow diagrams contained therein illustrated that the proposed dwelling will cause a very limited increase in overshadowing of the adjoining private open space areas. The appellants contend that the resultant shadows cast will not be materially greater than that cast by the existing dwelling/boundary treatments. Having regards to the contents of G-Net 3D's report (the findings of which I deem to be accurate), as well as the variation in topography across two sites, the existing site context, I am satisfied that the proposed dwelling will not result in unreasonable overshadowing of the private open space associated with Villa Alta. It is noted that I am recommending that the Board omit the proposed roof terrace, in the interest of visual and residential amenity (not pertaining to overshadowing impacts), which will further reduce potential overshadowing impacts to the north-west.

Properties to the South and East

7.3.15. The subject site is bounded by a private road to the south and by Killiney Hill Road to the east. On the opposite side of the private road is two storey detached period house known as Killiney House, which is a Protected Structure (RPS No. 1661) and to the east, on the opposite side of Killiney Hill Road, is Bramley Cottage (a 2-storey semi-detached dwelling) and the vehicular access to Paddock Wood (a part 2-part 3 storey detached dwelling which sits to the north-east/behind Bramley Cottage).

7.3.16. With regards to overbearing and overlooking, a no. of the observations received contend that the proposed dwelling, due to its three storey height and proposed roof terrace, will overlook and have overbearing impacts on the adjacent properties at Bramley Cottage and Paddock Wood. I do not consider that the proposed dwelling would result in any negative impacts on the residential amenity of the adjacent properties to the south and east by way of overlooking or have an unreasonable overbearing impact on these properties due to the separation distances (c. 36 metres in the context of Killiney House, c. 33.5 metres in the context of Bramley Cottage and c. 73 metres in the context of Paddock Wood) that exist between the proposed development and the applicable dwellings, the existing site context, the modulated/stepped presentation of the proposed dwelling, the varying materials/finishes utilised and the existing vegetation on site which is to be retained as

part of the subject proposal (as well as the vegetation that features along the northern boundary in the context of Killiney House).

7.3.17. Given the orientation of adjacent dwellings to the south and east of the proposed development and the separation distances that exist between the proposed dwelling and these dwellings, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties by way of overshadowing. The Shadow Study Report, prepared by G-Net 3D, which accompanies the appeal found that no such overshadowing would occur in the context of these neighbouring properties. I concur with the findings contained therein.

7.4. Residential Amenity of Proposed Dwelling

7.4.1. The proposed 5-bed detached dwelling has a total floor area of 398.6sqm across the 3 floors and roof terrace, which is well in excess of the requirements set out in the Quality Housing for Sustainable Communities, 2007. Further to this, the size and dimensions of the proposed bedrooms, living rooms and storage areas also exceed the requirements specified in this regard. Having reviewed the proposed floor plans, I am satisfied that the houses are suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.

Section 12.8.3.3 of the Development Plan requires that 4 bedroom (or more) houses are provided with a minimum of 75sqm of private open space. Upon review of the plans submitted, the majority of the c. 430sqm established garden serving the existing dwelling will be retained to serve the proposed 5-bed dwelling, which complies with the quantitative requirements. Although provided to the front of the proposed dwelling, as opposed to the rear, the proposed private open space area is considered to be appropriately screened to provide an adequate level of privacy to future residents. Further to this, the majority of the front garden is maintained in grass/landscaped consistent with the requirements of Section 12.4.8.3 of the Development Plan. The ground private open space area is supplemented by 2 no. balconies at second floor level and a roof terrace. As discussed in the previous sections of this report, it is proposed to delete the roof terrace by way of condition in the interest protecting the residential amenity of neighbouring properties. In the absence of this private open space area, the proposed dwelling is still considered to provide sufficient private open space to serve future residents of the proposed dwelling.

7.5. Access, Traffic and Parking

7.5.1. The proposed dwelling will utilise the existing vehicular access off the private road flanking the site's southern boundary, located in the south-western corner of the site. The width of the existing access will remain unaltered but it will be remodelled to provide separate vehicle and pedestrian gates and will feature rendered masonry walls and timber clad gates, replacing an existing c. 2 metre high non-original decorative cast iron gates. The established hedgerow currently featuring along the remained of the property's street frontage is to be retained as part of the proposed development. The remodelled vehicular access will provide access to a new garage/storage structure located in the south-west corner of the site, an undercroft carport and an extended external car parking area to the side/front of the new dwelling. It would appear that the rendered masonry walls and timber clad gate proposed adopt the same height as the c. 2 metre high fence currently featuring on site, however, this is not entirely clear from the plans submitted. To ensure the proposed wall/gate in fact adopt a similar height to the existing gate they are replacing and the Killiney ACA is not negatively impacted upon by this aspect of the proposed development, consistent with the requirements of Section 12.4.8.4 of the Development Plan, it is recommended that a condition be attached requiring that the height of the proposed wall/gate be limited to 2 metres and the exact materials/finishes and specs be agreed with the Planning Authority. In the context of Section 12.4.8.4 of the Development Plan, I note the proposed removal of the existing vehicular entrance gate is considered appropriate in this instance as it is non-original and makes no meaningful contribution to the applicable ACA.

7.5.2. Having regard to the standard of the road network in the area and the fact that the proposed dwelling replaces an existing similarly scaled dwelling on the subject site, it is my view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion. Further to this, in the context of Specific Local Objective 130, given the limited nature of the proposed development (a single infill house), it is not considered that the proposed development would generate traffic volumes which would necessitate road widening or other significant improvements that would significantly detract from the character of the area.

7.5.3. In terms of car parking provision, the proposed garage, carport and external parking area provide space for well in excess of the 2 cars required pursuant to Section 12.4.5.6 of the Development Plan to park. With regards to bicycle parking provision, bicycle parking spaces have not been delineated on the drawings. However, it is considered there is ample space within the carport and garage/storage structure proposed to accommodate bicycle parking.

7.6. **Impact on Protected Views and Prospects**

7.6.1. The Dún Laoghaire Rathdown County Development Plan 2022-2028 and the Killiney Architectural Conservation Area Character Appraisal, December 2010, identify views and prospects to be protected. It is a policy of the Council (Policy Objective GIB6), as set out in the Development Plan, to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects. Table 8.1 of the Development Plan lists the prospects to be preserved and this includes Killiney Hill from Vico Road, Station Road and the East Pier. The views/prospects for protection are shown on Maps 4 and 7 of the Development Plan.

7.6.2. The observers contend that the proposed development will have a detrimental effect on the preservation and protection of views/prospects of Killiney Hill. In considering the impact of the development from the locations where these prospects are protected, one must reasonably have regard to a wide range of factors including the distance of the viewpoint to the development the subject of the appeal, the form, scale, height and bulk of this development, its siting, the context within which it is set, its distinctiveness or its attributes that allude to its ability to stand out as a feature within the protected views, etc. The subject site sits a minimum of 200 metres west of Vico Road and Station Road, thus slightly offset from Killiney Hill which sits directly north of the applicable sections of road, and the land featuring in the intervening space features extensive tree cover/existing buildings and slopes seawards. Given the subject sites proximity to Vico Road and Station Road and the locational context, I conclude that the proposed dwelling does not block any of the protected views. Further to this, the development constitutes a three storey infill dwelling which sits lower than a no. of dwellings featuring further north on Killiney Hill Road and therefore in my view, due to

its siting, scale and form, does not constitute a distinct or prominent feature in itself to which the eye is drawn when taking in the panoramic views that constitute the protected views on Vico Road or Station Road. Having regard to the above, it is concluded that the proposed dwelling does not adversely impact on protected views and prospects in this area.

7.7. Other

7.7.1. *Procedural Issues* - I note that there are a number of procedural issues raised within the observations on the appeal received. Firstly, the observers contend that the public notices did not adequately describe the proposal and the plans submitted do not accurately reflect the existing/proposed development on site. In this regard, I note that the development description utilised in the public notices and the information contained within the plans/material accompanying the application were considered to be clear, unambiguous and acceptable by the Planning Authority and the application was deemed valid. Having reviewed both aspects of the application material and considered the matter, I do not consider that the development description utilised/material submitted with the planning application are inadequate so as to warrant invalidation of the application or for the purposes of determining the proposal before the Board. Secondly, the observers contend that the applicant's submission of material changes (i.e. the 0.6 metre reduction in building height) at this juncture is inappropriate given that: - a) the appeal was not circulated to third party observers; and b) the amendment to height has not been publicly advertised. In the context of the first aspect of this item, I note that, pursuant to the requirements of Article 69(1) of the Planning and Development Regulations 2001 (as amended), third party observers were appropriately notified by Dun Laoghaire Rathdown County Council that an appeal in relation to this application had been lodged with the Board. In the context of the second aspect of this item, given the reductive nature of the amendments to height encompassed in the first party appeal, it was not deemed necessary to seek submissions or observations from third party observers pursuant to the requirements of Section 131 of the Planning and Development Act, 2000 (as amended).

7.7.2. *Loss of Views* – I note that a number of observations received contend that the proposed dwelling will obstruct views of the Sugarloaf Mountains currently available from adjoining properties and therefore will negatively affect the enjoyment of these properties. I note that the views in question are not of public interest nor are they

expressly identified as views/prospects worthy of preservation in the Development Plan (the proposed dwelling's potential impact on protected views/prospects in the surrounding area were discussed in an earlier section of this report). They are essentially views enjoyed by a private individual from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with their existing views.

7.7.3. *Devaluation of Property* - I note that the Planning Authority's second refusal reason and a number of observations on the appeal received raise concerns in respect of the devaluation of properties in the immediate surrounds. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity, subject to condition.

7.7.4. *Development Contributions* – I refer to the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020. It is recommended that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.8. **Appropriate/Environmental Assessment**

7.8.1. Having regard to the nature and scale of the proposed development (a single house within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.8.2. In the context of the Specific Local Objective 130, for the aforementioned reasons, it is not considered that the proposed development will have a significant negative impact on the environmental sensitivities in the area.

8.0 Recommendation

- 8.1. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

9.0 Reasons and Considerations

Having regard to the location and zoning of the site and its established residential use, the nature/topography of the receiving environment, and to the design, massing and scale of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with and would satisfactorily integrate into the built environment, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not materially and adversely affect the character of the Killiney Architectural Conservation Area and would be acceptable in terms of traffic safety. 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 received by An Bord Pleanála on the 9 th June 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 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.	The proposed development shall be amended as follows: a) The proposed wall/gate featuring along the site's southern boundary will have a maximum height of 2 metres.

	<p>b) The roof terrace and associated stairs at second floor level shall be deleted.</p> <p>c) The north-facing window serving the kitchen shall be omitted, angled or have obscure glass applied to it to restrict potential overlooking.</p> <p>d) The dimensioned heights included on the proposed elevations and sections shall be updated to reflect the 0.6 metre reduction in building height indicated by the floor and roof levels provided on the drawings.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity and to protect residential and visual amenity, including of the Killiney ACA.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including that of the proposed wall/gate featuring along the site's southern boundary, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
4.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense. The Applicant will repair any damage to the public road arising from carrying out the works.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

7.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, particularly the Killiney Architectural Conservation Area.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<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 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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Margaret Commane
Planning Inspector

19th May 2022