



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311504-21

---

<b>Development</b>	Demolition of roof and construction of extension and covered porch to front and rear.
<b>Location</b>	35, Kincora Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	WEB1748/21
<b>Applicant(s)</b>	Michelle & Liam Moloughney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michelle & Liam Moloughney
<b>Date of Site Inspection</b>	06 <sup>th</sup> November 2021
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.896 hectares, is located on the northern side of Kincora Road and to the east of Dublin City centre. The appeal site is occupied by a detached dormer style dwelling that features a steep pitched roof. To the east and west are single-storey style dwellings with shallow pitched roof (no. 33 to the west and no. 37 to the east). On the opposite side of the road are two-storey flat roofed dwellings.

## 2.0 Proposed Development

- 2.1. Permission is sought for (1) the demolition of the roof, (2) partial demolition of first floor, rear, side and front walls, (3) construction of new first floor walls with flat roof and extension to the front, rear and side, (4) construction of covered porches to the front and rear, (5) demolition of existing shed and greenhouse, and (6) construction of a new shed and greenhouse and (7) provision of a new pedestrian entrance gate in the front garden wall and associated hard and soft landscaping and ancillary works, all to existing detached two-storey dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on one reason...

1. The proposed alterations and addition of a first floor essentially create a completely new dwelling in design, form and materials. The scale, massing, bulk and material finishes of the flat roofed two-storey modernist dwelling would be materially different to its existing appearance and to the composition of the streetscape to the immediate west and east on the north side of the street which consists of single storey detached Arts and Crafts style cottages, some with later dormer extensions. While of design, merit in its own right the proposed alterations would result in a building which would be incongruous and overly obtrusive on the streetscape, would cause serious injury to residential and visual amenities of the area as a result, would be contrary to the policies set out in the current Dublin City Development Plan, in

particular Section 16.10.10 and Section 16.10.12 and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Reports**

Planning Report (02/09/21): The development was considered to alter the appearance and character of the dwellings significantly and to be out of character with the existing dwelling and those on the adjoining sites. The proposal was considered to be incongruous and have an adverse visual impact and be contrary to development plan policy. Refusal was recommended based on the reason outlined above.

#### **3.2.2. Other Technical Reports**

Drainage Division (30/07/21): No objection subject to conditions including details of surface water management prior to commencement of development.

### **3.3. Prescribed Bodies**

None.

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

3.4.1 A submission was received from Sylvia Webb & Jim O'Donoghue, 31 Kincora Road, Clontarf, Dublin 3.

- The proposal is out of character with the existing dwellings on the northern side of the road, the existing dwelling on site and would be contrary Development Plan policy in relation to roofs.

## **4.0 Planning History**

3001/02: Permission granted for demolition of an existing dwelling and construction of dormer style dwelling.

1041/02: Permission refused for demolition of existing dwelling and construction of a new dormer style dwelling. Refused based on one reason relating to inappropriate design and scale.

Adjoining sites...

1294/07: Permission granted for two-storey extension to existing dwelling at no. 31 Kincora Road.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Dublin City development plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'.

#### 16.10.10 Infill Housing

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

Infill housing should:

- Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.
- Comply with the appropriate minimum habitable room sizes.
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

#### 16.10.12 Extensions

The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

Applications for planning permission to extend dwellings will only be granted where the planning authority is satisfied that the proposal will:

- Not have an adverse impact on the scale and character of the dwelling.
- Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

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

None in the vicinity.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

6.1.1 A first party appeal has been submitted by Ryan W. Kennihan Architects on behalf of Michelle and Liam Moloughney.

- The proposal replaces an existing dwelling, which itself was built as a replacement dwelling granted under 3001/02 and is itself out of character with the surrounding buildings. The proposed alterations would result in a design that is more in keeping with buildings along Kincora Road.
- The appeal includes visual assessment, which demonstrate that existing house is inconsistent with the adjoining development, that the proposal is acceptable in terms of design and scale and that there is significant variation in design and scale of structures in the immediate vicinity.

- The design is noted as being of high architectural quality and would make a positive contribution at this location. There is a significant number of precedents for permitting more contemporary style development in the area with a number of examples cited.

## 6.2. **Planning Authority Response**

No response.

## 7.0 **Assessment**

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following headings.

Design and scale/visual amenity

### 7.2 **Design and scale/visual amenity:**

7.2.1 The proposal entails the partial demolition and alteration of an existing dwelling. The existing dwelling is a dormer style dwelling with steep pitched roof with the proposal converting such to a two-storey dwelling with a flat roof and a contemporary character. The level of alteration is significant and the change to the architectural character of the existing dwelling is such that it will have a completely altered architectural character. The proposal was refused on the basis that the design would be out of character and scale with the existing dwelling on either side due to what is considered a consistent pattern and scale of development and such would subsequently be detrimental to the visual amenity of the area. I would note that the dwelling on site is not located in an Architectural Conservation Area, is not a protected structure (permitted under ref no. 3001/02).

7.2.2 The proposal although a significant alteration to the existing dwelling and resulting in demolition of a huge portion of the existing fabric, provides for a dwelling that corresponds to the footprint of the existing dwelling and is consistent with the pattern of development on the appeal site and adjoining sites. The proposed design provides for a two-storey flat roofed dwelling with a ridge height 7.2m, which is marginally

lower in the ridge height of the existing dwelling on site and 1.2m higher than the ridge height of the existing dwellings on adjoining sites to the east and west. The proposed design provides for a scale of dwelling that is not excessive or out of character in an established suburban area such as this and is consistent with the scale of a significant number dwellings in the vicinity including the dwellings on the opposite side of the road. The proposed design does deviate from the design of the existing dwellings on the northern side, which are shallow pitched single-storey with some having has dormer extensions, however the existing dwelling on the site is a newer dwelling (permitted 3001/02) that is higher in ridge height and deviates from the design and style of the existing dwellings. I do not consider that the deviation in character and scale of the proposed design from the dwellings on the adjoining sites is a significant factor. I would be of the view that the overall scale of the proposed development and design is acceptable at this location and would not be a visually obtrusive feature in the area, being of a scale consistent with suburban style dwellings, consistent with existing dwellings in the area and the overall design is a good quality contemporary design that replaces a pastiche style dwelling. In addition I would note that existing boundary treatment and vegetation/trees would soften the impact of the dwelling. I am satisfied that the proposal when viewed on its merits would be acceptable in the context of the visual amenities of the area and would not be contrary Development Plan policy as set out under either Section 16.10.10 or 16.10.12.

7.2.3 The refusal reason refers to residential amenities. The proposed design has adequate regard to the pattern of development retaining the existing footprint/building lines of the dwelling on site. Ancillary structures proposed are single-storey and modest in scale. The design has adequate regard to the amenities of adjoining properties with no adverse impact on adjoining amenities in terms of physical scale, overlooking or overshadowing.

## **8.0 Appropriate Assessment:**

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

## **9.0 Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development, the provision of an altered dwelling design that is consistent with the scale of dwellings at this suburban location and provides for a good quality contemporary design, the proposed development would be satisfactory in the context of the visual amenities of the area and the amenities of adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. 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.

Reason: In the interest of clarity.



2. The detail of the external finishes on the walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the amenities of property in the vicinity.

4. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and the amenities of the area.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management.

---

Colin McBride  
Planning Inspector

07<sup>th</sup> November 2021