



An
Bord
Pleanála

Inspector's Report ABP-314146-22

Development

Demolition of garages and extensions to the rear. The construction of a new extension, part two-storey and part single-storey, with covered terrace, indoor swimming pool and terrace. The construction of a separate two-storey annex containing car parking, bicycle store and storage at ground floor with study and gym at first floor. Internal alterations to the existing house including new mechanical and electrical services

Location

Dunkerron, Adelaide Road,
Glenageary, Co Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D22A/0182

Applicant(s)

Niall and Jillian Crosby

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	First Party
Appellant(s)	Niall and Jillian Crosby
Observer(s)	Susan Kenny
Date of Site Inspection	18/01/2023
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.4 hectares, is located on the eastern side of Adelaide Road, Glenageary, Co. Dublin. The site contains a detached two-storey period dwelling. This is an established residential area.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of garages and extensions to the rear, together with the construction of (i) a new extension, part two-storey and part single-storey, with covered terrace, indoor swimming pool and terrace (ii) a separate two-storey annex containing car parking, bicycle store and storage at ground floor with study and gym at first floor and (ii) internal alterations to the existing house including new mechanical and electrical services.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 11 conditions.

Further Information was requested by the planning authority in relation to (i) the submission of revised plans for the swimming pool/gym building and (ii) impact of proposed two-storey detached structure on amenities of existing adjacent property and on mature trees to immediate north of same.

In response to (i) above, the applicants submitted revised drawings showing the omission of the indoor swimming pool and covered terrace elements and the provision of a smaller, lower garden room fully detached from main dwelling. In response to (ii) above, no alterations were undertaken to the form, layout or siting of the proposed two-storey annex building. Further details were submitted in relation to its design and proposed construction methods.

Condition No. 2

- (a) The two-storey detached annex proposed to the north of the main dwelling shall be omitted from the development hereby permitted.

- (b) The single-storey garden room to the east of the main dwelling shall be set back by a minimum of 1.8m from the rear (east) subject site boundary

Reason: In the interest of the residential and visual amenity of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Recommends grant of permission, report reflects decision of planning authority

3.2.2. Other Technical Reports

Drainage Planning- no objections, subject to conditions

Conservation Officer- Further Information requested (report dated 20/04/22)

Environmental Office- no objections

3.3 Prescribed Bodies

Irish Water

Prior to commencement of development, the applicant is requested to contact Irish Water and agree details of discharge arrangement for swimming pool backwash into the foul network. This agreement shall be submitted to the planning authority in the form of a compliance submission to ensure appropriate agreement has been reached.

4.0 Planning History

None

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.

Section 12.3.7.1 Extensions to Dwellings

Section 12.3.7.4 Detached Habitable Room

There is an objective to protect and preserve Trees and Woodlands within the subject site, and in properties to its immediate north and south.

The site subject is located within the Adelaide Road/Station Road candidate Architectural Conservation Area (cACA). The rear (east) portion of the subject site is located immediately adjacent to but outside the boundary of the Marlborough Road Architectural Conservation Area (ACA).

Chapter 11: Heritage & Conservation

Policy Objective HER18:

It is Policy objective that development proposals within a candidate Architectural Conservation Area will be assessed having regard to the impact on the character of the area in which it is to be placed. All proposals for new development should preserve or enhance the established character of the buildings and streetscape.

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:

- Appeal against Condition 2(a) only
- Annex will be for use of main house and will never be used as residential accommodation or sold independently
- Cites examples of works carried out to neighbouring properties
- Lack of overbearing, overlooking impacts
- Conservation Officer had no issue with this annex
- Willing to accept design modifications including setting back of first floor window by 2m and length of annex reduced to 17.5 square metres- notes no attic area in main house

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**

An observation was received on behalf of Susan Kenny which may be summarised as follows:

- Requests the retention of Condition 2(a)- in absence of this condition, observer would suffer from excessive encroachment, overbearing, overshadowing and loss of privacy
- If Board is minded to grant permission, requests that proposed annex be set back at least 2m from northern site boundary and be single storey in height

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, the observation and further responses received, in addition to having visited the site.

7.2. This is an appeal against Condition No. 2(a) only of the decision to grant permission of Register Reference D22A/0182, which issued from the planning authority on 27th June 2022. In this regard, I consider it is appropriate that the appeal should be confined to Condition No. 2(a) only and I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act in this case.

7.3. **Condition No. 2 (a)** (as detailed above), in summary, relates to the omission of the proposed two-storey detached annex.

- 7.4. The primary issues, as I consider them, are the impacts of the proposed works on residential and visual amenity/built heritage of the area and (ii) other matters.
- 7.5. I highlight to the Board that a revised design has been submitted as part of the first party appeal and it is this revised design on which I am basing my assessment. The primary issues, as I consider them, are the impact on the visual and residential amenity of the area arising from the proposed works.
- 7.6. The operative County Development Plan is generally favourable to such detached habitable rooms, subject to normal planning criteria and I note section 12.3.7.4 in this regard.
- 7.7. The planning authority has expressed concerns that that this annex, by reason of its overall massing, profile and proximity to the subject site boundaries would adversely impact on the amenities of adjoining properties and would thus not accord with the provisions of section 12.3.7.4 of the operative County Development Plan. I would echo these concerns, in particular given the overall length of the proposed structure (at almost 18 metres) at this location and consider that the overall length as proposed could impact negatively on the visual and residential amenities of the area. I do not have issue with the height of the proposal, given the setback at first floor level. I consider that issues of overlooking would not be excessive, given the positioning of the fenestration. I consider however that a revised design, which reduces the overall length of the structure to approximately 10 metres would be appropriate. Uses previously proposed at first floor level may be provided within the reduced ground floor, if the applicant wishes. I consider that Condition No. 2(a) should be amended to reflect this recommendation.
- 7.8. Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND Condition No. 2(a) so that it shall be as follows for the reason and considerations set out:

10.0 Reasons and Considerations

10.1 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, it is considered that subject to compliance with the conditions set out below, the proposed alterations to Condition No. 2(a) attached to the grant of permission under planning register reference number D22A/0182 would not seriously injure visual amenities, established character or appearance of the area and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be in accordance with Condition No.s 1 – 11 attached to the grant of permission under P. A. Reg. Ref: D22A/0182 on 27th June, 2022, as amended by additional drawings received by An Bord Pleanála on 22 nd day of July 2022, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity
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2.	<p>Condition No. 2(a) attached to the grant of permission under P. A. Reg. Ref. D22A/0182 on 27th June, 2022 shall be amended as follows:</p> <p>Prior to the commencement of any works on site, the applicants shall submit revised drawings to the planning authority, for their written agreement, which shows the proposed annex to the north of main dwelling reduced to a maximum overall overall length not exceeding 10 metres. Uses previously proposed at first floor level may be provided at ground floor level.</p> <p>Reason: In the interest of visual and residential amenity.</p>
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Lorraine Dockery
Senior Planning Inspector

19th January 2023