



An  
Bord  
Pleanála

## Inspector's Report ABP-314270-22

### Development

Permission is sought for 1. Alterations to the existing house, 'Gortevan' including: demolish roof and construct new first floor with pitched roof, widen/alter existing windows and door to front. New door and window to side. Construct single storey extensions to rear of retained existing rear extension, new high flat roof to rear extension and widen/alter existing windows to rear extension. 2. New vehicular entrance to Barnhill Road with sliding gate.

### Location

Gortevan, Barnhill Road, Dalkey, Co Dublin

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D22A/0021

### Applicant(s)

Rosario Rizzo

### Type of Application

Permission

### Planning Authority Decision

Grant

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Craig and Others- Wolverton Glen Management CLG
<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 site contains a detached single storey dwelling, located on Barnhill Road, Dalkey, Co. Dublin.

## 2.0 Proposed Development

- 2.1. Permission is sought for alterations to the existing house, 'Gortevan' to include demolition of roof and construction new first floor with pitched roof; construction of single storey extensions to rear of retained existing rear extension; new vehicular entrance to Barnhill Road with sliding gate and all ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission GRANTED, subject to 9 conditions

#### Condition No. 2

The proposed new vehicular entrance to Barnhill Road, with timber sliding gate vehicular entrance shall be omitted

Reason: In the interest of visual amenity and proper planning and sustainable development

Further Information was requested by the planning authority in relation to additional details of proposed retained elements, rationale for proposed subdivision of site and subsequent site layout; details on site boundaries and provision of singular vehicular access to site.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The main points of the planner's report include:

- Report reflects decision of planning authority.
- Recommends grant of permission, subject to amendment by condition

### 3.2.2. Other Technical Reports

Drainage Planning- no objections, subject to conditions

Transportation Division- No objection, subject to proposed vehicular entrance being omitted (dated 27/06/22)

## 3.3 Prescribed Bodies

None

## 4.0 Planning History

### D21A/1089 (ABP-312942-22)

Permission REFUSED by the planning authority for construction of 2 no. two-storey dwellings, together with all ancillary site development works.

The reason for refusal related to the proposal being seriously injurious to the residential and visual amenities, and would depreciate the value of property in the vicinity by reason of height, scale, bulk/massing and layout.

Currently on APPEAL to An Bord Pleanála. Decision PENDING

### D21AA/0338

Permission REFUSED for alterations and extension of existing dwelling and construction of 2 no. semi-detached dormer dwellings and associated site works.

The reason for refusal relating to the proposal being seriously injurious to the residential and visual amenities, and would depreciate the value of property in the vicinity by reason of height, scale, bulk/massing and layout.

### D20A/0062

Permission REFUSED for construction of 2 no. two-storey dwellings (accessed from Wolverton Glen), together with all ancillary site development works.

The reason for refusal related to the proposal being seriously injurious to the residential and visual amenities, and would depreciate the value of property in the vicinity by reason of height, scale, bulk/massing and layout.

### D18A/0592

Permission REFUSED to demolish and extend existing dwelling, together with all ancillary site development works.

The reason for refusal related to the proposal being seriously injurious to the amenities, and would depreciate the value of property in the vicinity by reason of design, scale and massing.

### D18B/0503

Permission GRANTED to demolish and extend existing dwelling, together with all ancillary site development works.

## 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 third party appeal are:

- Refutes claim that applicant has right of way over entirety of Wolverton Glen- he has not provided evidence of such
- Expect any alterations to be carried out entirely via existing Barnhill Road entrance- does not grant permission for any traffic, personnel or material to enter the site via privately owned Wolverton Glen

### **6.2 Planning Authority Response**

None

### **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. Includes copies of contracts and email correspondence with submission.

## 7.0 Assessment

- 7.1 I have read all the documentation attached to this file including inter alia, the appeal, and further responses received, in addition to having visited the site.
- 7.2 I highlight to the Board that there is quite a protracted planning history on this site, detailed above, which includes for a current appeal to An Bord Pleanála for 2 no. dwellings, removal and change to vehicular access and associated site works on part of the overall holding (marked in blue on the documents submitted with this current application). Decision is pending on that appeal (ABP-312942-22).
- 7.3 The primary issues raised in the appeal, as I consider them, are legal matters relating to access from the subject site through Wolverton Glen residential development. Matters relating to such access/right of way issues are considered to be a civil matter outside the remit of this planning appeal. I can only undertake my assessment based on the information before me. I am satisfied, based on this information, that the applicant has demonstrated sufficient legal interest to make this application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard. I recommend that if the Board is disposed towards a grant of permission, that a note be attached to any such grant advising the applicant of the provisions of section 34(13) of the Planning and Development Act 2000.
- 7.4 In terms of traffic and transportation matters and the imposition of Condition No. 2 by the planning authority, which relates to the omission of the proposed new vehicular entrance to Barnhill Road and timber sliding gate, I would concur with the opinion of the planning authority in this regard. I consider that at the present time, there is inadequate justification put forward to provide a second vehicular entrance onto Barnhill Road (in close proximity) to that existing, to serve one single dwelling.
- 7.5 In terms of impacts of the proposed works on residential and visual amenity of the area, I am generally satisfied. 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. 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.

7.6 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 consider that any such impacts would not be so great as to warrant a refusal of permission or any further amendment to the proposal. 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 I am satisfied with the layout and design rationale put forward. 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.

#### Conclusion

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 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 15<sup>th</sup> 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><b>Reason:</b> In the interest of clarity</p>
2.	<p>The proposed new vehicular entrance to Barnhill Road, with timber sliding gate vehicular entrance, shall be omitted</p> <p><b>Reason:</b> In the interest of 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</p>

	<p>hours on Saturdays and not at all on Sundays and public holidays. 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

24<sup>th</sup> January 2023