



An
Bord
Pleanála

Inspector's Report ABP-312918-22

Development

Conversion of single occupancy dwelling to two, two-bed apartments. Realignment, extension and raising of first floor dormer accommodation to both sides. Demolition of shed and garage and associated site works

Location

17 Ulverton Road, Dalkey, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/1077

Applicant(s)

McGendco Ltd

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

McGendco Ltd

Observer(s)

None

Date of Site Inspection

September 06th, 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.05 hectares, is located at 17 Ulverton Road, Dalkey, Co. Dublin. This is an established residential area with properties of varying styles and sizes evident. This subject site comprises a detached, dormer style dwelling with undercroft garage.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of existing garage and shed, conversion of existing single occupancy dwelling to two no. self-contained two-bedroom apartments each with own door. Works also include re-alignment, extension and raising of first floor dormer accommodation, removal of existing chimneys and fireplaces, new screened balcony at first floor, widening of vehicular access and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority REFUSED permission for the following reason:

1. Given the layout and configuration of the first floor level apartment, the proposed development will result in a substandard amenity space for this unit. The balcony area is not directly accessible from the living room and the screening proposed would result in an outdoor amenity area that would offer limited amenity value to its future occupants. The proposal is therefore considered to be contrary to 8.2.3.4(ii)(Sub-Division of Dwellings) under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 which requires adequate open space arrangements to be provided at the discretion of the Planning Authority. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity.

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 main points of the planner's report include:

- Generally satisfied that the site may be suitable for a subdivision in accordance with section 8.2.3.4(ii) of the operative CDP
- Layout and configuration will result in a substandard amenity space for the proposed first level apartment
- Balcony area not directly accessible from the living space and screening of balcony would result in an outdoor amenity area that would offer limited amenity value to its future occupants
- Proposal consider contrary to section 8.2.3.4(ii) of operative CDP
- Given overall size of site and dwelling, consideration may be given to an alternative subdivision arrangement with provided for two dwellings over the 2 levels with a conventional open space to rear
- Recommends refusal of permission

3.2.2. Other Technical Reports

Transportation Planning Division- Further Information requested

Municipal Services Department- No objections, subject to conditions

3.3 Prescribed Bodies

Irish Water- No objections, subject to conditions

4.0 Planning History

D21A/0674

Permission REFUSED for demolition of existing garage and shed, conversion of existing single occupancy dwelling to two no. self-contained two-bedroom

apartments each with own door. Works also include re-alignment, extension and raising of first floor dormer accommodation, removal of existing chimneys and fireplaces, new screened balcony at first floor, widening of vehicular access and all associated site development works. The reasons for refusal related proposal being contrary to section 8.2.3.4(ii) of CDP, will result in substandard level of amenity for future occupiers, seriously injurious to residential amenity, depreciate value of adjoining properties and setting of undesirable precedent. In addition, the scale and form of proposed modified and extended dormer structures were considered to be excessive relative to overall span of roofslopes; visually dominant and contrary to proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

The site is in an area zoned 'Objective A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

The application site is located adjacent to the Dalkey Village Architectural Conservation Area (ACA).

Section 12.3.7.2 Sub-Division of Dwellings

Policy Objective PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Density existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Section 12.3.7 Additional Accommodation in Existing Built-Up Areas

Section 12.3.7.1 Extensions to Dwellings

5.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main points of the appeal are:

- Planning authority failed to note that rear garden area, together with service balcony would provide amenity space to upper floor apartment. Proposed new door giving direct access to rear garden area. Each proposed apartment would have half of rear garden area (60m² each)- safe, direct access can be provided to garden for each proposed unit
- There is established overlooking from the property by virtue of its position on a granite outcrop. Reduction in overlooking by reduced window opes and screens would improve amenity of adjoining property

- No validity in planning authority assertion that proposal would reduce value of adjoining properties
- Proposed dormers do not break ridge line or eaves- impact would be no greater than already exists
- Drawing No. (--)-03M submitted showing configuration/extent of proposed open space

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, in addition to having visited the site. I note that the new County Development Plan 2022 has been adopted since the decision in relation to this application issued from the planning authority. The primary issues, as I consider them, are the impact on the visual and residential amenity of the area arising from the proposed development and quality of proposed residential amenity for future occupants.
- 7.2. The first party appellants are of the opinion that the planning authority inadequately or incorrectly assessed the application in relation to the extent of private open space provision and did not take into account the proposed subdivision of the rear garden area. I am of the opinion that this was not clearly set out in the application documentation and the submitted drawings are somewhat difficult to decipher. I note that the application cover letter states 'the generous rear garden could be nominally

subdivided' and some drawings state that existing garden to be landscaped to provide open space to both units. It is not clearly set out in the drawings submitted how this is to be achieved and/or what the area of any such open space would be. This has been further clarified in the appeal documentation submitted and I refer the Board to same,

- 7.3. The operative County Development Plan is generally favourable to such subdivisions, subject to normal planning criteria and I note section 12.3.7.2 states that 'In accordance with Policy Objective PHP19: Existing Housing Stock - Densification and Adaptation, the sub-division of existing dwellings into two or more dwelling units will be encouraged in circumstances where it would contribute to maintaining a viable community in an area, will allow for the opportunity of downsizing, is in a location well served with amenities, and where the existing dwelling is of an appropriate size'.
- 7.4. I note the concerns of the planning authority which relate primarily the private open space provision and their opinion that it is substandard in terms of the amenity value it would offer to future occupants. The planning authority are further of the opinion that the proposed development would therefore be seriously injurious to the residential amenities of the future occupants of the proposed dwelling. I consider that these concerns of the planning authority in relation to the quality and quantity of private open space provision are not so great as to warrant a refusal of permission. A directly accessible private balcony/terrace space is being provided to each unit, while approximately 60 square metres of private garden space is also being provided to each unit. I acknowledge that the proposed private open space to Apartment 2 is not directly accessible from the living space, however in this instance I am not unduly concerned given the extent of private open space being proposed. I am of the opinion, however that exact details regarding how the rear garden area is to be subdivided, together with landscaping proposed should be clarified by means of condition.
- 7.5. I consider that impacts on residential amenity would not be so great as to warrant a refusal of permission. I consider that issues of overlooking would not be significantly greater than currently exists. The proposed units would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site.

- 7.6. I consider that the quality of residential amenity being afforded to any future occupiers to be satisfactory. I am of the opinion, however, that the height of the proposed glazed screen to balcony of Apartment No. 2 be reduced from 1.8m in height to 1.2m. This would provide a better quality of amenity to the future occupier of Apartment No. 2 utilising this space, without any substantial increase in overlooking than currently exists. Floor area standards are considered to be generally in compliance with the operative County Development Plan and national guidance.
- 7.7. In terms of visual amenity, I do not have issue with the extent or scale of the proposed enlarged dormer windows and consider that they integrate satisfactorily with the existing dwelling and other properties in the vicinity. The non-uniform architectural style along the roadway is noted. The proposal involves the external upgrade of a dwelling that currently detracts somewhat from the character of the streetscape due to its current condition. I have no information before me to believe that the proposed development would depreciate the value of property in the vicinity. In terms of setting of precedent for similar type developments, I note that each application is assessed on its own merits.
- 7.8. The proposal provides the provision of an additional unit, in a time when densification of established areas is to be welcomed and is considered to be in accordance with national guidance. It provides two smaller units in an area which is currently well served with larger residential properties, which may aid those wishing to downsize.
- 7.9. I am satisfied that the proposed parking provision is acceptable given the urban location of the site and its proximity to public transport, together with the limited scale of the proposed development. Any concerns of the planning authority in this regard could be adequately dealt with by means of condition.
- 7.10. Having regard to the above, I am satisfied that the proposed development is in accordance with the zoning objective of the County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment Screening

8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1. I recommend permission be GRANTED subject to conditions.

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Dun Laoghaire-Rathdown County Development Plan 2022, and to Policy Objective PHP19: Existing Housing Stock - Densification and Adaptation of that Plan, it is considered that, subject to compliance with conditions below, the proposed development would provide an acceptable standard of residential amenity to future occupiers, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
----	---

	<p>Reason: In the interest of clarity</p>
2.	<p>Prior to the commencement of any works on site, the applicants shall submit for the written agreement of the planning authority, revised drawings showing:</p> <p>(a) A minimum garden area of 60 square metres shall be provided to each of the proposed units. Exact details of the proposed subdivision of the existing rear garden area, including boundary details and landscaping, shall be submitted which clearly shows the area of private, enclosed open space available exclusively to each proposed unit.</p> <p>(b) reduction in height of glazed screening to balcony area of Apartment No. 2 from 1.8m to 1.2m</p> <p>(c) reduction in vehicular entrance to 4m and additional details which clearly show any proposed changes to the existing verge at Ulverton Road</p> <p>Reason: In the interests of residential amenity</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>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 amenities of property in the vicinity.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p>

	Reason: In the interests of visual and residential amenity.
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. Details in relation to the provision of a soakpit shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of public health and surface water management.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<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>
--	--

Lorraine Dockery
Senior Planning Inspector

12th September 2022