



An
Bord
Pleanála

Inspector's Report ABP 310982-21

Development

Permission is sought for demolition of existing garage and single storey extension to rear and the construction of a new two storey extension to front and rear of dwelling. The new extension is to include rooflights to proposed roof, internal modifications and connection to all main site services and associated works.

Location

4 Rosary Gardens East, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council .

Planning Authority Reg. Ref.

D21B/0235

Applicant(s)

Damien Kenneally and Clifford Healy.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

Third Party

Appellant(s)

Paul Price and Éilis McDonnell.

Observer(s)

None.

Date of Site Inspection

18th February 2022.

Inspector

Brendan Coyne.

1.0 Site Location and Description

1.1. The site (0.04 ha) is located on the northern side of the Rosary Gardens East cul-de-sac, in Dun Laoghaire, Co. Dublin. The site contains a two-storey semi-detached 3-bedroom dwelling. The dwelling presents a gable elevation with a half-hip roof to the front and a longer 'catslide' roof to the side, incorporating one rooflight and red clay roof tiles. The main entrance door to the dwelling is located along its eastern side elevation. The dwelling contains a single-storey extension to the rear (north). This extension extends along the western boundary and provides a kitchen room. A detached garage is located along the eastern boundary. The side boundaries of the site to the rear of the dwelling comprise walls c. 1.8m high. An access road serving adjacent Bloomfields Shopping Centre runs along the rear northern boundary.

2.0 Proposed Development

2.1. Permission sought for the following;

- Demolition of existing garage and single-storey extension to rear,
- Construction of a new two-storey extension to the side and rear of the dwellings
- The new extension is to include roof lights on the proposed roof,
- Internal modifications and connection to all main site services,
- Associated works.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council GRANTED permission for the proposed development subject to 7 no. Conditions. Noted Condition includes:

C.2 The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

3.2. Planning Authority Reports

3.2.1. Planning Report

The basis for the Planning Authority's decision includes the following:

- The site is subject to zoning objective A, which seeks 'to protect and/or improve residential amenity'. Residential development is permitted in principle under the zoning objective of the site.
- The demolition of the existing rear extension and detached garage is considered acceptable, subject to the remainder of the proposed development being in accordance with relevant policy and objectives of the Dun Laoghaire Rathdown County Council Development Plan 2016-2022.
- The stated gross floor area of the proposed development is 86sqm, and the existing dwelling to be retained is 87sqm.
- The combined floor area of the dwelling and proposed extension is 173sqm.
- The side (eastern) section of the proposed extension will be set back from the front elevation of the main dwelling by c. 2.3m with a first-floor overhang. This will provide a new covered ground floor porch to serve the front door, which is being relocated & re-orientated to face the front of the house.
- The proposed side extension will have a length of c. 9.2m at ground level and c. 10.3m at first-floor level.
- The proposed side extension will project c. 1.9m at ground floor level and c. 3.3m at first floor level from the eastern side building line of the dwelling.
- The existing roof profile will be extended with a new hipped roof design over the new side extension.
- The new hipped roof has a height of + 7.750m, and the existing dwelling has a ridge height of +8.850m.
- The proposed rear (northern) extension will be located on a similar albeit larger footprint of the extension to be removed.

- The rear extension will project c. 4.4m from the rear elevation of the existing dwelling and have a width of 8.8m. This extension will have a flat green roof containing a roof light with a ridge level height of 6.1m
- The proposed external finishes to the side and rear extensions will include clay roof tiles, render finish and new timber casement windows to match the existing dwelling.
- The Planning Authority has previously permitted side and rear single and two-storey extensions in the vicinity.
- Permission was previously refused on the subject site for similar development under P.A. Ref. D20B/0353.
- The Applicants have taken on board concerns raised by the Planning Authority in the assessment of the previous application.
- The proposed new extension's roof ridge height and width have been reduced.
- The changes reduce the extension's scale, bulk, and mass, thereby creating an extension that appears subservient to the main dwelling and designed to integrate and complement the existing dwelling satisfactorily.
- The Planning Authority considers the proposed extensions' design and scale are acceptable.
- The proposed rear extension will project c. 4.4 from the dwelling's rear (northern) elevation.
- There is a long garden located to the rear (north) of the dwelling with a length of c. 18.9m and width of 10.7m.
- Adequate private open space would be maintained to the rear of the dwelling.
- The proposed two-storey rear extension would be located between c.0.1m – 0.4m from the western side boundary shared with no. 3 Rosary Gardens East and c. 1.7m from the eastern side boundary shared with no. 5 Rosary Gardens East.
- The rear building line of the proposed extension aligns with the rear building lines of the neighbouring dwellings to either side.

- The side elevation of the proposed two-storey extension would be located between c. 3.2m and c. 5.2m from the side elevation of no. 5 Rosary Gardens East.
- The eastern side elevation of the proposed two-storey extension includes windows at ground and first-floor level, and the rear (northern) elevation includes windows and a sliding door at ground floor level and windows at first-floor level.
- The proposed first-floor eastern side window comprises frosted glazing.
- Roof lights are proposed to the side and rear of the proposed extension.
- The site is located in an existing urban developed area where a degree of overlooking is already present.
- The proposed extension would not result in overlooking of neighbouring property.
- To address concerns raised in the assessment of the previous application concerning potential overshadowing, the Applicants have submitted a Shadow Study.
- The Shadow Study shows the site's existing and proposed shadow profile on the 21st March and 21st June.
- On review of the Shadow Study and given the location of the proposed extensions and the site's orientation, it is considered that the proposed extension would not result in undue shadowing or overbearing impact on adjacent residential properties.
- The existing dwelling forms part of a small cul-de-sac residential development known as Rosary Gardens East.
- While the dwellings in Rosary Gardens East are not protected structures or located within an Architectural Conservation Area, it comprises an attractive, early 20th Century housing scheme originally built for retired soldiers and sailors after World War 1.
- The cul-de-sac consists of six pairs of semi-detached two-storey houses set back from the street with private amenity space to the rear.

- Some of these dwellings have undergone minor modifications and extended to the side and rear.
- The cover letter submitted outlines the design intent of the proposal and an overview of the proposed development in terms of building lines and building heights of dwellings in the vicinity of the site.
- The proposed development takes cognisance of the established character and pattern of development in the vicinity together with relevant County Development Plan policies and objectives.
- The front building line of the proposed side extension is set back and mirrors the secondary elevation of the adjacent pair of dwellings.
- The ridge height of the proposed extension is similar to the ridge height of the adjacent pairs of dwellings, and the proposed extension roof angle profile matches that of the existing dwelling.
- The proposed works retain features that contribute to character of the dwellings in Rosary Gardens East, in compliance with Policy AR8.
- The site is located a short distance from George's Street Lower, and the rear site boundary runs parallel to the roadway giving access to the car park associated with the Bloomfield's Shopping Centre from Library Road.
- Very limited views of the rear of the site are visible from Library Road.
- The proposed development has been designed to enhance the existing dwelling. It would not detract from the historic streetscape of the existing dwelling as viewed from the public realm in accordance with Specific Local Objective No. 152.
- The applicants are not seeking amendments to the access or parking arrangements that serve the subject site.
- Given the proximity of the site to no. 3 Rosary Gardens East to the side (west), the Applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner would be required.
- Third-Party submission noted.

- Further to Screening Regarding the relocation and reorientation of the front door, the Planning Authority consider that given the location and setback of same within the new extension, it will not have a significant impact on the streetscape or visual amenities of the area., the proposed development would not significantly impact upon a Natura 2000 Site.
- Environmental Impact Assessment Report not required.

3.2.2. Other Technical Reports

Drainage Planning Section: No objection subject to Conditions.

4.0 Planning History

4.1.1. Subject Site

P.A. Ref. D20B/0353 Permission REFUSED for the demolition of existing garage and single storey extension to rear and the construction of a new two storey extension to front and rear of dwelling. The new extension includes rooflights, a dormer window and solar panels to the proposed roof, internal modifications, and connection to all main site services and associated works. The reason for refusal was as follows;

1. Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas) (i) (Extensions to Dwellings) of the County Development Plan 2016-2022 sets out the provisions of the Plan with regard to development of the type proposed. This state, inter alia, that such development will be considered with regard to, for example, the character of the structure, existing roof variations, the visibility of the structure, harmony with adjacent structures and the design and bulk of any roof proposal. Having regard to the proposed development it is considered to be overly bulky, out-of-scale and out-of-character, as well as appearing overly dominant and incongruous with the existing dwelling and pattern of development within Rosary Gardens East. In addition, it is considered the proposed development would seriously detract from the architectural character, context and setting of the existing dwelling and the visual amenities of the established streetscape. The proposed development therefore fails to accord with the provisions of Section 8.2.3.4 Additional Accommodation in Existing

Built-up Areas (i) (Extensions to Dwellings) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the visual amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

4.1.2. **Surrounding Area**

Adjoining site to the east – No. 5, Rosary Gardens East

P.A. Ref. D09B/0386 Permission GRANTED for works to an existing two storey semi-detached house comprising demolition of garage and previous single storey extensions to side and rear; and subsequent erection of two storey extension to rear, single storey extension to side and canopy roof over front door; also additional first floor gable window, velux rooflights and associated site works.

Adjoining site to the west – No. 3, Rosary Gardens East

P.A. Ref. D10B/0245 Permission GRANTED for a new two storey extension (53.4 sq.m) to provide a new kitchen and dining room at ground floor and two bedrooms at first floor to the rear of the existing dwelling.

Adjacent site to the southwest - No. 10 Rosary Gardens East

P.A. Ref. D19A/0026 and ABP Ref. 304131-19 Permission GRANTED ON APPEAL for the demolition of an existing single storey garage to rear, the construction of a two storey extension to side and part two storey, part single storey to rear, enlarging of existing first floor window to rear, solar panels to existing roof to side and rear, widening of existing driveway and all associated site works.

Adjacent site to the southwest - No. 11 Rosary Gardens East

P.A. Ref. D21B/0439 and ABP Ref. 311895-21 CURRENTLY ON APPEAL – Permission GRANTED by the Planning Authority for the demolition of an existing single storey extension to rear and the construction of a new two storey extension to front and rear of dwelling. The new extension is to include rooflights and solar panels

to the proposed roof, internal modifications, a garden shed to the rear of the site and connection to all main site services and associated works.

5.0 Policy and Context

5.1. Development Plan

Dún Laoghaire Rathdown County Council County Development Plan 2016-2022 is the statutory plan for the area. The following provisions are considered relevant:

Land Use Zoning: The site is zoned 'A' with the objective 'To protect and-or improve residential amenity'.

Land adjoining the site to the north is zoned 'MTC' with the objective 'To protect, provide for and-or improve major town centre facilities'.

Specific Local Objective: The site is located within an area subject to Specific Local Objective No. 152, which seeks 'To enhance the character, ambiance and quality of the environment, historic streetscapes and public realm of the residential streets in the areas adjoining Lower George's Street, Dún Laoghaire and in particular, the areas of early twentieth century social housing, to ensure that the public realm in this older residential area - in close proximity to the core business district of the Town - is enhanced, improved and maintained to the standard provided for other residential and business districts adjoining Upper and Lower George's Street' (Section 9 of the Development Plan).

Other Relevant Sections / Policies:

Chapter 6: Built Heritage Strategy:

Section 6.1: Archaeological and Architectural Heritage:

Section 6.1.3: Architectural Heritage:

Policy AR5: Buildings of Heritage Interest: It is Council policy to:

- I. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub

fronts of special historical or architectural interest including signage and associated features.

- II. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.

Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features

(Section 6) - It is Council policy to:

- I. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- II. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas

(i) Extensions to Dwellings:

First floor rear extensions will be considered on their merits, noting that they can often have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing and overlooking - along with proximity, height and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of setback from mutual side boundaries
- External finishes and design, which shall generally be in harmony with existing.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a setback of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties.

This requirement should be ascertained at pre-planning stage. A structural report must be submitted in all instances where a basement or new first/upper floor level is proposed within the envelope of an existing dwelling.

Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

The proposed construction of new building structures directly onto the boundary with the public realm (including footpaths/open space/roads etc) is not acceptable and it will be required that they are set within the existing boundary on site. The provision of windows (particularly at first floor level) within the side elevation of extensions adjacent to public open space will be encouraged in order to promote passive surveillance.

Roof alterations / expansions to main roof profiles - changing the hip-end roof of a-detached house to a gable / 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures.
- Existing roof variations on the streetscape.
- Distance/contrast/visibility of proposed roof end.
- Harmony with the rest of the structure, adjacent structures and prominence.

Dormer extensions to roofs will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries.

The proposed quality of materials/finishes for dormers will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer structure should have regard to existing window treatments and fenestration of the dwelling. Particular care will be taken in evaluating large, visually dominant dormer window structures, with a balance sought between quality residential amenity and the privacy of adjacent properties. Excessive overlooking of adjacent properties should be avoided unless support by the neighbours affected can be demonstrated.

More innovative design responses will be encouraged, particularly within sites where there may be difficulty adhering to the above guidance and where objectives of habitability and energy conservation are at stake.

Section 8.2.11: Archaeological and Architectural Heritage

5.2. Natural Heritage Designations

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 650m northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 750m northwest of the site.

5.3. EIA Screening

Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 third-party appeal was received from Paul Price and Éilis McDonnell, who reside at No.9 Rosary Gardens East, the house located opposite the subject premises to the south of the appeal site. The main grounds of appeal are summarised under the headings below;

Scale, Design and Visual Impact

- The Planning Authority report failed to distinguish the unique historic character of Rosary Gardens and consider the proposed development within the context of Specific Local Objective 152
- The dwelling is semi-detached, not "detached", as referred to by the Planning Authority.
- The proposed rear extension of the proposal has a flat roof and does not include clay roof tiles, as put forward by the Planning Authority. This would be out of character with the existing clay-tiled pitched roof of the dwelling.
- The Planning Authority's judgement that the proposed extension "appears subservient to the main dwelling and designed to satisfactorily integrate and complement the existing dwelling" appears to be based on an uncritical acceptance of the statements of the Applicant's architect. Moreover, the Planning Authority made this judgement without considering the issues raised in the Appellant's third-party observations regarding height and overall design.
- The ridge and eave height of the proposal is notably higher than the ridge and eaves of the adjacent houses.
- The Planning Authority failed to acknowledge that no large side extensions were permitted before the recently built, two-storey, large, flat roof side extension to the side and rear of No. 10 Rosary Gardens East.

- Like the extension to No. 10 Rosary Gardens East, the proposal would result in a very substantial increase in gross floor area (60% in this case) and a significant loss of floor space of the original dwelling GFA (19%). This issue is relevant given the original design of these Garden City cottages.
- The Planning Authority's assessment of the proposed extension's massing, scale, and form is deficient. Given its problematic design and scale issues, the Planning Authority gives insufficient due cognisance to providing reasoned responses for accepting the proposal's design.
- The design of the proposed extension fails to respect the established historic character of the street in terms of ridge height, roof form, or scale.
- In acknowledging that the proposal "would not significantly detract from the character of the surrounding area", it is evident that the Council accepts the proposal will detract from the character of the area. Therefore, the proposal does not accord with SLO 152, which requires that any development must enhance the area.
- The design of any proposal must reinforce the area's historical character, not detract from it, in accordance with SLO No. 152.
- The front and side of No. 4 Rosary Gardens East are visible from the public realm.
- The Planning Authority failed to address the specific visual impact and residential amenity issues raised in the Appellant's third-party observation.
- The Planning Authority did not accurately summarise the Appellant's third-party observations regarding the proposed new front door and window opes on the front elevation.
- The proposed new window to the ground floor front elevation violates the existing house design symmetry of the streetscape architecture.
- The door orientation of the houses has a social-cultural dimension to their historical character, which should not be lost. This was an important design intent in creating a public social realm for returning soldiers and their families.

- The design of the houses along the cul-de-sac exhibit important references such as achieving social interaction and contributing to a positive community experience.
- As detailed in Section 2.1.34 of the Development Plan, heritage areas in the towns and villages of Dun Laoghaire-Rathdown "exhibit a distinct character and intrinsic qualities based on their historic built form and layout".
- Despite acknowledging the relevance of Policy AR8 and SLO 152, the Planning Authority report failed to consider the Garden City streetscape of Rosary Gardens East, with its simple detailing and distinctive roof forms, symmetry of the layout and common design features among the houses, in its assessment of the proposal.
- The Planning Authority did not comment on the proposed change in front door orientation and did not state or comment on the addition of a new window in the front elevation.
- The Planning Authority did not comment on or address the loss of the catslide roof feature, common to nos. 3-4 and 9-10, a dominant feature of houses along Rosary Gardens East.
- Changing the orientation of the front door to face the road, introducing a new window into the existing front elevation, and losing a large section of the catslide roof, as has already been allowed at no. 10, would seriously impact the distinctive character and intrinsic qualities of houses along on Rosary Gardens East.
- The Planning Authority treats the proposed development as though it is not in a street subject to any heritage consideration.
- The Planning Authority failed in its assessment to have due regard to the historic heritage character of Rosary Gardens.
- Reference to the expert opinion of planning consultant Dr. Diarmuid Ó Gráda, as stated in a previous appeal regarding the extension of No. 10 Rosary Gardens East, granted on appeal under appeal ABP Ref. 304131-19.
- If expert planning opinion and the clear intent of protective provisions of County Development Plans continues to be ignored by planning authorities, then the value of the current planning system in preserving historic streetscapes will become questionable at best.

Relevant Context Missing from the Planning Authority's Assessment

- The Board is referred to where Rosary Gardens East is cited in an article by Dr. FHA Aalen of Trinity College Dublin in the Town Planning Review, vol.59, no.3, July 1988, pp.305-323, *Homes for Irish Heroes under the Irish Land (Provision for Soldiers and Sailors) Act 1919*, and the Irish Sailors and Soldiers Land Trust.
- Dr. Aalen described how innovative the design of these houses was - 'concrete block walls [including a continuous cavity between the two block leaves], then something of innovation, were widely used' (p. 312). This article included a photograph of Rosary Gardens East which he describes as 'two varieties of semi-detached houses with striking rooflines' (p. 318).
- Rosary Gardens East is listed in the National Heritage Inventory - Buildings of Architectural Interest in the Borough of Dun Laoghaire (1981), wherein it states that these houses were laid out in pairs in different colours, orange tiled roofs with half-hipped gables; all in 'a rather folksy arts and crafts manner'.
- Rosary Gardens East is an intimate cul-de-sac made up of six fine period buildings with consistent yet varied design, uniform building line and other characteristics.
- Instead of adequately addressing the proposal within the context of the streetscape, the Planning Authority gave a retrospective account of what has been permitted on the cul-de-sac, citing only the prior planning applications.
- None of the applications granted permission prior to that permitted at no. 10 in 2019 affected the front and side of the buildings.
- As was evident to the Board's Inspector regarding the extension eventually granted at no. 10, the extension at no. 10 does not respect the character of the streetscape. In hindsight, it is now more important not to allow ill-considered designs in the future.
- Photo submitted of No. 3 Rosary Gardens East, wherein the appellants put forward the extension permitted under P.A. Ref. D10B/0245 takes into account the characteristic catslide roof feature and Arts and Crafts roof form of the house by extending the original roof plane into the half-hip roof over the rear extension. In addition, it retains and matches the red clay roof tiles that mark out the period context of these houses. This extension shows how it is possible to enlarge this

type of house while maintaining its essential character and enhancing the area's character without detracting from the streetscape.

6.2. Applicant Response

The Applicant's response is as follows;

- The extension's design has been developed to provide a harmonious extension to the existing house.
- The house is not a Protected Structure or located within an Architectural Conservation Area.
- The character of the cul-de-sac has been significantly altered over the years, with the provision of new extensions to the side and rear of dwellings and the painting of original exposed blockwork.
- The proposal is designed to lessen any negative impact to the cul-de-sac, neighbouring properties and the original house.
- Rosary Gardens East was built in 1924 when the socio-economic landscape in Ireland was much different than now. Then, Dublin's population was a fraction of what it is now, and Dun Laoghaire was a small village outside the city.
- Rosary Gardens East was originally built as retirement homes for war veterans. Now, given the naturally evolved demographics of the area and the housing crisis, there is a need to densify existing land.
- The proposed extension seeks to provide energy efficiency in using new technological advancements and high-quality materials without compromising the integrity of the original home.
- The building's side extension has been set back to minimise its impact on the streetscape, particularly from Library Road. This allows the home to retain the legibility of the original roof profile.
- The proposed development seeks to improve both the internal and external amenity space of the Applicant's family home.
- The two-storey element is set back from both boundaries to protect the amenity of neighbouring property.

- The height of the side extension has been lowered significantly to that of the original house ridge to ensure the extension is subservient to the existing house.
- The massing and configuration of the front elevation are broken down by introducing a further setback at ground floor level to form a covered entrance.
- The materials and fenestration have been chosen and configured to be sympathetic in tone and texture with the original house.
- The front door has been re-oriented to address the entrance to the site. This repositioning helps offer passive surveillance to the Applicant's family home and provides a more apparent address to the cul-de-sac street.
- The applicants have engaged wholeheartedly with the planning process and where the Case Officer made recommendations during pre-planning consultation, took these recommendations on board and revised the scheme accordingly.
- The proposal follows precedent grants of permission for extensions to houses of a similar 'Arts and Craft' style.
- Rosary Gardens East in Dun Laoghaire, Seafort Avenue in Sandymount and St. Barnabas in East Wall have similar house extensions in line with this proposal. However, many of these extensions exceed the height and width of the proposed extension.
- The existing cat slide roof is an underutilised space on the site. Redesigning a section with a second floor provides better use of the site. The addition of a green roof helps increase biodiversity and reduces surface runoff water of rain.
- There would be no substantial additional overshadowing and overlooking as shown in the 3D modelling exercises.
- Existing boundary treatments are respected, and no oversailing of the boundary lines is proposed.

6.3. Planning Authority Response

The Planning Authority's response is as follows;

- The Planning Authority considers the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

None

7.0 Planning Assessment

I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority was satisfied that the proposed development would not adversely impact the residential amenity of adjacent property by way of overlooking, overshadowing or overbearing impact and accords with relevant policies and objectives of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022. Having examined the application details and all other documentation on file, I consider that the main issues for consideration are those raised in the grounds of appeal. This can be addressed under the heading 'Scale, Design and Visual Impact'. I am satisfied that the Planning Authority fully addressed all other issues and that no other substantive issues arise. The issue for consideration is addressed below.

7.1. Scale, Design and Visual Impact

- 7.1.1. The third-party Appellants grounds of appeal are detailed in Section 6.1 above. In summary, the Appellants object to the proposed development on the grounds that the Planning Authority failed to distinguish the unique historic character of Rosary Gardens East, with reference to the layout, form and design detail of houses along the street. The Appellants contend that the Planning Authority's assessment of the proposal is deficient, with no consideration of the loss of the catslide roof feature common to dwellings nos. 3-4 and 9-10 along Rosary Gardens East, the change in orientation of the proposed new front door and the proposed new window to the front elevation of the dwelling at ground floor level. The Appellants put forward that the design of the proposed extension fails to respect the established historic character of the streetscape with regards to its ridge height, roof form and scale. The Appellants put forward that the ridge height of the proposal would be notably higher than adjacent

houses, and the proposed new window to the ground floor front elevation would violate the design symmetry of the existing house and detract from the architecture of the streetscape. Furthermore, the Appellants contend that the loss of a large section of the catslide roof would seriously impact the distinctive character of Rosary Gardens East. The Appellants consider the orientation of the 'front door' in the side elevation of the dwelling should be retained as its orientation has a social-cultural dimension that forms part of the historical character of the dwelling, replicated in other houses along the cul-de-sac. The Appellants also put forward that the proposal would result in a substantial increase of 60% in the gross floor area and loss of floor space of 19% of the original dwelling, which is relevant to the original design of this Garden City cottage. On this basis, the Appellants consider the proposed development would adversely impact the heritage and character of the area and would be contrary to Development Plan policy and objectives, including Specific Local Objective No. 152, Specific Policy AR8 and Sections 2.1.34 and 6.1 of the Development Plan. The Applicant contests these grounds of appeal, as detailed in Section 6.2 above.

7.1.2. The site is within an area subject to Specific Local Objective No. 152, which seeks;

'To enhance the character, ambiance and quality of the environment, historic streetscapes and public realm of the residential streets in the areas adjoining Lower George's Street, Dún Laoghaire and in particular, the areas of early twentieth century social housing, to ensure that the public realm in this older residential area - in close proximity to the core business district of the Town - is enhanced, improved and maintained to the standard provided for other residential and business districts adjoining Upper and Lower George's Street' (Section 9 of the Development Plan).

7.1.3. Policy AR8 under Section 6 of the Development Plan refers to 'Nineteenth and Twentieth Century Buildings, Estates and Features' where;

'It is Council policy to:

- (i) Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- (ii) Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such

as roofscapes, boundary treatments and other features considered worthy of retention.

- 7.1.4. Section 6.1 of the Development Plan refers to Archaeological and Architectural Heritage and Section 2.1.34 refers to 'Existing Housing Stock and Densification'.
- 7.1.5. The existing dwelling comprises a two-storey, 3-bedroom semi-detached dwelling. The dwelling presents a gable elevation with a half-hip roof to the front and a longer 'catslide' roof to the side, incorporating one rooflight and red clay roof tiles. The front elevation features one window at both ground and first-floor level, and elevation finishes comprise painted brickwork. The main entrance door to the dwelling is located on its eastern side elevation.
- 7.1.6. The subject dwelling is not listed on the Council's Record of Protected Structures, as detailed in Appendix 4 of the Development Plan and is not located within an Architectural Conservation Area, as identified on Development Plan Map 3. The subject property is not recorded on the National Inventory of Architectural Heritage at the time of writing.
- 7.1.7. The form and design of dwellings along Rosary Gardens East vary with each pair of semi-detached dwellings on both sides of the cul-de-sac (Nos. 1-12), providing a different form, design, roof profile and elevation finish. Historical Ordnance Survey Cassini maps (1829-1924) show that dwellings along Rosary Gardens East date back to this period. I note the origins and historical context of the dwellings along Rosary Gardens East, as described by the Appellant in the grounds of appeal and the Applicant in the Cover Report submitted with the application. I also note information contained on the Council's website in the Chief Executive's Report on consultation for the Draft County Development Plan 2022-2028, which describes Rosary Gardens East and West as architecturally valuable streetscapes, containing Arts and Crafts cottages built by the Irish Soldiers and Sailors Land Trust for the families of Dun Laoghaire war veterans.
- 7.1.8. The proposed development is described in the statutory notice as comprising the demolition of an existing garage to the side of the house and single-storey extension to the rear, and the construction of a new two-storey extension to the front and rear of the dwelling. The drawings submitted shows that the proposed two-storey extension would be located to the side (east) and rear (north) of the dwelling. The stated gross

floor areas of the existing dwelling and proposed development are as follows; existing dwelling 108 sq.m., proposed works 86 sq.m., works to be retained 87 sq.m. and space to be demolished 21 sq.m.

- 7.1.9. The existing single-storey rear extension to be demolished has a depth of c. 4.65m and a width of c. 3.75m. This rear extension extends along the western boundary, with an inset of c. 0.3m from the shared western side boundary wall. The proposed two-storey rear extension has a depth of c. 4.65m and a width of 8.8 metres. Its rear building line broadly aligns with the rear building line of a two-storey extension to the rear of the adjoining dwelling No. 3 Rosary Gardens East. The side elevations of the proposal would maintain setbacks of c. 0.3m from the shared western side boundary and c.1.7m from the shared eastern side boundary of the site. A separation distance of 5.2m would be maintained between the eastern side elevation of the proposal and the main two-storey western side elevation of neighbouring property, No. 5 Rosary Gardens East. The only window ope on the side elevation of the proposal at first-floor level would serve a bathroom, glazed with frosted glass. As such overlooking of the neighbouring property to the east No. 5 would not occur.
- 7.1.10. The roof profile of the two-storey rear extension is flat with a parapet height of 5.6m. The roof profile of the two-storey side extension is hip ended, with a parapet height of 5.6 metres and a ridge height of 7.75 metres. The ridge height of the existing dwelling is 8.85m with a chimney rising over, providing an overall height of 9.45m and a parapet height of 6.25m. The roof tiles of the proposal are stated as comprising clay roof tiles to match existing. The roof of the proposed development incorporates 2 no. rooflights on the flat roof element of the rear extension, 2 no. velux rooflights on the rear-facing roof slope of the dwelling and 1 no. velux roof light on the side roof slope of the proposed extension.
- 7.1.11. The front elevation of the proposed 2-storey side extension is setback 2.3m behind the front elevation of the main dwelling at ground floor level and 1.2m at first-floor level, providing an overhang of the new entrance door which faces to the front (south) of the dwelling. Elevation finishes are stated as comprising smooth render wall finish to match existing.
- 7.1.12. Having regard to the pattern of development in the surrounding area, I note a similar two-storey extension to the side and rear of dwelling No. 10 Rosary Gardens East was

granted permission on appeal by the Board in March 2019 under P.A. Ref. D19A/0026 / ABP Ref. 304131-19. Site inspection found that this extension has been built.

7.1.13. In consideration of the grounds of appeal, I acknowledge the character and heritage of the dwellings along Rosary Gardens East. However, as detailed above, the subject dwelling is not a Protected Structure, and the site is not located within an Architectural Area with the protection that such designation affords. Furthermore, the form and design of dwellings along Rosary Gardens East vary in terms of form and design, with many extended. In particular, precedent for a similar development to the proposal under the subject appeal has been permitted by the Board for a two-storey extension to the side and rear of No. 10 Rosary Gardens East, as detailed above. Therefore, the critical issue before the Board is whether or not the proposed development complies with Development Plan policy with regards Specific Local Objective No. 152, Specific Policy AR8 and Sections 2.1.34 and 6.1 of the Development Plan, as referred to by the Appellants.

7.1.14. Having reviewed the drawings submitted and in consideration of the context of the site and adjacent property, it is my view that the scale, form and design of the proposed development would not result in overlooking, overshadowing or overbearing impact of neighbouring property. Adequate private amenity space would be maintained to the rear of the dwelling. External finishes, roof tiles and design features, including proposed new window opes, would generally harmonise with the existing dwelling. The setback of the front façade of the proposed two-storey side extension and the set down of its roof ridgeline and parapet height below the roof ridge point and front roof parapet height of the main dwelling would prevent a 'terracing' effect and ensure the proposal integrates with the form of the existing dwelling. The size and proportions of the proposed additional window ope on the front elevation of the main dwelling at ground floor level would align with the existing ground floor window and, in my view, would not detract significantly from the design symmetry of the pair of semi-detached dwellings or the visual amenity of the streetscape. The front half-hip roof element and a portion of the side 'catslide' roof towards the front of the house would remain, thereby retaining the distinctive gable-fronted symmetry of the pair of semi-detached dwellings. While the proposal would result in the relocation and reorientation of the front entrance door serving the dwelling, I do not consider this sufficient reason for refusal. I note that house No. 2 Rosary Gardens East has a single-storey extension to its side with an

entrance door facing towards the street, establishing a precedent for such development along the street. Given the modest scale of the existing dwelling, it is my view that the increase in the floor space of the dwelling by 60% would be acceptable in this instance. I do not consider the proposed development would detract significantly from the subject dwelling's architectural integrity and historical character and would not detract from the streetscape's character, heritage value, and visual amenity along Rosary Gardens East. The principal features that contribute to the character of the dwelling would be retained in accordance with Policy AR8 of the Development Plan. On this basis, I do not consider that the proposed development's layout, form, and design would be contrary to SLO No. 152, Specific Policy AR8 and Sections 2.1.34 and 6.1 of the Development Plan, as put forward by the Appellants. The proposed development complies with Development Plan policy regarding extensions to dwelling, as set down under Section 8.2.3.4 of the Development Plan. I recommend, therefore, that the proposed development not be refused permission on these grounds of appeal.

8.0 Appropriate Assessment

8.1. Having regard to the nature and scale of the proposed development, 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.

9.0 Recommendation

9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022, the zoning objective of the area, the pattern

of development in the vicinity and the scale, nature and design of the proposed extension, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>All necessary measures shall be taken by the developer to avoid conflict between construction traffic/activities and car/pedestrian/cyclist movements along Rosary Gardens East during construction works.</p> <p>Reason: In the interest of safety.</p>
6.	<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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Brendan Coyne
 Planning Inspector

21st February 2022