



An  
Bord  
Pleanála

## Inspector's Report ABP-314261-22

### Development

Retention permission is sought (as a revision to previously granted permission file ref D20A/0649) for the demolition of select additional internal and external walls at ground and first floor levels in order to accommodate proposed development at the site; and in addition, Planning Permission is sought (as a revision to previously granted permission file ref D20A/0649) for the construction of select new walls to replace additional demolished, as well as the construction of extended basement area of +32 sq. m. to incorporate new utility room and ground floor connection, along with minor revisions to the proposed ground floor layout along the eastern boundary.

### Location

4 Cunningham Road, Dalkey, Co.  
Dublin

### Planning Authority

Dun Laoghaire Rathdown County  
Council

<b>Planning Authority Reg. Ref.</b>	D22A/0362
<b>Applicant(s)</b>	Geoff Branigan
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul Conway
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18/01/2023
<b>Inspector</b>	Lorraine Dockery

## 1.0 **Site Location and Description**

- 1.1. The subject site, which has a stated area of 0.074 hectares, is located on Cunningham Road, Dalkey, Co. Dublin. This is an established residential area. Much of the dwelling on site appears to have been demolished with some walls and a chimney evident. The site is currently boarded up. The area is characterised by dwellings of differing forms and appearance.

## 2.0 **Proposed Development**

- 2.1. Retention permission is sought (as a revision to previously granted permission Reg. Ref D20A/0649) for the demolition of select additional internal and external walls at ground and first floor levels in order to accommodate proposed development at the site. Planning permission is sought (as a revision to previously granted permission file Reg. Ref D20A/0649) for the construction of select new walls to replace additional demolished, as well as the construction of extended basement area of 32 sq. m. to incorporate new utility room and ground floor connection, along with minor revisions to the proposed ground floor layout along the eastern boundary.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission GRANTED, subject to 8 conditions.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The main points of the planner's report include:

- Having regard to the zoning objective for the site, 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. Accords 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

### D20A/0649

Permission GRANTED for construction of extensions to existing two-storey dwelling, together with all ancillary site development works.

Works have commenced on site on foot of this permission

### D20A/0089

Permission REFUSED for demolition of existing dwelling and garage and construction of new two-storey over basement dwelling for two reasons relating to (i) conflicts with Development Plan policy to retain older buildings and (ii) design, bulk, scale and massing would be visually obtrusive, incongruous and overly dominant in streetscape; would seriously injure visual amenities and depreciate value of property

### Adjoining Site

### PL06D.308343 (D20A/0501)

Permission GRANTED on appeal for demolition of existing house and construction of new house (Jan 2021).

## 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 12.3.9 Demolition and Replacement 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 has not taken into account his submission or their previous decision in making this decision
- No effort made to retain existing walls and roof, as per Reg. Ref. D20A/0649 and refused permission Reg. Ref. D20A/0089
- Setting of precedent for disregard of planning decisions
- No structural need/justification to demolish walls
- Increased overlooking with subsequent negative impacts
- Negative impact on character of Dalkey area, taking into account its status as a heritage town

### 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. I highlight to the Board that permission was granted on this site (under Reg Ref, D20A/0649) for extensions and alterations to the existing dwelling. This current application is for retention of revisions to works permitted under that previous permission, specifically the demolition of internal and external walls at ground and first floor level. Permission is also sought for reconstruction of these walls referenced, together with additional modifications to include, inter alia, extension of basement by 32m<sup>2</sup>, omission of permitted store room and setback of wall from shared boundary with No. 6 Cunningham Road. I consider that the additional material impact of the proposed works for retention is minimal in the overall extent of the permitted development.
- 7.3. 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.
- 7.4. 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

- 7.5. In terms of visual amenity, I do not have issue with the extent or scale of the proposed works and consider that they 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. In terms of setting of precedent, I note that each application is assessed on its own merits. I consider that the proposal is in accordance with Development Plan policy for such works. I highlight to the Board that permission was granted on appeal (PL06D.308343) at the neighbouring property, No. 6, for the demolition of existing house and construction of new house. I am satisfied in this regard.

7.6. In terms of impacts on built heritage/character of the Dalkey area, I note that the subject property is not designated as a Protected Structure in the recently adopted County Development Plan. While there are Protected Structures at the eastern end of Cunningham Road, these are removed from the subject site and there are no Protected Structures in the immediate vicinity of the site. In addition, it is not located within an Architectural Conservation Area. 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 area to such an extent as to warrant a refusal of permission.

#### Residential Amenity

7.7. 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.

7.8. 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. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.



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 third party appeal raises concerns that the planning authority did not take his submission satisfactorily into account in the making of their decision. He also contends that they did they take their own previous decisions on site into account. I have no information before me to substantiate these claims and I note that the Planner's Report references both the third party submission received and the previous history on the site. I am satisfied in this regard.

#### Conclusion

7.11. 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. 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 and retained 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> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>The development shall comply with all conditions of Reg. Ref D20A/0649, save as may be amended by other conditions hereto.</p> <p><b>Reason:</b> In the interest of clarity and the proper planning and sustainable development of the 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 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><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 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><b>Reason:</b> 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

19<sup>th</sup> January 2023