



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311524-21

---

<b>Development</b>	Removal of garage and chimney and construction of 2 storey extension, new porch and dormer windows.
<b>Location</b>	10 Ardagh Park, Blackrock, Co. Dublin, A94 EF66
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0441
<b>Applicant(s)</b>	Peadar O'Gairbhith and Nicole Carragher
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refused Permission
<b>Type of Appeal</b>	First Party Appeal
<b>Appellant(s)</b>	Peadar O'Gairbhith and Nicole Carragher
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	29 <sup>th</sup> March 2022
<b>Inspector</b>	Susan Clarke

## 1.0 Site Location and Description

- 1.1. The site (measuring 0.048 hectares) is located at No. 10 Ardagh Park, Blackrock and has an elongated shape. It is situated within an established low density suburban housing estate comprising mostly single storey semi-detached dormer (front and / or rear dormer), houses with main pitched roofs, on large plots. The site is located on the southern side of Ardagh Park, approximately 70m to the west of the intersection of Ardagh Park and Carysfort Avenue.
- 1.2. The site comprises a semi-detached, dormer house (small front dormer) with a main hipped roof, a single storey, flat roofed side garage, a relatively generous size front driveway and a garden and a relatively long rear garden.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - Demolition of single storey garage (14.2 sq m) and chimney to the rear of the dwelling;
  - Construction of a two-storey side extension, a part single storey/part two storey extension to the rear and a front porch, totalling 99.3 sq m;
  - Provision of two front bay windows at Ground Floor level and two front dormer windows and rooflight at First Floor level;
  - Widening of existing vehicular entrance to 3.5m; and
  - All associated works.

There were no alterations made to the proposed development at RFI stage.

## 3.0 Planning Authority Decision

### 3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Refuse Permission on 2<sup>nd</sup> September 2021 for one reason:

*Having regard to the significant extent of proposed demolitions of the existing habitable dwelling, as demonstrated in the plans and particulars lodged with the Further Information response, it is considered that the proposal would constitute the demolition of the existing dwelling and would therefore be contrary to Section 8.2.3.4(xiv) (Demolition and Replacement Dwellings) of Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The policy notes that Planning Authority may only permit replacement dwellings within an urban area where the existing dwelling is beyond repair due to structural defects. It has not been demonstrated that the building is beyond structural repair and it is therefore considered that the proposed development would contravene the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity. Furthermore, the proposed development would help set a poor precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

3.2.1. **Planning Report** (2<sup>nd</sup> July 2021 and 2<sup>nd</sup> September 2021)

3.2.2. Basis of Planning Authority's decision.

3.2.3. The Planning Officer stated that the proposed development was acceptable in principle having regard to the site's land use zoning objective and that the proposal would not have any overbearing or overshadowing impacts on the neighbouring properties. However, the Officer requested, by way of Further Information (dated 2<sup>nd</sup> July 2021), that the Applicant submit a set of drawings including floor plans and elevations clearly showing the extent of the demolition relative to the existing external and internal walls and roof structure, and that a structural report demonstrating that

the structural integrity of the adjoining property would not be impacted by the proposed development. On receipt of the Response to the RFI, the Planning Officer stated that due to the minimal extent of the original building fabric that is proposed to be retained, the proposed development is deemed to constitute a replacement dwelling and as such considered the development to be contrary to Section 8.2.3.4(xiv) of the Development Plan and recommended permission be refused. The Officer was satisfied with the findings of the structural report and the potential impacts the development may have on the adjoining property.

#### 3.2.4. Other Technical Reports

**Engineering Department Drainage Division** (22<sup>nd</sup> June 2021): No objection subject to conditions.

#### 3.3. Prescribed Bodies

No comments received from prescribed bodies.

#### 3.4. Third Party Observations

Mark Hennessy and Bronwyn Teggins of the adjoining property, No. 12 Ardagh Park, made observations to the Local Authority in respect of the planning application. The key points from the Observations can be summarised as follows:

- The description of the development is misleading. There is no mention of demolition.
- Concerns regarding the structural integrity of the works on the adjoining property.
- The design and extent of the proposed development is not in keeping with the scale and character of the existing house or the neighbouring houses.
- No topographical drawing was submitted with the planning application.
- The application does not show the existing foul sewer pipe, which runs to the rear of the properties on this section of Ardagh Park.

## 4.0 Planning History

No relevant history on the subject site.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted on 10<sup>th</sup> March 2022, but does not come into effect until 21<sup>st</sup> April 2022. The subject site is zoned A: To protect and/or improve residential amenity. Residential development is acceptable in principle under this zoning. I note that the site is similarly zoned in the 2022-2028 Development Plan.

The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(i):

- 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 set-back of an extension's front facade 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.
- Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-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.

Section 8.2.3.4(xiv) Demolition and Replacement Dwellings states that 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 beyond repair due to structural defects. For all applications relating to replacement dwellings, a strong justification / rationale shall be provided by the applicant.

## **5.2. Natural Heritage Designations**

The appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site. I note that the nearest such sites are the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210) which is located c2km at its nearest point to the northeast of the site.

## **5.3. EIA Screening**

Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

## **6.0 The Appeal**

The Applicant submitted a First-Party Appeal to An Bord Pleanála on 29<sup>th</sup> September 2021 opposing the Local Authority's decision. As part of the First Party Appeal, the Applicant has proposed to retain the main front wall of the dwelling, the front sitting

room and the roof to the front of the house, notwithstanding that some break out in these spaces would be required to accommodate the porch, bay windows, and dormer windows and has submitted revised plans illustrating same.

The grounds of appeal can be summarised as follows:

- The amended proposal now does not provide for full demolition of the existing house – the roof to the front can be retained in place with appropriate propping throughout the duration of the works. The front wall of the house will be maintained in place with breaking out to accommodate the bay windows only occurring towards the end of construction.
- The removal of the rear wall and roof are considered to be typical of any sizable rear extension to a dwelling to provide for modern family needs.
- The demolition and rearrangement of internal spaces would typically be exempt pursuant to s.4(1)(h) of the Planning and Development Acts.
- The proposed development will integrate well with and respect the character of the area. The removal of internal walls should not give rise to planning issues of concern.
- The current Development Plan and future 2022-2028 Development Plan provide a degree of flexibility in their approach to demolition of dwellings rather than an outright moratorium.
- The proposed works can be categorised as a deep retrofit and extension of the existing property.
- The Planning Officer found that the residential amenities of surrounding occupiers were protected in terms of the finished development.
- Given the temporary and short duration (7 months) of the proposed works and the resulting high-quality dwelling which will be provided for on completion, which does not impact residential amenities, the proposed development will not impact on property values in the vicinity.
- Three similar type developments in the immediate vicinity which have undergone comparable renovation are referenced: No. 14 Ardagh Park (Reg.

Ref. 19B/0336), No. 21 Ardagh Grove (Reg. Ref. 17A/0437), and No. 37 Ardagh Avenue (Reg. Ref. D17A/0997).

- An updated Structural Report was submitted with the First Party Appeal, which includes a phasing plan for the demolition works.

#### 6.1. **Planning Authority Response**

No response received.

#### 6.2. **Observations**

None.

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the First-Party Appeal and Observations, and inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of Development
- Demolition Works
- Impact on Residential Amenity
- Structural Works
- Appropriate Assessment.

Each of these issues is addressed in turn below.

#### 7.2. **Principle of Development**

7.2.1. The proposed development comprises a refurbishment and extension to an existing residential use in an area zoned for residential amenity in the current County Development Plan. The proposed development is acceptable in principle.

#### 7.3. **Demolition Works**

7.3.1. The Planning Authority's reason for refusal states that the proposal would constitute the demolition of the existing dwelling and would therefore be contrary to Section



8.2.3.4(xiv) (Demolition and Replacement Dwellings). I note that the Local Authority did not consider the development proposal to represent a material contravention. In my view, many of the similar modern-day residential extensions that are commonly permitted throughout the Country would likely result in a significant reconstruction of dwellings that are comparable in size to the subject property. This is due to the relatively small size and configuration of the original dwelling. I concur with the Applicant that the proposal is similar to many deep retrofits of smaller 1960 and 1970's dwellings that aim to accommodate modern day family requirements. I consider that the Applicant has attempted to retain as much of the original dwelling as possible in the amended proposal submitted with the First-Party Appeal, whilst also accommodating a modern-day sized extension. The house is not a Protected Structure nor is it located in an Architectural Conservation Area. In summary, I do not consider that the principle of the development represents a replacement dwelling, but rather comprises a significant renovation and extension to the original dwelling.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The Planning Authority had no concerns regarding the architectural design of the proposed development or impact of neighbouring properties in terms of overbearing, overlooking or overshadowing. Similarly, I consider that the overall scale and massing of the development to be acceptable and in keeping with the character of the area when viewed from the public road. The eastern elevation is setback c.1m from the boundary with No. 8. The two First Floor Level windows are to be constructed with opaque glazing to prevent any overlooking of the neighbouring property. With the exception of a rear rooflight and front bay window, there are no windows proposed on the western elevation and as such, no overlooking of No. 12 Ardagh will result.
- 7.4.2. Having regard to the site's orientation, size and scale of the proposed development in relation to the position of Nos. 8 and 12 Ardagh Park, no undue loss of light or overshadowing would occur to the neighbouring properties. I am satisfied that the proposed development will not alter the quantum of daylight to such a significant degree that would adversely affect amenities enjoyed by the occupants of neighbouring dwellings.
- 7.4.3. I consider that the proposed development would result in no undue overbearing impacts or overshadowing on the neighbouring properties or adversely impact the area's

residential or visual amenities. In summary, in my view the proposed development is compliant with Section 8.2.3.4 of the Development Plan.

## **7.5. Structural Works**

- 7.5.1. As outlined above, a revised Structural Report prepared by Once Consulting Engineers was submitted with the First-party Appeal. The Report details the phasing programme for the development and how the proposed works could be undertaken without undermining the structural integrity of the building and roof structure and neighbouring party wall. I consider that sufficient evidence has been submitted to demonstrate that the proposed works are acceptable and that subject to the implementation of standard construction techniques, the integrity of the adjoining property can be protected.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, serviced nature of the site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

I recommend that planning permission be granted, subject to the conditions outlined below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the residential land use zoning of the site, the nature, scale and location of the proposed development, and the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential 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.

## 10.0 Conditions

1.	<p>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 29<sup>th</sup> day of September, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<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><b>Reason:</b> In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<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</p>

<p>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><b>Reason:</b> 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>
---

---

Susan Clarke  
Planning Inspector

29<sup>th</sup> March 2022