



An
Bord
Pleanála

Inspector's Report ABP-314148-22

Development

Construction of a new two storey rear extension with flat roof with two rooflights above to the rear of the existing house; an attic conversion with new roof lights to the rear and to the east of the revised roof to the existing internal floor layout at ground and first floor level; construction of a new single storey garage to the front of the property with separate external doors and with glazed link to existing house at lower ground level; and modifications and widening of the existing vehicular entrance off Ardbrough Road to being 3.5m in width, as well as all ancillary site development works

Location

Ardan, Ardbrough Road, Dalkey, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/0907

Applicant(s)	Briege and Brian Coe
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Redmond O'Hanlon
Observer(s)	None
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 0.06 hectares, is located on the northern side of Ardbrough Road, approximately 600 metres south of Dalkey village. The site contains a detached two-storey dwelling. The area is characterised by dwellings of differing forms and appearance.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new two-storey rear extension with flat roof with two rooflights above to the rear of the existing house; attic conversion with new roof lights to the rear and to the east of the revised roof to the existing internal floor layout at ground and first floor level; construction of a new single storey garage to the front of the property with separate external doors and with glazed link to existing house at lower ground level; and modifications and widening of the existing vehicular entrance off Ardbrough Road to being 3.5m in width, as well as all ancillary site development works.
- 2.2. The proposed additional floor area has a stated floor area of 128m².

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 10 conditions.

Further Information was requested by the planning authority in relation to proximity to Dalkey Coastal Zone and Killiney Hill (Ref. 001206) pNHA

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Having regard to the zoning, scale and nature of the proposed development as clarified by Significant Further Information, it is considered that the proposed development does not adversely impact on the amenities of existing

adjacent residential properties or detract from the character of the surrounding area. Accord with the provisions of the current County Development Plan and the proper planning and sustainable development of the area.

- Recommends grant of permission

3.2.2. Other Technical Reports

Drainage Planning- no objections, subject to conditions

3.3 Prescribed Bodies

None

4.0 Planning History

D21A/0542

Permission REFUSED for extension of existing dwelling for two reasons relating to (i) height, scale and proximity to adjoining site boundary; seriously injurious to visual and residential amenities and (ii) design, length, scale and proximity to boundaries of proposed garage/gym structure

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

The boundary of the Ardrugh Villas candidate ACA is located to the south-east of the subject site with The Metals cACA located further west.

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

Lands forming part of Dalkey Quarry are located south of the subject site and are zoned 'Objective F' which seeks to 'preserve and provide for open space with ancillary active recreational amenities'. These lands are located within the boundary of the Dalkey Coastal Zone and Killiney Hill/Rocheshill Proposed Natural Heritage Area (pNHA).

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:

- Negative impact on existing residential and visual amenity due to proximity to neighbouring sites, overlooking, overshadowing and daylight access, visual and overbearing impacts
- Previous reasons for refusal on site not addressed
- Proposal does not respect or complement existing dwelling on property; inappropriate design will detract from cACA
- Proposal contrary to local and national policy
- Other Matters- tree removal, construction management plan

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

A response was received on behalf of the first party which refutes the grounds of appeal. No new planning matters raised.

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 and further responses received, in addition to having visited the site.
- 7.2. 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.
- 7.3. 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.

Visual Amenity/Built Heritage

- 7.4. In terms of visual amenity, I do not have issue with the extent or scale of the proposed extension and consider that it would integrate well with the existing dwelling and other properties in the vicinity. I consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance and I do not consider it to be visually incongruous or dominant in this context. I note the varying styles in the vicinity with no clear building line evident. I am satisfied in this regard.
- 7.5. In terms of impacts on built heritage/visual amenity of Ardbrough Villas candidate ACA, I note Development Plan policy in this regard, including Policy Objective HER18, 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 am generally satisfied with the design approach put forward in this instance. I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. 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 candidate ACA to such an extent as to warrant a refusal of permission.

Residential Amenity

- 7.6. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed works are of a scale, height, massing and design appropriate to its urban location and context. I am satisfied with the proximity to boundaries proposed. The proposed works would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. The proposal is considered to be in accordance with national and local policy in this regard. I have no information before me to believe that the proposed development, if permitted would lead to the depreciation of property values in the vicinity.
- 7.7. Given the layout and design rationale put forward, I do not anticipate levels of overlooking to be excessive and I consider that such matters would not be so great as to warrant a refusal of permission. In addition, I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.
- 7.8. I note the third party concerns raised in relation to overshadowing and loss of light. 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. I have also had regard to the submitted Shadow Analysis. I consider any potential impacts to be reasonable, having regard to the need to provide new/extended homes within an area identified for residential development/compact growth, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

7.9. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I am generally satisfied in this regard.

Other Matters

7.10. The matter of the lack of preparation of a Construction Management Plan was raised in the third party appeal. If the Board consider necessary, this matter could be adequately dealt with by means of condition.

7.11. Concerns have been expressed in the third party appeal regarding the loss of trees on site. I note that an Ecological Impact assessment was submitted as part of the Further Information response to the planning authority. I am generally satisfied with the information contained therein and the planning authority have not raised concerns in this regard.

Conclusion

7.12. 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 An Appropriate Assessment Screening Report was submitted as part of the Further Information response to the planning authority. I am generally satisfied with the information contained therein. The planning authority have not raised concerns in this regard. 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 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.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 03rd 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 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>The proposed garage shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</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>

	Reason: In the interest of visual amenity.
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 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>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>
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>Reason: To protect the amenities of the area</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 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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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Lorraine Dockery
Senior Planning Inspector

19th January 2023