



An
Bord
Pleanála

Inspector's Report

ABP-310866-21

Development

Permission for development of land to the side of the existing house, consisting of the subdivision of the site and the construction of a new detached dwelling house of one and two stories on the new site formed, and all associated site works.

Location

Heathfield, 30, Killiney Heath, Killiney, Co. Dublin, A96 FN36.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/0386

Applicant(s)

Mairea Dowling

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Mairea Dowling

Observer(s)

1. Carol- Anne Bergin and Ian Wallace

Date of Site Inspection

29th October 2021

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.245 hectares and is located at the junction of the Killiney Avenue road and the cul de sac of Killiney Heath, Killiney, Co. Dublin.
- 1.2. The Killiney Heath housing estate is located on the lands that once formed the grounds of Killiney Park House. The house was demolished in 1965 to facilitate the redevelopment of the lands to become the Killiney Heath Estate. The houses date to c. the late 1960's/ early 1970's and are of their time.
- 1.3. The existing house on the plot consists of a large L shaped bungalow which has previously been extended. The house and associated gardens have been well maintained and the garden is mature with attractive and substantial planting. The house is served by two entrance gates.
- 1.4. The immediate area is characterised by similar development with low density designs of typically large houses on substantial plots. The Killiney Architectural Conservation Area is located in close proximity to the site and there are a number of protected structures in the vicinity.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing conservatory to the side of the existing dwelling and the construction of a detached dwelling of one and two stories in height together with garage, use of existing vehicular access, and associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for one reason as follows:

The site of the proposed development is located within the '0/0 zone' objective as per Map No. 7 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which identifies locations where no increase in the number of buildings will normally be permitted. It is considered that the proposed development by reason of

the site context, and the scale, size, height and layout of the proposed dwelling, would seriously detract from the character of the objective and would, therefore, be out of keeping with the pattern and layout of development in the area. The proposed development would detract visually from the character of the area and its receiving environment, would have negative visually overbearing, and overshadowing impacts on the rear garden of the existing house, and would have limited separation distances to the surrounding boundaries. As such, the current proposal does not meet the development management criteria as set out under Section 8.2.3.4 (viii) for the 'O/O' zone, Section 8.2.3.4(v) Corner/ Side Garden Sites, Section 8.2.3.4(vii) Infill and Section 8.2.8.4 Private Open Space – Quantity (ii) Separation Distances of the Dun Laoghaire- Rathdown County Development Plan 2016-2022, would seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area. Furthermore, the proposal would help set a poor precedent for similar type development in the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planning report expressed concern in relation to a number of aspects and concluded that the proposed development does not represent small scale or adequately sensitive development.

3.2.2. Other Technical Reports

Transportation: No objection subject to conditions.

Drainage: Further Information Required.

3.3. **Prescribed Bodies**

- **Irish Water:** No objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. A total of 4 No. third party observations were submitted to the Planning Authority. Two were in support of the proposed development and two expressed concerns similar to the observation submitted to this appeal.

4.0 Planning History

- 4.1.1. None relevant.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- The subject site is zoned A: 'To protect and/or improve residential amenity'.
 - Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas
 - The site is also subject to the O/O zoning objective- Section 8.2.3.4 (viii)
 - Corner/ Side Garden Sites - Section 8.2.3.4 (v)

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are:
- Rockabill to Dalkey Island SAC is approximately 2.2km from the site.
 - Dalkey Coastal Zone and Killiney Hill pNHA is approximately 0.7km from the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development comprising the construction of a new detached house there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The proposed development is a well designed and appropriate form of development that accords with the policies and objectives of the Development Plan.
- A detailed explanation of the design is set out in the appeal.
- There is precedent in the area for development of this kind.
- A number of possible amendments have been submitted to address the concerns of the adjacent landowners as follows:
 - The removal of the garage
 - Maintain a 7m distance from the western boundary by reducing the building by 1375 in width.
 - The boundary to the north could be moved to form a straight line such that the new building sits fully within the site.
- The preference would be to retain the building as originally designed.
- Shadow Analysis Drawings have been submitted with the appeal together with a revised site layout plan indicating the revised proposals.

6.2. Planning Authority Response

- The Planning Authority still considers that the proposal and the proposed design amendments/ modifications, do not address the concerns of the Planning Authority.
- This includes the character of the site, the character of the surroundings, the 'O/O' zoning objective, and also the close proximity of the proposed detached

house to the surrounding boundaries and in particular to the existing rear garden area.

6.3. Observations

6.3.1. One observation has been submitted which can be summarised as follows:

- Concern regarding proposed works to party boundary.
- Concern regarding impact on trees along the boundary.
- Further Clarification required on the scale and scope of the proposed development including an Arborist's report on the risks and life expectancy of existing trees.

7.0 Assessment

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

- Impact on Visual Amenities
- Impact on Residential Amenities
- Appropriate Assessment

7.2. Impact on Visual Amenities

7.2.1. The site is subject to residential policy O/O where no increase in numbers of buildings will normally be allowed. Section 8.2.3.4 (viii) of the Plan sets out policy for the O/O zoning. Small scale sensitive infill may be considered in these areas on suitable sites.

7.2.2. The site is a prominent site at a corner location adjacent to Killiney Architectural Conservation Area. I would consider it to be the most prominent site within the Killiney Heath Development having regard to the elevated nature of road leading up

the site from Killiney Avenue, the corner location, and the proximity to the ACA. I note also that there are a number of protected structures in the vicinity.

- 7.2.3. The site is large, however the parent dwelling on the site consumes a significant area of the site and the proposed development is to be located to the side in a smaller part of the site. The site would be visible from two internal cul de sacs serving Killiney Heath in addition to Killiney Avenue.
- 7.2.4. The proposed dwelling is large in size with a stated floor area of c. 305m² and is close to the rear and side site boundaries. Whilst there has been some limited development in the area, including a contemporary dwelling under construction on the opposite side of the road in a significantly less prominent site, I do not consider that this site is suitable for the type of development proposed.
- 7.2.5. The O/O zoning objective provides for small scale sensitive infill housing that would not detract from the character of the area either visually or by generating traffic volumes that would cause congestion issues. I note that it is proposed to use an existing entrance and consider that the proposed development would be acceptable from a traffic safety point of view.
- 7.2.6. The planner's report considers that the proposed development does not represent small-scale, or adequately sensitive development. This is with regard 'to the notable character of the area i.e. of large low rise houses on large sites, well separated from all their boundaries...'. It is further considered that having regard to the proximity to the parent house and the proximity to the boundaries, the proposed dwelling would noticeably not be in-keeping with the prevailing character of the area and previous pattern of planning permissions and house developments in the vicinity.
- 7.2.7. I concur with the views of the planner. I am of the view that the proposed development is oversized for this particular unforgiving site location. I am of the view that the design is visually interesting and of high quality, but is unsuitable for this location. I consider that the amendments proposed in the appeal including the removal of the garage and the setting back of the development further from the rear boundary would provide for only a minimal improvement in terms of overall visual impact. The policy set out for this area requires small scale and sensitive development. In my opinion this is a sensitive site which requires a discreet and sensitive design and I consider that the scale, design, and proximity to the

boundaries would not constitute sensitive infill development in the O/O zone in accordance with Development Plan policy for the area.

7.3. Impact on Residential Amenities

- 7.3.1. The main concerns raised regarding impact on residential amenities relate to impact on the parent dwelling in terms of distances to the boundaries, overbearing impacts, and overshadowing. Concern is also raised regarding the impact of the development on No. 29 Heathfield which is directly adjacent to the site and in particular the impact on the boundary and existing trees between the properties.
- 7.3.2. I note that the applicant owns the existing dwelling on the site and the proposed dwelling is stated to be for her daughter. The site has been divided in an unusual manner and the boundaries are untypical in relation to the set back from the parent dwelling. The proposed side gable of the proposed house forms the boundary with the existing house. The appeal explains this as '*a deliberate move to ensure that all of the application site remains usable area.*' It is intended that the proposed house would form the third side of a courtyard which belongs entirely to the parent dwelling. The planning authority considers that this would have an overbearing impact on the rear private space of the existing dwelling.
- 7.3.3. Having inspected the site and considered the design rational, I am of the view that the proposed proximity to the parent dwelling would enhance the private amenity space proposed for the parent dwelling and as such, I have no objection to same. I note that Figure 2 of the appeal response indicates a 'line of possible alternative boundary to the side'. I acknowledge that this may be a better option for the applicant if it was intended to sell the site in the future, however there is no indication that the land owner wishes to do this at present. As such, I have no objection to the boundary line as proposed in the original application.
- 7.3.4. I have noted the shadow analysis submitted with the appeal and I consider that there is minimal impact on the existing dwelling by reason of overshadowing.
- 7.3.5. I consider that there is no direct overlooking between the proposed development and No. 29 Heathfield due to the layout of the development proposed and the distance from the proposed development. There is a mature boundary of trees and hedgerow

at this location and the main concern expressed relates to the impact of construction on same. Revised proposals submitted with the appeal response omit the garage from this location and pull the proposed house back 7m from the boundary by altering the internal layout. The observation submitted notes these proposals, but remains concerned in relation to the trees at this location and considers that further clarification is required in relation to the works together with an Arborists Report.

- 7.3.6. I am satisfied that the revised proposals are adequate to address the concerns raised in relation to the impact on trees. Should the Board be minded to grant permission, I note that revised floor plans have not been submitted but I consider that this could be addressed by condition. As such, I am satisfied that the proposed development would not have an undue impact on the residential amenities of adjoining properties.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, an infill site in a serviced urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission is refused.

9.0 Reasons and Considerations

The site of the proposed development is located within the '0/0 zone objective as identified on Map No. 7 of the 2016-2022 Dun Laoghaire Rathdown County Development Plan, which identifies locations where no increase in the number of buildings will normally be permitted. It is considered that the proposed development by reason of its size, scale, design and proximity to the site boundaries does not

represent small scale, sensitive infill development and would be detrimental to the visual amenities of the area and would be out of keeping with the pattern and layout of development in the area. The proposed development fails to accord with the provisions of Section 8.2.3.4 (viii) 'O/O Zone', in the Dun Laoghaire Rathdown County Development Plan 2016-2022, and would set an undesirable precedent for future development in the area. It is considered that the proposed development would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

26th November 2021