



An  
Bord  
Pleanála

## Inspector's Report ABP-313710-22

### Development

Restoration and upgrade works including; demolition of the existing dilapidated single storey extensions to the rear, replacement of the existing slate roof and front window to Castle Street, construction of a new two-storey extension and dormer to the rear, and all associated site drainage works

### Location

59a Castle Street, Dalkey, Co Dublin

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D22A/0183

### Applicant(s)

Donal Nolan

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Donal Nolan

### Observer(s)

None

**Date of Site Inspection**

18<sup>th</sup> October 2022

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, fronts onto Castle Street, Dalkey and consists of an end of terrace single storey dwelling. The eastern gable of the dwelling forms part of the site boundary with a shared access lane to a residential development known as Termon.

## 2.0 Proposed Development

- 2.1. Permission is sought for restoration and upgrade works including demolition of the existing dilapidated single storey extensions to the rear, replacement of the existing slate roof and front window to Castle Street, construction of a new two-storey extension and dormer to the rear, and all associated site drainage works.
- 2.2. The stated floor area of proposed demolition works is 25m<sup>2</sup> while proposed new build is stated as 81m<sup>2</sup>.
- 2.3. The proposed development is intended to match the heights, massing, and materiality of the concurrent proposed development at the adjoining property, 59B Castle Street.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission REFUSED, for the following reason:

1. The subject site is located within the Dalkey Architectural Conservation Area (ACA), as detailed in the Dun Laoghaire- Rathdown County Development Plan 2022-2028. The proposed development does not accord with Policy Objective HER13: Architectural Conservation Areas and Section 12.11.4: New Development within an ACA of the current County Development Plan, as the proposed development fails to respect the established character and urban morphology of the Dalkey Architectural Conservation Area. Furthermore, the proposed roof alterations and extension would constitute a visually obtrusive or dominant form of development, which would be detrimental to the character of the structure, and its setting and context, within the Architectural Conservation Area. The proposed development would therefore, be contrary

to provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and 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:

- Having regard to the location of the site within the ACA of Dalkey and to the scale, design and massing of the proposed works, it is considered that the proposed development does not accord with Policy Objective HER13: Architectural Conservation Areas and Section 12.11.4: New Development within an ACA of the current County Development Plan
- Recommends refusal of permission

### 3.2.2. Other Technical Reports

Municipal Services Department- Further Information requested

Conservation Division: Refusal recommended

Transportation Division: Further Information requested

## 3.3 Prescribed Bodies

None

## 4.0 Planning History

None

Adjoining Site:

ABP-313711-22

Concurrent application and appeal on adjoining site, No. 59B Castle Street, Dalkey

## 5.0 Policy and Context

### 5.1. Development Plan

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

Zoning: Objective 'NC' which seeks 'to protect, provide for and/or improve mixed-use neighbourhood centre facilities.

Residential development is permitted in principle under this zoning objective.

The site subject is located within the Dalkey Architectural Conservation Area (ACA)

Chapter 11: Heritage & Conservation;

Policy Objective HER13: Architectural Conservation Areas, where is it Council Policy to

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA)
- 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.

Section 12.11.4 New Development within an ACA

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:

- In its current state, property is damaging to visual amenities of Dalkey ACA
- Primary aim is to restore and upgrade the proposed; further delays will result in inevitable total destruction of property
- Proposed works would have significant positive impact on local area
- Property located opposite two large billboards, which from a visual and aesthetic amenity, the dwelling remains secondary to these billboards at all times
- Planning authority want existing pitched roof to be retained- considered to be unreasonable and unrealistic- fails to acknowledge necessities of contemporary building standards and regulations. Property is not a Protected Structure and building regulations must be fully complied with. Existing roof structure is no longer fit for purpose, must be removed and replaced in its entirety

- References precedent for other similar type developments in ACA
- Aiming to provide sustainable accommodation to meet current demands
- All surface water will be disposed of using SuDS
- There is existing parking at dwelling which will be retained
- Will submit Construction Management Plan as condition of grant of permission
- Seeks to restore front of cottage, to respect ACA. Sensitive, high quality design for this modest development

## 6.2. **Planning Authority Response**

A response was received which states that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

## 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 highlight to the Board that there is a concurrent appeal on the adjoining site No. 59B Castle Street (ABP-313711-22) and I refer the Board to same.

7.2. The primary issues, as I consider them, are the impact on the built heritage/visual amenity of the Dalkey Architectural Conservation Area arising from the proposed works (ii) impacts on residential amenity (iii) drainage matters and (iv) transportation matters.

- 7.3. The operative County Development Plan is generally favourable to such extensions, subject to normal planning criteria and I note section 12.3.7.1(iv) in this regard.

Built Heritage/Visual Amenity of Dalkey ACA

- 7.4. In terms of impacts on built heritage/visual amenity of Dalkey ACA, I note Development Plan policy in this regard, including Policy Objective HER13, together with section 12.11.4. I note that the subject property is not designated as a Protected Structure in the recently adopted County Development Plan. I also note that the proposal seeks to upgrade and extend an existing cottage to contemporary living standards and I acknowledge that in its current state, it does not contribute positively to the ACA. A sensitive redevelopment is to be welcomed and a balance needs to be achieved between upgrading/extending to allow for modern needs whilst at the same time protecting the built heritage/visual amenity of the area.
- 7.5. I note the concerns of the planning authority in this regard and I also have some concerns regarding the extent of the proposed flat roof extension at first floor level and its visual impacts when viewed from Castle Street and the shared access lane. It could be visually incongruous at this location. This is more pronounced given its end of terrace position; its location within the ACA and its proximity to the Castle. I am of the opinion however that these concerns can be addressed by means of an alteration to the design proposed. In this regard, I recommend that the first floor master bedroom element be omitted from the proposal thereby reducing the overall extent of the proposed development by approximately 4.6 metres at first floor level. This would overcome any concerns I have with regard to impacts on built heritage/visual amenity. I do not have issue with its extent at ground floor level.
- 7.6. Subject to the recommended alterations set out above being implemented, I am of the opinion that the proposal would integrate well with the existing dwelling and other properties in the vicinity and that a refusal of permission is not warranted. I consider that, as amended, the proposal would not be excessively visually incongruous or dominant in this context nor would it detract from the built heritage, character or urban morphology of the ACA to such an extent as to warrant a refusal of permission. I am satisfied in this regard.
- 7.7. Matters relating to proposed materials and finishes could be adequately dealt with by means of condition.



### Residential Amenity

- 7.8. In terms of residential amenity for future occupiers, I note that the recommended amendments would result in a loss of one bedroom- from proposed two-bed unit to one-bed unit. I am satisfied that the level of amenity being afforded to future occupants would be satisfactory and comply with national and local standards. I consider that the site has the capacity to absorb a development of the nature and scale proposed, with amendments, without detriment to the residential amenities of the area. I am generally satisfied in this regard. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.

### Drainage Matters

- 7.9. I note that the Drainage Division of the planning authority requested further information in relation to SuDS matters. The applicants addressed this matter in their appeal submission and state that all surface water drainage will be disposed of using SuDS techniques. I consider that the matter of drainage can be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

### Transportation Matters

- 7.10. I note the Transportation Division of the planning authority requested Further Information in relation to transportation matters including exit visibility from the car parking space and vehicle manoeuvring. I am not unduly concerned in this regard, given that the car parking space is currently in existence, no amendments are proposed and the access opens onto a private laneway. Given the scale of the development proposed, car movements are anticipated to be limited.

### Other matters

- 7.11. Having regard to the above and to the site sensitivities, I recommend that a Construction Management Plan be submitted to the planning authority for its written agreement, prior to the commencement of any works on site.

## **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 zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities, character or built heritage of the area or residential amenity of property in the vicinity. 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.  <b>Reason:</b> In the interest of clarity
2.	Prior to the commencement of any works on site, the applicants shall submit revised drawings for the written agreement of the planning authority, showing the proposed first floor master bedroom element of the proposal

	<p>omitted and the internal layout amended accordingly. This will result in a reduction in the first floor element by approximately 4.6 metres.</p> <p><b>Reason:</b> In order to protect the visual amenities and built heritage of the Architectural Conservation Area</p>
3.	<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><b>Reason:</b> 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><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
5.	<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><b>Reason:</b> In the interest of public health and surface water management.</p>
6.	<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><b>Reason:</b> To protect the amenities of the area</p>
7.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>

---

Lorraine Dockery  
Senior Planning Inspector

26<sup>th</sup> October 2022