



An
Bord
Pleanála

Inspector's Report

ABP-312537-22

Development

Removal of the existing pitched and flat roof, selected internal walls, existing stone entrance stair, partial removal of the existing boundary wall (to facilitate a new access) and demolition of 49 sq m of floor area. The development will include the construction of extensions at ground, first and second floor levels.

Location

c. 01495 Ha site at 92 Coliemore Road, Dalkey, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/0920

Applicant(s)

Rotorua Limited

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Rotorua Limited.

Observer(s)

1. Deirdre and Peter Davitt.
2. Bob Hannan
3. Moyna Hannan

Date of Site Inspection

28.09.2022

Inspector

Fiona Fair

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	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	10
5.1. Development Plan.....	10
5.2. Natural Heritage Designations	13
5.3. EIA Screening	13
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Applicant Response	15
6.3. Planning Authority Response	15
6.4. Observations	16
6.5. Further Responses.....	17
7.0 Assessment.....	17
8.0 Recommendation.....	23
9.0 Reasons and Considerations.....	23
10.0 Conditions	23

1.0 Site Location and Description

- 1.1. The subject site, which measures approximately 0.1500 Ha (1,500 sq m) is located at No. 92 Coliemore Road which is located to the east of Dalkey village. The irregular shaped site is located on the southern side of Coliemore Road and comprises a detached two storey dwelling house. The subject site has a shared access with No. 93 Coliemore Road, to the west.
- 1.2. The subject dwelling is set back from the roadside boundary on a sloping site, which slopes downwards towards the north. The site is bounded to the east by a gated driveway which leads to 91 Coliemore Road, located to the southeast. To the east of the gated driveway is 91A Coliemore Road. 93 Coliemore Road and 93A Coliemore Road are located to the west. Coliemore Road comprises a mix of period style dwellings and some more recently constructed dwellings. The road contains a number of protected structures. It is also noted that the site is located some 25m southeast of the Dalkey Village ACA.

2.0 Proposed Development

- 2.1.1. The proposed development will consist of:
 - The removal of the existing pitched and flat roof, selected internal walls, existing stone entrance stair,
 - The partial removal of the existing boundary wall (to facilitate a new access)
 - Demolition of 49 sq m of floor area.
 - The construction of extensions at ground, first and second floor levels
 - The construction of a garden room and new garage.

The proposed development will result in an increase of gross floor area from 300 sq m to 405 sq m, in addition to a garage (57 sq m) and a garden room (40 sq m).

The development will increase the ridge height of the dwelling by 0.47m (from +28.03OD to +28.50OD).

The development will also comprise: the extinguishment of the existing vehicular access to No. 92 Coliemore Road, the creation of a new vehicular access/egress, repositioning and upgrades to the entrance.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission:

1. The application site, located on Coliemore Road, Dalkey, abuts the Dalkey Village Architectural Conservation Area (ACA), and contains an existing mid-nineteenth century dwelling house which positively contributes to the character of the area. The proposed development would radically alter the external expression and significantly erode the character of this dwelling house, due in particular to the change of roof profile, composition and form of the building. The proposed development would be visually incongruous in this setting, and would adversely impact on the visual amenities of the Coliemore Road streetscape. The proposed development would be contrary to Policy ARS and Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings of the Dun Laoghaire-Rathdown County Development Plan 2016-2022. 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 Reports

The Planning Authority concurs with the Conservation Officer's assessment of the proposed development. The PA report is summarized as follows:

- It is considered that the extent of works proposed to the dwelling, in particular the changes to the roof profile and alterations to the front elevation, would have a negative impact on the character and setting of the dwelling and would adversely impact on the visual amenities of the area.
- While the scale of the proposed extension is relatively large in comparison to the existing property, given the orientation of the site and separation distances to shared boundaries, it is considered that the

proposed extension would not result in any undue overbearing or overshadowing impacts onto the adjacent properties.

- The proposed development would appear to introduce additional overlooking.
- It is considered that the proposed roof alterations would have a detrimental impact on the character and form of the dwelling and the streetscape along Coliemore Road, and therefore would be contrary to Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- While some limited contextual detail is shown on the plans and particulars lodged with this application for the garden room, this detail is very limited. It is considered that in the event that a grant of permission for the proposed development were to be considered, that drawings which more clearly show the garden room in the context of adjoining properties/site boundaries/site levels would be required. This is noting in particular the apparent changes in ground levels on site.
- Concerns raised regarding the level of demolition works of the original dwelling having regard to Section 8.2.3.4 (xiv) Demolition and Replacement Dwellings.
- In the event that a grant of permission for the proposed development were to be considered, it is considered that a full set of drawings clearly showing the extent of built fabric to be retained in the proposed development, as distinct from showing the amount of demolition/removal only, would be required, in the interests of clarity.
- Concerns raised that the basement level works would impact upon the structural integrity of the existing dwelling on site

3.2.2. Other Technical Reports

- Transportation Department Report: No Objection subject to condition.
- Drainage Planning Report: No Objection subject to condition.

- Conservation Officers Report: Refusal recommended. Report is summarised as follows:
 - Having reviewed the proposed development, the Conservation Division are not supportive of the development as currently presented and do not consider the modifications to the existing building suitable within the context of the Dalkey ACA.
 - While the principal of the development is acceptable, an opportunity exists to achieve a more sympathetic and appropriate scheme, one which will respect and integrate more successfully the architectural character and grain of the area. The proposal as currently presented radically alters the external expression of the mid nineteenth century dwelling.
 - The change of roof profile together with the changes proposed to the composition and form of the building significantly erodes the character of the house, which positively contributes to the character of the area.
 - Works as proposed pose a worrying precedent to how to treat period properties that form part of and enrich our shared heritage and built environment.
 - The development as proposed fails to enhance the established architectural character and interest of the Heritage Town of Dalkey and will appear visually incongruous in its setting and context.
 - While the Conservation Division accept the principal of the development, works to the building should not be at the expensive of eradicating the historic charm and character of the dwelling which plays an important role in the context of the Heritage Town and nearby ACA.

3.3. Prescribed Bodies

- None relevant.

3.4. Third Party Observations

3.4.1. Five number observations were submitted the main points are summarised as follows:

- Loss of light to adjoining property from the proposed garden room.
- Overlooking.
- Overbearing.
- Loss of privacy.
- Depreciation of the value of property.
- Loss of architectural heritage.
- Impact on residential amenity.
- Surface water drainage - flooding.
- Redline boundary contains lands which form part of a shared entrance with No. 93 Coliemore Road. The Applicant should demonstrate legal entitlement for this part of the site.
- Alterations to the front facade will have a negative impact on the Victorian character of the building.
- Proposal will have a negative visual impact on streetscape on Coliemore Road.
- No justification for demolition works.
- Additional information should be sought in relation to contextual information (elevations/sections) showing the proposed development and surrounding properties.

4.0 Planning History

D16B/0152 - Planning permission for a dormer window at roof level, a porch extension with roof balcony, to the east side of the house and other minor works.

Condition 2 states the following:

The proposed dormer window to the front elevation shall be omitted from the proposed development.

REASON: To safeguard the historic character of the building.

Adjacent properties

D21A/0452 - Planning permission granted at 90 Coliemore Road, Dalkey, to demolish existing single storey kitchen and side bay window/door extensions. Construct new single storey kitchen, living area and attached garage extension, minor internal alterations at ground floor level, new driveway with turning area and all associated site works.

D21A/0578 - Planning permission granted at Sala Tiga, Meany Avenue, Dalkey (site to the south west of the subject site) for development comprising alterations to previously permitted works under reg ref. D21B/0074: comprising:

- A reduction in the extent of the permitted single-storey extension to the north facade and alterations to the windows to the south facade, all to the proposed living/kitchen/dining area:
- A single storey extension to the north-west end at proposed bedrooms;
- Alterations to the first floor plan, including modifications to the footprint and facades, with associated internal layout changes; and relocation of the garden shed.
- The proposed ground floor extends to 147 sq. m, reduced from 154 sq. m, whilst the first floor remains at 50 sq. m.

D21B/0074 - Planning permission granted at Sala Tiga, Meany Avenue, Dalkey, for the demolition of a single storey extension of 4 sq. m to the rear and the construction of a single storey to the front, side and rear totaling 31 sq. m and a first-floor extension of 50 sq.m along with other modifications and improvements to the retained structures, the construction of a garden shed, and general site works.

D11A/0496 - Planning permission granted by Planning Authority at 91, Coliemore Road, Dalkey, for alterations to shared vehicular entrance to Rock Lodge and No. 91, Coliemore Road to comprise widening entrance on south-east side, relocation of

existing vehicular gate to No. 91 and creation of additional vehicular and pedestrian gates to Rock Lodge with associated site works including enlarged parking area and new stone walls.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan under which the PA made their decision was the Dún Laoghaire Rathdown County Development Plan 2016 – 2022. Under which the subject site was zoned Objective A' where the stated objective is 'to protect and-or improve residential amenity'.
- 5.1.2. The site is located outside but adjacent to the designated Dalkey Architectural Conservation Area (ACA).
- 5.1.3. The dwelling subject to this appeal is not designated a Protected Structure.
- 5.1.4. Relevant sections of the 2016 - 2022 Plan that applied are considered to be:
 - Chapter 6: Archaeological and Architectural Heritage:
 - Section 6.1.4: Architectural Conservation Areas (ACA);
 - Section 6.1.4.1 Policy AR12: Architectural Conservation Areas; and,
 - Section 6.1.4.2 Policy AR13: Demolition within an ACA.
 - Chapter 8 - Principles of Development (including):
 - Section 8.2 - Development Management.
 - Section 8.3 - Land Use Zoning Objectives; and,
 - Section 8.3.4 - Additional Accommodation in Existing Built-up Areas, including Section 8.2.3.4(i) Extensions to Dwellings
 - Section 8.2.3.4 (xiv) Demolition and Replacement Dwellings

The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type.

Section 8.2.4.9 Vehicular Entrances and Hardstanding Areas (i) General Specifications

5.1.5. **Under the new Dun Laoghaire Rathdown County Development Plan 2022 – 2028** the subject site remains zoned 'Objective A' where the stated objective is 'to protect and-or improve residential amenity'.

5.1.6. The site remains located outside the Dalkey ACA.

5.1.7. Relevant sections of the 2022 - 2028 Plan that applies are considered to be:

Chapter 11 Heritage and Conservation

11.4.2 Architectural Conservation Areas

11.4.2.1 Policy Objective HER13: Architectural Conservation Areas

"It is a Policy Objective to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.
- iv. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.
- v. Ensure street furniture is kept to a minimum, is of good design and any

redundant street furniture removed.

- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture”.

“... An ACA may consist of groupings of buildings and streetscapes and associated open spaces. The protected status afforded by inclusion in an ACA only applies to the exteriors of structures and features of the streetscape. It does not prevent internal changes or rearrangements provided that these changes do not impact on the external appearance of the structure.

While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

DLR has 23 designated ACAs which range from groups of artisan and estate workers cottages, planned residential Victorian squares to large areas of residential suburbs and villages...”.

Chapter 12 Development Management.

12.3.7 Additional Accommodation in Existing Built-up Areas

12.3.7.1 Extensions to Dwellings

“(iv) Alterations at Roof/Attic Level: 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, i.e. to the front, side, and rear, 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. Dormer extensions should be set down from the existing ridge level so as to not read as a third storey extension at roof level to the rear.

The proposed quality of materials/finishes for dormer extensions will be considered carefully as this can greatly improve their appearance. The level and type of glazing within a dormer extension should have regard to existing window treatments and fenestration of the dwelling. However, regard should also be had to size of fenestration proposed at attic level relative to adjoining residential amenities.

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”.

12.4.8.4 ACAs/Protected Structures

12.11 Heritage

12.11.3 Architectural Conservation Areas (ACAs)

5.2. **Natural Heritage Designations**

- Dalkey Island SAC is located c. 200m to the east of the appeal site.
- Rockabill to Dalkey Island is located c. SAC is 500m to the east of the appeal site

5.3. **EIA Screening**

- 5.4. Having regard to the nature of development comprising of an extension and alterations of the existing dwelling, including a new garden room, a garage and a new vehicular entrance, in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted by Thornton O'Connor Town Planning in association with ODAA Architects and Mr. Rob Goodbody, Historic Buildings Consultants on behalf of Rotorua Limited, it is summarised as follows:

- The building is not a Protected Structure.
- The site is not within the designated boundaries of the ACA (and does not directly abut same but is separated from it by No.93 Coliemore Road).
- A wide variety of building typologies exist both sides of Coliemore Rd on neighbouring and opposing plots, with no one dominant style dictating uniformity and contradicting diversity.
- The house has been completely gutted internally and refitted
- Dun Laoghaire Rathdown County Council has applied a policy approach to the subject site that does not pertain to it. It is not a Protected Structure and is not located within or directly abutting the ACA. Despite this fact, the reason for refusal emanated from concerns from the Conservation Officer and in this regard an unfair burden has been applied to the proposal that is not grounded in statutory policy.
- The appeal is accompanied by a report on Architectural Heritage.
 - The nearest point of the ACA boundary is the western boundary wall of the adjacent property to the west of the appeal site. Immediately alongside the boundary wall, just outside the ACA boundary, there is a line of trees within the grounds of the next door house. These reduce the visibility of the house on the appeal site and while they do not obscure the site, they form a significant visual barrier from the ACA.
 - The appeal site is separated from the ACA by the breadth of the adjacent property and the nearest point of the house at 92 Coliemore Road to the ACA is some 25 metres.
 - The proposed alterations and additions are mainly to the rear, with the changes to the front being relatively modest.

- The houses along Coliemore Road differ in scale, in height and in style. Some front directly onto the street, others are set back at a significant distance, there are detached, semi-detached and terraced houses, single-storey cottages, two-storey and two-storey over basement. Parts of the street are fronted by high granite walls. The proposed alterations to number 92 Coliemore Road would not be in the least bit incongruous given this variety of streetscape.
- The use of policy AR5 in the development plan as a basis for a refusal is extremely weak, as it does no more than seek to "encourage" the retention of original features. The house has been altered very significantly already.
- Relevant and recent planning precedent at 'Newlands' demonstrates inconsistency in decision making with Reg. Ref. D19A/1077 the location of the site is to the eastern side of Meany Avenue and within the Dalkey ACA
- A second Option B proposal has been submitted with the appeal to the Board.
- Option B scheme seeks to reduce the scale of intervention to the front elevation.
- The applicant would prefer to implement the works in accordance with the Option A scheme as lodged to the Planning Authority.
- Photomontages have been compiled to show both Option A and Option B in context.
- An Architectural Heritage input has been submitted as an appendix to the appeal.

6.2. Applicant Response

- No further response.

6.3. Planning Authority Response

- Response received which includes a hard copy of the transportation department report and a site map.
- The Board is referred to the previous Planners Report.

- It is considered that the grounds of appeal do not raise any new matter which would justify a change in decision.

6.4. Observations

6.4.1. Three number observations received from Mr and Mrs Davitt 91 A Coliemore Road, Bob Hannan Arkadhia, Meaney Avenue, Moyna Hannan 93 Colimore Road Dalkey. They raise similar issues to those raised in their submissions to the PA and which have been summarised above in section 3.4.1 of this report. Concerns are summarised as follows:

- Height, scale, bulk and extent of glazing.
- Overlooking of private garden of 91A Coliemore Road to the east / southeast.
- Degree of overlooking, from the large extensive glazed second floor living area is unreasonable even in an urban setting
- Visual overbearing
- Detract from the character of the established architectural character of Coliemore Road
- Revised design – Option B does not overcome the reason for refusal.
- Overlooking drawing submitted with the appeal is deceptive and misleading
- Reg Ref. 19A/1077 comprised a 1960's bungalow and so Policy AR5 is not applicable.
- Visually domineering when viewed from the south / southeast.
- Loss of light to a window in neighbouring dwelling to the west – due to location of the proposed garden room, located hard up against their eastern boundary.
- Inaccurate and incomplete drawings.
- Concern is raised with respect to the legal entitlement for the red line boundary shown extending across the shared entrance to Coliemore Road.

6.5. Further Responses

- None relevant

7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- **Principle of the proposed development**
- **Dalkey ACA/Design/Visual Amenity**
- **Impact on residential amenity**
- **Other Issues**
- **Appropriate Assessment**

7.2. Principle of the proposed development

7.2.1. The proposal is for the extension and alteration of an existing dwelling with the extinguishment of the existing vehicular access / egress, repositioning and upgrades to the entrance laneway it will also include a new garden room and garage. The site is zoned 'A' with the stated objective "to protect and/ or improve residential amenity." The alterations and development proposed to the existing dwelling at this location would therefore be acceptable in principle subject to an assessment of the impact of the proposal on visual and residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Dalkey ACA/Design/Visual Amenity

7.3.1. The site is located some 25m southeast (outside) of the designated Dalkey Architectural Conservation Area (ACA). The report of the Conservation Division is not supportive of the development as currently presented and does not consider the modifications to the existing building suitable within the context of the Dalkey ACA. The Conservation report sets out that while the principal of the development is acceptable, an opportunity exists to achieve a more sympathetic and appropriate

scheme, one which will respect and integrate more successfully the architectural character and grain of the area. Essentially it is considered that the change of roof profile together with the changes proposed to the composition and form of the building significantly erodes the character of the house, which positively contributes to the character of the area.

- 7.3.2. The reason for refusal by the PA D21A/0920 set out in full in section 3.1 of this report above considers that the proposed development would radically alter the external expression and significantly erode the character of the dwelling house, due in particular to the change of roof profile, composition and form of the building. The proposed development would be visually incongruous in this setting, and would adversely impact on the visual amenities of the Coliemore Road streetscape. It further contends that the proposed development would be contrary to Policy ARS and Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (i) Extensions to Dwellings of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- 7.3.3. Number 92 Coliemore Road, the subject appeal site, is a mid-nineteenth century house, originally consisting of one principal storey over a semi-basement. The house has a parapet to the front and is gable-ended, with chimney stacks on each gable. A flight of steps leads to the front door and is bounded by iron railings. Under Reg. Ref. D16B/0152 it has been enlarged at the side and rear, with a porch extension, roof balcony to the east side of the house. Internally, the house has been gutted and refitted.
- 7.3.4. The dwelling is not a protected structure, neither it nor the house to its west (No. 93 Coliemore Road) are within the architectural conservation area (ACA). There are no specific designations pertaining to the subject site.
- 7.3.5. A description of the proposed development is set out in section 2.1 of this report above. The proposed development would result in an increase of gross floor area from 300 sq m to 405 sq m, in addition to a garage (57 sq m) and a garden room (40 sq m). The development proposes to increase the ridge height of the dwelling by 0.47m (from +28.03OD to +28.50OD). The development also comprises the extinguishment of the existing vehicular access to No. 92 Coliemore Road, the

creation of a new vehicular access/egress, repositioning and upgrades to the entrance.

- 7.3.6. The first party argue that there is a wide variety of styles, massing and periods represented in the vicinity of the appeal site. That the proposed alterations and additions are mainly to the rear, with the changes to the front being relatively modest. The existing parapet line, the chimneys at the gables and the rendered façade are all being retained. The changes to the roof will result in a slight rise above the existing ridge line, though this will not be visually intrusive as it will remain well below the heights of the chimney stacks. There will be a change to the fenestration, though this will maintain the numbers of window and door openings and their relative spacing.
- 7.3.7. The first party also submit there is no statutory protection that applies to the appeal premises. Therefore, the use of policy AR5 in the development plan (CDP 2016 – 2022) as a basis for a refusal is extremely weak, as it does no more than seek to "encourage" the retention of original features. The house has been altered very significantly already.
- 7.3.8. This being said a second "Option B" proposal has been submitted with the appeal to the Board. Option B seeks to reduce the scale of intervention to the front elevation. The existing front elevation walls remain unaltered (glazing omitted), the front entrance door remains unaltered and front elevation window openings remain unaltered. Photomontages have been compiled to show both Option A and Option B in context.
- 7.3.9. I consider that Option B reduces the scale of intervention to the front elevation, addresses concerns of unsympathetic changes to the composition and form of the front of the building. However, it does not address the planning authority's concern with respect to change of roof profile.
- 7.3.10. On balance and regard being had to the plans and drawings, photomontages submitted and to section 12.3.7.1 'Extensions to Dwellings' set out in the new Dun Laoghaire Rathdown County Development Plan 2022- 2028 I am of the opinion that 'Option B' is appropriate and has regard to policy to 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 the

streetscape in preference to their demolition. The proposal seeks extension and alteration, in the main to the rear of the existing dwelling and the design has been reconsidered to preserve the character of the original structures facade and its surviving architectural interest and features.

7.3.11. The dwelling is detached, on a sizeable site, well set back from Coliemore road. I consider that Option B would not detract from the visual amenity, character and pattern of development in the area. The photomontages indicate that the development will not result in any adverse impact on the streetscape and character of Dalkey ACA. I am satisfied that the 'Option B' as proposed would not have any detrimental impact on the built heritage of the area.

7.4. Impact on residential amenity

7.4.1. Third parties to the appeal raise concerns with respect to overlooking, overbearing and loss of light to their properties.

7.4.2. The proposed extensions would have a stated floor area of some 154 sq. m, spread over three floors (ground floor, first floor and second floor). The majority of the extension is at second floor. The existing roof profile will be removed to accommodate the extension at second floor level.

7.4.3. The proposed flat roofed rear extension would have a maximum height of c. 5.9m, from finished floor level at first floor level. A circa 23m separation distance would be maintained between the rear elevation and the garden room, located at the southern boundary. A distance of 8.9m from the proposed side (eastern) elevation extension to the adjacent property at 91A Coliemore Road is shown.

7.4.4. In relation to the matter of residential amenity having regard to the siting and the design of the proposal, the orientation of the site and separation distances to shared boundaries, I am satisfied that it would not unduly overbear or overshadow neighbouring properties.

7.4.5. With respect to overlooking, I note that third party observations have raised serious concerns. The PA in their assessment have done a thorough evaluation and having considered proximity, location of windows, the upper terrace and the courtyard that, having regard to, the sites location in an existing urban area a degree of overlooking

may be considered acceptable. However in the interest of residential amenities of neighboring properties, it is considered that in the event that a grant of permission for the proposed development were to be considered, that the extent of glazing at 2nd floor level should be reduced. It is noted that a screen is proposed to the first-floor terrace facing the eastern boundary to prevent any overlooking onto the property to the east. I tend to agree and I note the existing permitted first floor facing east balcony and the orientation of all windows in the existing house.

- 7.4.6. The rear of the dwelling is located some 28m from the southern / rear boundary of the site. There are no directly opposing dwellings. The rear garden of 'Sala Tiga', an observer to the appeal, facing Meany Avenue, is located adjoining the southern site boundary. In the interest of residential amenities of neighbouring properties, overlooking and perceived overlooking I agree that in the event that a grant of permission for the proposed development is forthcoming, that the extent of glazing on the rear elevation at second floor level should be reduced. I note that drawings submitted do not include a clear rear elevation drawing, I recommend that this be subject to condition and compliance. A condition should be attached to any grant of planning permission that a rear elevation drawing clearly indicating the ground first and second floor, with reduced glazing at second floor to comprise no greater than 50 % of the southern wall of the upper kitchen / living / dining area glazed be submitted for written agreement of the planning authority.

Garden Room:

- 7.4.7. A garden room is proposed to the rear of the property along the western, southern and eastern boundaries of the site. The garden room would have a stated GFA of 40 sq. m (including the covered external terrace) and has a maximum height of c. 3m. It is noted that the western site boundary is shared with 'Arkhadis', an observer to the appeal.
- 7.4.8. The PA report clearly states: "While some limited contextual detail is shown on the plans and particulars lodged with this application for the garden room, this detail is very limited. It is considered that in the event that a grant of permission for the proposed development were to be considered, that drawings which more clearly show the garden room in the context of adjoining properties/site boundaries/site

levels would be required. This is noting in particular the apparent changes in ground levels on site”.

- 7.4.9. The appeal submission and drawing do not address the matter. In light of the photographic evidence submitted of habitable windows in the adjoining dwelling, Arkhadis’, being in close proximity of the western boundary. The proposal to construct the garden room right up to the party boundary may be somewhat unreasonable given the change in ground levels. In the absence of contiguous elevations and cross sections to properly assess the impact I recommend that the garden room be omitted.

7.5. **Other Issues**

- 7.5.1. A third party has raised concerns with respect to the red line boundary and legal ownership of the existing shared entrance by the applicants.
- 7.5.2. I consider this to be a legal matter outside the remit of this planning appeal. I can only undertake my assessment based on the information before me. I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

7.6. **Appropriate Assessment**

- 7.6.1. 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. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2022 - 2028 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of Dalkey ACA or of Coilemore Road and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of residential amenity and traffic safety and convenience. 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 submitted to An Bord Pleanála on the 18th January 2022 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>This permission relates solely to extensions and alterations to the host dwelling – “Option B”, as submitted to An Bord Pleanála on the 18th January 2022, the vehicular garage and new vehicular access and does not include planning permission for the proposed ‘garden room’. Prior to the</p>

	<p>commencement of development revised drawings indicating the 'garden room' omitted from the site layout plan shall be submitted for the written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Prior to the commencement of development, the developer shall submit a revised plan and elevation drawing, for reduced glazing at second floor, to comprise no greater than 50 % of the southern wall of the upper kitchen / living / dining area to be glazed, for the written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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>
6.	<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>
7.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

8.	<p>The development shall comply with the requirements of Roads and Traffic Planning Division of Dun Laoghaire Rathdown County Council.</p> <p>(i) The splayed entrance in front of the new relocated vehicular entrance shall be dished and strengthened at the applicant's own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and the planning authority. With regards to the dishing and strengthening of the footpath the applicant shall contact Road Maintenance & Roads Control Sections to ascertain the required specifications for such works and any required permits.</p> <p>(ii) The developer shall prevent mud dirt debris or building materials being carry onto the public road or adjoining property(s) as a result of site construction works and repair any damage to the public road arising from carrying out the works all necessary measures shall be taken by the developer to avoid conflict between construction activities and pedestrian / regular movements during construction works.</p> <p>Reason: In the interests of traffic safety.</p>
9.	<p>A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided</p>

	<p>to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
11.	<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>

Fiona Fair
 Planning Inspector

10.10.2022