



An
Bord
Pleanála

Inspector's Report

ABP-311895-21

Development

Demolition of extension to rear and the construction of an extension to front and rear of dwelling. The 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.

Location

No. 11, Rosary Gardens East, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21B/0439.

Applicant(s)

Elaine Walsh.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellant(s)

Paul Price & Eilis McDonnell.

Observer(s)

None.

Date of Site Inspection

14th day of January, 2022.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy & Context	7
5.1. National.....	7
5.2. Local	7
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Applicant Response	12
6.3. Planning Authority Response	13
6.4. Observations	13
7.0 Assessment.....	13
8.0 Appropriate Assessment.....	20
9.0 Recommendation.....	20
10.0 Reasons and Considerations	20
11.0 Conditions	21

1.0 Site Location and Description

- 1.1. No. 11 Rosary Gardens East, the appeal site has a stated site area of 0.043ha is located in an established residential area in Dún Laoghaire, Co. Dublin. It is located c13m to the east of Rosary Gardens East junction with Library Road and c390m to the south at its nearest point as the bird would fly of Harbour Road.
- 1.2. The site comprises of a two-storey semi-detached dwelling that forms part of an 'Arts and Crafts' cul-de-sac group of period dwellings of similar architectural styles that date to c1924. These dwellings were built by The Irish Sailors and Soldiers Trust for ex-service men who served in the First World War.
- 1.3. The subject property is located on the southern side of this modest cul-de-sac and is located in close proximity to the west of the Bloomfield's Shopping Centre.
- 1.4. The wider site surrounds are generally characterised by the gradual transition between the town centre to the north and narrower streets of older terraced housing further south. Since the group of semi-detached dwellings were constructed, they have been subject to varying degrees of alterations and additions.
- 1.5. Despite this the subject cul-de-sac, which has the given name of Rosary Gardens East, retains an attractive quality and is of considerable interest from a built heritage perspective.
- 1.6. It is comprised of a series of 6 No. early 20th Century dwelling houses encompassing two different house types which are of the 'Arts and Crafts' movement architectural idiom. They have notable design features including variegated blockwork, red clay tiles, and half-hipped roofs with catslides set in generous front and rear gardens. With the front gardens bound by simple in design cast iron railed boundaries. Notably, it is paired with Rosary Gardens West on the opposite side of Library Road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of extension to rear and the construction of an extension to front and rear of dwelling. According to the submitted drawings the 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.

- 2.2. According to the Planning Application Form accompanying this application the given gross floor area of existing buildings on site is: dwelling with a gross floor space of 127m² and shed with a gross floor space of 7m². In addition, it indicates that the gross floor space of works to the dwelling is 50m² and to the shed 15m². It further indicates that the gross floor space of demolition would be 10m².
- 2.3. The site is served by an existing connection to the public mains water supply and public sewer. With surface water disposal by way of public sewer and soak pit.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. On the 13th day of October, 2021, Dun Laoghaire-Rathdown County Council issued a decision notification to grant planning permission for the proposed development subject to 13 no. conditions. Of note are the requirements of the following conditions:

Condition No. 2: Requires the proposed rooflights on the front roof slope to be conservation grade and requires that they are flush with the roof plane/or that they project a minimal height above the same.

Condition No. 4: Sets out that only the demolition indicated in the submitted drawings is permitted.

Condition No. 8: Sets out that the surface water generated by the extension, the roof, pavements, or equivalent area shall not be discharged to the public sewer.

Condition No. 9: Requires that proposed parking surfaces/hardstanding areas shall not discharge to the sewer.

Condition No. 10 & 11: Section 48 Development Contribution.

There are two accompanying advisory notes. The first reiterates Section 34(13) of the Planning and Development Act, 2000, as amended. The second relates to water supply and foul drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority's Planning Officers report, dated the 12th day of October, 2021, is the basis of the Planning Authority's decision. The Planning Officer's report provides a detailed description of the site, sets out planning history for the site setting and wider vicinity and it sets out relevant local planning provisions. The Planning Officer's assessment considered that the principle of the proposed development is acceptable, subject to safeguards and that the proposed development would not give rise to any adverse residential or visual amenity impact on a site setting that the Planning Officer considered had a unique built heritage character. Their report concluded with a recommendation to grant planning permission subject to the ten conditions.

3.2.2. Other Technical Reports

Surface Water Drainage Report: No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. The appellant in this Third-Party Appeal case submitted an observation to the Planning Authority during the course of its determination. Having read this observation submission I consider that the substantive planning issues raised correlate with those raised by them in their appeal submission to the Board (Section 6.1 of this report below).

4.0 Planning History

4.1. Site

4.1.1. None.

4.2. Setting

4.2.1. **ABP-310982-19 (P.A. Ref. No. D21B/0235):** Concurrently on appeal with the Board is a Third-Party Appeal against the decision of the Planning Authority to grant planning

permission 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 is to include roof lights to proposed roof, internal modifications and connection to all main site services and associated works at No. **4 Rosary Gardens East**.

- 4.2.2. **ABP-304131-19 (P.A. Ref. No. D19A/0026):** On appeal to the Board planning permission was **granted** subject to conditions for a proposed development consisting of the demolition of 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 at **10 Rosary Gardens East**, Library Road, Dún Laoghaire, County Dublin.

Decision date: 17th day of July, 2019.

- 4.2.3. The Planning Authority's Planning Officers Report attached to file sets out the planning history of similar developments in the vicinity of the site.

5.0 **Policy & Context**

5.1. **National**

- 5.1.1. Of particular relevance to the subject of this application is the '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*', Section 28 Ministerial Guidelines. This document provides a detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.2. **Local**

- 5.2.1. The Dún Laoghaire Rathdown County Development Plan, 2016-2022, is the operative plan for the site and its wider setting. Under this plan the appeal site is located in an area zoned as 'A' with the stated land use zoning objective: "*to protect and/or improve residential amenity*".

- 5.2.2. *Chapter 6 of the Development Plan sets out the Built Heritage Strategy.*
- 5.2.3. Section 6.1 of the Development Plan deals with the matters of ‘*Archaeological*’ and ‘*Architectural Heritage*’.
- 5.2.4. Section 6.1.3 of the Development Plan deals with the matter of *Architectural Heritage*.
- 5.2.5. *Policy AR5 of the Development Plan indicates that it is Council policy to:*
- 1) 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.
 - 2) Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.
- 5.2.6. Policy AR8 of the Development Plan deals specifically with Nineteenth and Twentieth Century Buildings, Estates and Features. It indicates that it is Council policy to:
- 1) Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
 - 2) 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.
- 5.2.7. Chapter 8 of the Development Plan sets out the Principles of Development.
- 5.2.8. Section 8.2 of the Development Plan sets out Development Management guidance and provisions.
- 5.2.9. Section 8.2.3.4 of the Development Plan deals with the matter of 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 set-back 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 set-back 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.
 - 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.

5.2.10. Chapter 6 of the Development Plan sets out Built Heritage Strategy.

5.2.11. Section 6.1.3.8 and Policy AR8 deals with 19th and 20th Century Buildings, Estates and Features. The aforementioned policy states:

"It is Council policy to:

i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure that 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."

5.2.12. This appeal site is located within that area identified as being subject to SLO No. 152 by reference to Map No. 3 of the Development Plan. Specific Local Objective 152 applies and it states that it is an objective of Council: *“to ensure the character, ambiance and quality of the environment, historic streetscapes and public realm of the residential streets in the adjoining Lower George’s Street, Dun 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”*.

5.3. Natural Heritage Designations

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

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 0.6km northwest of the site at its nearest point.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 0.9km northwest of the site.

5.4. EIA Screening

5.4.1. 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 brownfield nature of the lands in question, the availability of public services including public mains drainage, the substantive size to accommodate on-site surface water measures, the separation distance from the nearest sensitive location and the nature of the intervening urban landscape in between, 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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- The subject property forms part of an early twentieth century 'Garden City' scheme comprising of twelve semi-detached housings and together with Rosary Gardens West form an attractive cluster of buildings dating to this period that contribute positively to the public realm.
- The scale and the design of the proposed extension would give rise to disturbance of the architectural symmetry and character of the historic streetscape setting the site forms part of.
- Reference is made to their submission to the Planning Authority during the course of its determination.
- The Planning Authority and their Planning Officer have not taken adequate account of architectural conservation best practice and have neglected to have regard to the value of this unique streetscape.
- The proposed development would have a negative impact on its streetscape setting which would be contrary to Policy AR8 and SLO152 of the Development Plan.
- This development would not enhance the heritage value of its streetscape setting.
- Contrary to Objective A zoning provisions as it does not protect and/or improve residential amenity.
- Section 6.1 of the Development Plan seeks to encourage the retention of features that contribute to the character of exemplar buildings and estates with regard to features such as roofscapes, boundary treatments and other features considered worthy of retention. It is considered that this section of the Development Plan directly relates to Rosary Gardens East.
- Policy AR12 provides protection for areas which exhibit a distinct character and intrinsic qualities based on their historic built form and layout.

- SLO52 seeks that development in such settings enhance historic streetscapes and this specific local objective includes Rosary Gardens East.
- The Planning Officer's report demonstrates bias in favour of the first party developer and is considered to be fundamentally flawed.
- The proposed changes would be visible from the public road and would diminish the appreciation of this property and its collective group as appreciated from it.
- The proposed changes would diminish the appreciation of the building in the round and is inappropriate in its scale and mass.
- The Board is sought to overturn the decision of the Planning Authority in this case.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The design of the proposed extension to No. 11 Rosary Gardens East has been developed to provide a harmonious extension to an existing home.
- The subject property is not a protected structure nor is it located within a designated Architectural Conservation Area.
- The character of this short cul-de-sac has been significantly altered over the years. Including by the provision of side and rear extensions and painting of the original exposed block work.
- The extension provides energy efficiency in the use of technological advancements and the use of high-quality materials without compromising the integrity of the original home.
- The side extension has been setback from the building to minimise visual impact as appreciated from the public road.
- The design maintains the legibility of the original roof.
- The applicants wish to improve the amenity of their family home internally and externally.
- The two-storey element is setback from both side boundaries to protect the amenity of the neighbouring property.

- The height of the back extension has been lowered significantly so that it is subservient in its built form.
- The design, materials and finishes have been carefully considered to respect the main dwelling and its setting.
- There are precedents of similar extensions within this setting to Arts & Crafts residential buildings.
- The addition of a green roof helps with biodiversity and reduces surface water run-off.
- The extension does not give rise to any significant overshadowing.
- No oversailing of the boundary lines are proposed.
- The Board is sought to uphold the decision of the Planning Authority.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority Response can be summarised as follows:

- The grounds of appeal do not raise any new matter which would justify a change in attitude to the proposed development.

6.4. **Observations**

6.4.1. None.

7.0 **Assessment**

7.1. *Preliminary Comment:*

7.1.1. Having carried out an inspection of the site and its setting, had regard to all documentation on file including responses received together with having had regard to relevant planning policy provisions and guidance I consider that the main issues that arise in this appeal are those arising from the Third-Party grounds of appeal submission appeal.

7.1.2. For clarity I propose to deal with my assessment below under the following headings:

- Principle of the Proposed Development

- Built Heritage Impact

- 7.1.3. The matter of 'Appropriate Assessment' screening also needs to be addressed.
- 7.1.4. Prior to the commencement of my assessment below I note that the appellant in this case raises concerns with regards to the Planning Authority's handling of the application. On this matter I note that the Board does not have an ombudsman role and its remit is in this appeal case to assess the proposed development on an entirely *de novo* basis and from this to make a decision on the appropriateness of this development at this location based upon the proper planning and sustainable development of the area.
- 7.1.5. Having examined the proposed development in detail as part of my assessment of this case I concur with the Planning Authority that the proposed development meets the qualitative and quantitative spatial and amenity standards set out in the Development Plan for additional accommodation for existing dwellings as well as in terms of meeting lateral separation distances between opposing first floor level of properties to the rear.
- 7.1.6. In addition, given the substantive plot size which I note includes a generous rear private amenity space provision and having regard to the orientation of the site which is north south with the rear garden having a southerly aspect the level of overshadowing that would arise from the proposed development would be minimal over the existing context.
- 7.1.7. It would also not give rise to a degree of overlooking that could be considered significant in a context where overlooking at first floor level is a feature of this suburban built environment. I also consider whilst the glazing at first floor level is in built form, massing, scale and solid to void treatment not excessive or out of character with its context. In addition, I note that the first-floor level projection of the rear to a degree minimises views from the original rear first floor window that remains towards No. 12.
- 7.1.8. There is also in excess of 22m between it and the first-floor level windows of existing properties to the rear.
- 7.1.9. On balance I do not consider that the proposed development is one that gives rise to any significant diminishment of residential amenity of properties to either side and to the rear.

- 7.1.10. Moreover, the proposed development in my view is not out of context in terms of the pattern of development that has occurred to Rosary Gardens East since its completion and first occupation. With this including a recently permitted first floor level side and rear extension permitted on appeal to the Board under ABP-304131-19 and with the varying design approaches for more recent alterations and additions to period properties in Rosary Gardens as well as in its setting which is characterised by its mainly period building stock. In relation to the use of a modern with traditional elements design approach for extensions to existing dwellings the Development Plan raises no issue with this. Though it is generally recognised that qualitative contemporary resolutions of high quality light weight design can provide a more distinguishable new building layer that is reflective of its time and can be compatible with the character of period properties, subject to safeguards.
- 7.1.11. In addition, there is a concurrent appeal case for a similar development under ABP-310982-21 which has yet to be determined and the Planning Officer's report which is attached to file sets out a comprehensive overview of similar developments within the setting of the site.
- 7.1.12. In particular in relation to Rosary Gardens East and Rosary Gardens West which form part of land which are afforded specific protection under Specific Local Objective 152 which essentially seeks to ensure that the character, ambiance and quality of the historic streetscapes and public realm in the vicinity of Lower George's Street. With particular emphasis on twentieth century built insertions.
- 7.1.13. Therefore, in terms of the pattern of development and residential amenity impacts I consider that the proposed development is not inconsistent with its setting.

7.2. Principle of the Proposed Development

- 7.2.1. It is of relevance to note that the site and its setting form part of a larger parcel of urban land that is subject to the land use zoning objective 'A' under the Development Plan. This land use objective seeks to protect and/or improve residential amenity as well as is accompanied by a list of different types of land uses that are deemed to be permissible on such zoned land.
- 7.2.2. In this regard, the general principle of residential developments is deemed to be acceptable in principle on such lands, subject to safeguards, in particular that no adverse impacts arise to residential and visual amenity of the area.

7.3. Built Heritage Impact

- 7.3.1. The appellant in this appeal case raises concerns that the proposed development, if permitted, would give rise to built heritage and visual amenity diminishment of the main dwelling, its semi-detached pair and adjoining semi-detached pairs of c1920s Arts and Crafts.
- 7.3.2. Whilst I have already concluded that the general principal of the proposed development as set out in Section 7.2.1 above is deemed to be acceptable subject to safeguards it is of note that the site and the group of properties that make up Rosary Gardens East form part of a larger parcel of urbanscape, that also includes Rosary Gardens West, that is afforded additional built heritage protection under Specific Local Objective 152 of the Development Plan.
- 7.3.3. In essence this specific local objective seeks to ensure that the character, ambiance, and quality of the historic streetscapes, including twentieth century social housing, is enhance, improved, and maintained.
- 7.3.4. When this is considered against Policy AR8 which seeks to encourage exemplar nineteenth and twentieth century buildings and estates character are not compromises it is appropriate in my view that the Board in its consideration of this appeal case has regard to the potential built heritage impacts of the proposed development.
- 7.3.5. The proposed development seeks firstly the demolition of part of the rear and eastern wall of a single storey extension to the rear of No. 11. The floor area space lost as part of this demolition is given as 10m² and I note that it relates to a later part single and part two storey addition to the rear of No. 11 which is of no particular architectural merit or other significance that would merit its retention.
- 7.3.6. Further, No. 11 is not a designated Protected Structure and whilst it, its semi-detach pair, the other properties that collectively make up Rosary Gardens East together with the immediate urbanscape it forms part of is afforded protection under specific local objective SLO 152 these subject lands are not designated as an Architectural Conservation Area. As such I raise no objection to this component of the proposed development sought under this application, particularly as the proposed alterations and additions are to the side and rear of the subject property.

- 7.3.7. These demolition works would facilitate the provision of the proposed two storey extension to the eastern side of the existing dwelling together with the additional 2-storey rear extension. With the proposed new extension setback by 1m from its eastern and western side boundaries.
- 7.3.8. The existing later single storey rear extension has a flat roof over with similar eaves height to that of the main dwelling. In terms of its overall height, it marginally projects above the eaves height with it having a maximum height of 5.6m whereas the original roof structure over No. 11 is 7.46m at its maximum ridge height. The adjoining property of No. 10 Rosary Gardens has a permitted, on appeal to the Board, contemporary rear two storey extension that is slightly taller at 6.235m.
- 7.3.9. The proposed design seeks to push out the later first floor level existing rear extension towards its eastern boundary and to provide a two-storey side element with the roof structure over the main structure extending outwards over the side two storey element with its slope, profile, overall height through to materials matching that of the original roof structure. Whereas to the rear the overall height and built form of the flat roof is extended over the remaining two storey component. With its height matching that of the existing later two storey rear extension.
- 7.3.10. The design does include the addition of modest in dimensions velux window to the front and rear of the original roof structure as well as the addition of solar panels on the rear roof structure.
- 7.3.11. In addition, its first-floor level extension matched the depth of the existing first floor later extension present to the rear of No. 11 and is consistent with the depth of the recently completed two storey addition to No. 10.
- 7.3.12. In terms of architectural approach despite the addition of more contemporary first floor window openings the design seeks to respect and harmonise with the later additions that have been made to No. 11. This is essentially the design rationale given by the applicants in their response to the grounds of this appeal. With their response also indicating that by way of this application they seek to improve their internal and external residential amenities whilst not giving rise to any adverse visual or residential amenity impact on its setting.
- 7.3.13. Given the significant additions and alterations to No. 11, to the rear of its semi-detached pair (No. 12) and the more contemporary recent two storey level addition to

the adjoining property of No. 10 I consider that it would not be visually incongruous new insertion and it would in terms of the rear two storey element still achieve subservience with the main semi-detached structure it would form part of.

- 7.3.14. I note that the Planning Authority was satisfied that the proposed design, the built form, the massing, the scale through to external materials subject to safeguards would, if permitted, successfully integrate with the main dwelling, its semi-detached pair and would assimilate with its setting. A setting that I note in terms of the properties that collectively are known as Rosary Gardens East have been subject to significant alterations and additions since their completion in circa 1924.
- 7.3.15. With the Board recently permitting a contemporary addition to the rear of No. 10 the adjoining property that is together with the rear of subject semi-detached pair No. 11 forms part of highly visible from the streetscape scene of Library Road due to the long back gardens and the lack of robust natural and/or built features in between. Against this backdrop I consider that the proposed development would not be out of character with the pattern of development that has occurred to this collection of Arts and Crafts buildings, and it would allow what were built as modest 2-storey properties with garden plots to improve residential amenity for its occupants in a manner that would not give rise to any serious diminishment of the residential amenity of properties in its vicinity. Through to the built insertion is one that is not out of context with the pattern of this type of developments to period properties within this setting.
- 7.3.16. I do not consider that the proposed development, if permitted, in this case would be contrary to Policy AR8 of the Development Plan. With this Development Plan policy provision seeking to encourage appropriate development to exemplar 19th & 20th Century buildings and estates to ensure that their character is not compromised by inappropriate development. Alongside it seeking to ensure the retention of features that contribute to the character of such properties, including roofscapes, boundary treatments and other features considered worthy of retention subject to safeguards including a revised roof structure over the side 2-storey rear roof structure in order to achieve visual subservience from the surviving original roof structure of No. 11.
- 7.3.17. Or would it be contrary to the provisions of Specific Local Objective No. 152 of the Development Plan which aims 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'.

- 7.3.18. This consideration is based on the level of intervention that has occurred to this property; the built form, mass, and scale of the proposed additions through to the design's consistency with the pattern of development in its setting. Including but not limited to the precedent set by the Board under ABP-304131-19.
- 7.3.19. Arguably the design resolution chosen seeks to be more reflective of what is in situ due to it maintaining the majority of the single and two storey extensions already in situ to the rear of No. 11. As opposed to putting forward a more clearly distinguishable contemporary design approach to that approved by the Board for No. 10.
- 7.3.20. Notwithstanding, this the design is in my opinion respectful of the main dwelling and the proposed design of the extensions still achieves a distinct legibility between new and original built insertions. Visual improvements to the latter extension are achieved through modifications of the glazing so that it is more contemporary in its materials and dimensions. I also consider that further improvements could be achieved by way of condition should the Board be minded to grant permission to ensure that the proposed side two storey elements roof structure over subservient to the surviving main roof over No. 11. This element in my view is contrary to Policy AR8 as it erodes the surviving built integrity of the roof structure of No. 11 as appreciated from the streetscape scene and as such if permitted in the form proposed it would be excessively dominant and visually obtrusive in a manner that would detract from the appreciation collection of Arts and Crafts buildings and erode their surviving visual integrity.
- 7.3.21. Subject to this change I am of the view that the proposed extension to the dwelling would not give rise to any built heritage diminishment of the main dwelling of No. 11, the semi-detached pair it forms part of and its urbanscape setting that are afforded specific protection under SLO 152 under the Development Plan.
- 7.3.22. The proposed development also seeks permission for a garden room and store, which would be sited in the south western corner of the garden in proximity to the boundary shared with No. 12. This structure has a given height of 3.5m, a depth of 6925mm and width of 3450mm. It is proposed to finish the main structure in timber cladding and provide a corner ground to eaves level window and door opening on its north

eastern corner. Given the substantive size of the rear garden, the modest built form of this building including its limited height, the screening in situ arising from natural and man-made boundary treatments, the north south orientation of the site and its lateral separation from sensitive to change buildings, i.e., dwelling units, I am of the view that this component of the proposed development would not give rise to any adverse residential or visual amenity impacts on its setting. It would also not be highly visible from the public domain, in particular Library Road, and it is not inconsistent with similar ancillary residential buildings within its urbanscape setting. I therefore raise no substantive concerns on this component of the proposed development.

7.3.23. In conclusion, the proposed development is consistent with the proper planning and sustainable development of the area subject to safeguards discussed above.

8.0 **Appropriate Assessment**

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 600m and 900m to the north west of the brownfield and serviced appeal site at their nearest points with the intervening land consisting of a significantly developed urban scape also served by public mains water and drainage. There are no known hydrological links to the aforementioned protected sites. Given the scale and nature of the development, the distances involved, the site's location in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

9.0 **Recommendation**

9.1. I recommend that planning permission be **granted**.

10.0 **Reasons and Considerations**

10.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2016 to 2022, the pattern of development that characterises its immediate setting, the zoning of the site and its setting for residential purposes, to the location of the site in an established residential area and to the nature, form, scale, and design of the proposed development, it is considered that permission be granted for the proposed development subject to conditions set out below.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 20th day of August, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The roof structure over the side two storey extension shall be revised to a flat roof structure with an eave's height matching that of the flat roof two storey rear extension. In this regard, the roof over the proposed extension shall not exceed the eaves height of the main house.

Reason: In the interests of architectural harmony and visual amenity.

3. Only structures indicated for demolition on the plans lodged with this application shall be removed.

Reason: In the interests of the proper planning and sustainable development of the area.

4. The external finishes of the proposed works shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interests of architectural harmony and visual amenity.

5. The proposed velux roof lights to the front and rear roof slope shall be fitted, and permanently maintained, with centre hung, swivel type window openings and shall be of a design that does not protrude above the slope of the main roof structure.

Reason: In the interest of residential amenity.

6. The entire premises shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

7. 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.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The site development works, and construction works shall be carried out in such a manner as to ensure that the public roads are kept clear of debris, soil, and other materials and if the need arises for cleaning works or repair to be carried out to the same, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining lane and roads are kept in a clean and safe condition during construction works in the interests of orderly development.

10. The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for

the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. 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.

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.

Advisory Note: Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that: *“a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”*.

Patricia-Marie Young
Planning Inspector

24th day of January, 2021.