



An
Bord
Pleanála

Inspector's Report ABP-313949-22

Development

Demolition of existing rear single storey extension and construction of two-storey extension to rear, with amendments to front elevation positioning of door & windows with associated site works. The building is in an Architectural Conservation Area.

Location

14 St. Patrick's Road, Dalkey, Co Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D22A/0251

Applicant(s)

Edel Noble & Martin Stairs

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Edel Noble & Martin Stairs

Observer(s)

None

Date of Site Inspection

December 13th, 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, fronts onto St. Patrick's Road, Dalkey, Co. Dublin and consists of a mid-terrace single storey cottage with pitched roof and single storey extension to rear. The area is characterised by dwellings of similar form and appearance.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing rear single storey extension and construction of two-storey extension to rear, with amendments to front elevation positioning of door & windows with associated site works.
- 2.2. The proposed demolition are stated to comprise 20m² while the proposed extension has a stated floor area of 98m².

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED, for the following reason:

1. Having regard to the nature and scale of the proposed development, and the proximity of the proposed development to adjoining properties, it is considered that the proposed development would result in undue overshadowing of neighbouring properties at No. 13 St. Patrick's Road and properties to the east on Convent Road. Furthermore, the proposed development would be visually overbearing to neighbouring properties. The proposed development would seriously injure the residential and visual amenities of the area, and would not comply with Section 12.3.7.1 Extensions to Dwellings (ii) Extensions to the Rear of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028. As such, the proposed development would 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:

- Having regard to the nature and scale of the proposed development, and its proximity to neighbouring properties, and to the location of the subject site, it is considered that the proposed development does not accord with the provisions of Section 12.3.7.1(Extensions to Dwellings) of the current County Development Plan
- Recommends refusal of permission

3.2.2. Other Technical Reports

Municipal Services Department- Further Information requested in relation to disposal of surface water run-off

Conservation Division: no objections

3.3 Prescribed Bodies

None

4.0 Planning History

None

Adjoining Sites:

It is noted that the Planner's Report (page 2) details a number of permissions for extensions to the rear of properties along St. Patrick's Road and I refer the Board to same.

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 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

Residential development is permitted in principle under this zoning objective.

The site subject is located within the Dalkey Village 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:

- Proposal does not have visual impact on streetscape and development is consistent with extension that has been constructed on the adjoining site- minimal impact on surrounding properties
- Daylight and sunlight analysis submitted that seeks to show that the proposal will have little further impact on adjoining dwellings than is currently the case
- Acknowledged that the proposed development may have an overbearing impact on courtyard of adjoining property, No. 13 and therefore revised drawings showing slight amendment including revisions to floorplan/roof and provision of a pitched roof following the line of the stairs. This seeks to lessen any overbearing impacts
- Revised design submitted

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.

7.2. The primary issues, as I consider them, are the impacts of the proposed two-storey extension to rear on the residential and visual amenity of adjoining properties and (ii) other matters. The planning authority appear generally satisfied in relation to the remaining elements of the proposal. I am also satisfied in this regard.

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.

7.4. I note that the first party appellants have submitted revised drawings as part of their appeal submission. I highlight to the Board that I am taking these revised drawings into consideration in assessing this appeal.

Residential and Visual Amenity

7.5. I note the concerns of the planning authority and the impacts that the proposal as submitted would have on the visual and residential amenity of the adjoining property owners. I would concur with the opinion of the planning authority to some extent in this regard. I consider however that the revised proposal, submitted as part of the appeal documentation, sufficiently addresses these concerns and substantially overcomes the reason for refusal. I note that many other properties in the vicinity

have constructed similar scale extensions on these relatively tight plots. I note a similar type extension is constructed to the rear of the adjoining property, No. 13. Taking this into consideration, I consider that the site has the capacity to absorb a development of the nature and scale proposed, as amended by revised design, without detriment to the residential amenities of the area. Subject to the revised design as submitted, 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 result in material impacts on adjoining properties, in particular when viewed from their private amenity space, and I do not consider that the proposed works would be excessively visually incongruous or dominant in this context. I am satisfied in this regard.

- 7.6. Subject to amendment, I do not anticipate levels of overlooking or impacts on privacy to be excessive. I have no information before me to believe that the proposal would lead to devaluation of property in the vicinity.
- 7.7. In terms of impacts on daylight and sunlight, I am conscious that in designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Dun Laoghaire-Rathdown County Development Plan to assist in identifying where potential issues/impacts may arise. Noting the revised design, I consider any potential impacts to be reasonable, having regard to the need to provide additional accommodation within an urban area identified for residential development, to the existing pattern and scale of development within the area and to the overall scale of the development proposed. As amended, I consider that the potential impact on existing residents would not be significantly adverse and is mitigated insofar as is reasonable and practical. I am satisfied in this regard.

Other Matters

- 7.8. I note that the Drainage Division of the planning authority requested further information in relation to surface water drainage matters. 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.

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, as amended by drawings received by An Bord Pleanála on the 30 th day of June 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
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	<p>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>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>
3.	<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>
4.	<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 and surface water management.</p>
5.	<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>
6.	<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>Reason: In the interests of public safety and residential amenity.</p>
7.	<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</p>

	<p>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>
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Lorraine Dockery
Senior Planning Inspector

14th December 2022