



An  
Bord  
Pleanála

# Inspector's Report ABP314950-22

## Development

The demolition of the existing 1960's two storey over sub-basement single detached dwelling and the construction of a new 3-bedroom three storey over sub-basement single detached dwelling, all ancillary services and site works. 33 Knocknacree Park, Dalkey, County Dublin.

## Location

Dun Laoghaire-Rathdown County Council.

## Planning Authority

D22A/0576

## Planning Authority Reg.

Rory & Yulianna Finnegan

## Ref. Applicant(s)

Permission.

## Type of Application

Refuse permission.

## Planning Authority

## Decision

First Party

Rory & Yulianna Finnegan.

## Type of Appeal

8 observations

## Appellant(s)

(1) Lisa Gaughran & Garret Whelan

## Observer(s)

Date of Site Inspection

Inspector

- (2) James Allen
- (3) Rosalind Kelly, Jennifer  
McHale &  
Malcolm Connolly
- (4) Sylvia Teskey
- (5) Brian & Niamh McCabe
- (6) George and Louise Brady,  
Brian  
O'Sullivan and Cathy  
Doran
- (7) Gerard and Agnieszka  
Whelan
- (8) John & Dee Flynn

20/11/2023

Anthony Abbott King.

## 1.0 Site Location and Description

- 1.1. No. 33 Knocknacree Park is located within a cul-de-sac of detached suburban houses accessed from Cunningham Road. No. 33 forms part of a streetscape of circa. 1960's detached suburban houses on the south side of the street at the eastern end of Knocknacree Park facing a public green space.
- 1.2. The steeply stepped topography on the south side of Knocknacree Park facilitates a split-level bungalow typology, which provides the living accommodation at a raised ground floor level above an undercroft or basement comprising ancillary accommodation including garages. No. 33 and the adjoining house at no. 32 Knocknacree Park follow this typology. The predominantly glazed north streetscape elevations allow for views toward the sea.
- 1.3. The streetscape benefits from low boundary walls with generous sloping front gardens with mature planting. The houses on the south side of Knocknacree Park have substantial sloping rear gardens including no. 33 Knocknacree Park.
- 1.4. No.33 Knocknacree Park is located within a wedged shaped site. It is narrowest to the street and widens as it goes up hill. The site is recessed on street with the entrance protruding forward of the front boundary line with the adjoining house to the west, no. 35 Knocknacree Park. The entrance in tandem is recessed behind the front boundary line of the adjoining house to the east, no. 32 Knocknacree Park, thus providing a transition between the abrupt change in the property boundary along this stretch of the street between no. 32 & no. 35 Knocknacree Park.
- 1.5. The set back of no. 35 Knocknacree Park and the houses to the west of this property facilitate a public green open space to the north of these properties, which are accessed by a spur road from the main cul-de-sac access from Cunningham Road.
- 1.6. No. 33 & no. 32 Knocknacree Park are in design a similar pair of houses with almost identical flat roof profiles. There is a narrow passage way rising up the hill separating the houses. The entrance to no. 32 is located along the length of the side passageway.
- 1.7. No. 33 & no. 32 Knocknacree Park are both of split level design. The upper floor (predominantly bedroom accommodation) to the extreme rear comprises a volume that is significantly set back from the front volume containing the ground floor living accommodation above the raised basement. The upper floor is difficult to see from the road.

- 1 .8. The houses read as two-storey dwellings from the street comprising a glazed recessed upper ground floor over the raised basement. The recess area comprises a shallow front terrace with a deep roof canopy above. The houses have deep substantial floor plans facilitating the street and rear accommodation volumes. There is a garage at street level (basement) to no. 32 and at no. 33 Knocknacree Park there is a conventional window opening.
- 1 .9. No. 35 Knocknacree Park, the adjoining house to the west, which is separated from no. 33 by a wedge shaped passageway between the two houses, is a single-storey bungalow with a pitched roof located on an elevated site.
- 1 . 1 0. The house typologies in the cul-de-sac comprise an eclectic mix of house design with expanses of glazing on the south side of the street. A number of these houses have been upgraded and redeveloped.
- 1 .1 1 . The site area is given as 0.811 hectares.

## 2.0 Proposed Development

2.1 . The applicant proposes to demolish the existing 3-bedroom split level 2-storey over raised basement bungalow (245 sqm) and to build a 3-storey over raised basement 3-bedroom replacement house (468 sqm.). The replacement house would comprise the following:

- Sub-basement (for the purposes of this planning assessment level 1) entrance floor, garage, plant rooms and service area, lift;
- Ground floor (for the purposes of this planning assessment level 2) comprising a lane swimming pool and sauna;
- First Floor comprising Living accommodation (for the purposes of this planning assessment level 3);
- Second floor comprising Sleeping accommodation (for the purposes of this planning assessment level 4) - 3 Bedrooms and bathrooms;
- Car parking is provided for 2 cars, one in garage and one externally (level 1)
- Site works including excavation, widening of vehicular access, boundary treatments to front and side elevations and landscaping with existing mature hedges to rear to be retained.

- Green Roof at upper level (for the purposes of this planning assessment roof above level 4).

## 3.0 Planning Authority Decision

### 3.1 . Decision

Refuse Planning permission for the following reasons:

- (1)The proposed development, which includes the demolition of the existing dwelling, and in the absence of any justification to demolish same, would be contrary to Section 12.3.9 Demolition and Replacement Dwellings, and to Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings, of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, where it is Council policy to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. The proposed development would therefore contravene the provisions of the Dun LaoghaireRathdown County Development Plan 2022-2028. Furthermore, the proposed development would, if permitted, set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- (2)The applicant site is located in an area to which the "A" land use zoning applies — 'To provide residential development and improve residential amenity while protecting the existing residential amenities', in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Having regard to the sloping and elevated configuration of the site, closely adjacent to the dwellings to the east and west, the proposed development, by reason of its substantial height, design, bulk / massing and layout, would be unduly visually obstructive, and overbearing when viewed from the adjacent sites, and would result in undue overbearing and overshadowing of the property to the west, no. 35. The proposed development would not, therefore, comply with Section 12.3.7.7

Infill of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would be visually dominant when viewed from the surroundings, would seriously injure the visual and residential amenities of the area and would depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1 . Planning Reports

The CEO of the planning authority followed the recommendation of the planning case officer to refuse planning permission.

#### 3.2.2. Other Technical Reports

No objection to the proposed development subject to condition.

## 4.0 Planning History

There is no recent relevant planning history for the subject site.

## 5.0 Policy and Context

### 5.1 . Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use zoning objectives) & Table 13.1.1 (Development Plan Zoning Objectives) are relevant.

The zoning objective for the subject development site is "A": To provide residential development and improve residential amenity while protecting the existing residential amenities.

Residential is a 'permitted in principle' land use.

## Urban Consolidation

- Chapter 2 (Core Strategy), Policy Objective CSI 1 — Compact Growth - is relevant and states:

It is a Policy Objective to deliver 100% of all new homes, that pertain to Dublin

City and Suburbs, within or contiguous to its geographic boundary.

(Consistent with RPO 3.2 of the RSES).

It is noted that Figure 2.9 (Core Strategy Map) defines the boundary of Dublin City and Suburbs. The development site is located within the boundary ?????

- Chapter 4 (Neighbourhood-People, Homes and Place) is relevant including:

Policy Objective PHP18 (Residential Density) inter alia states:

- .. Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and reintensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- .. Encourage higher residential densities providing that proposals provide for high quality design and ensure a balance between the protection of the existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19 (Existing Housing Stock-Adaptation) states:

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

And Policy Objective PHP20 (Protection of Existing Residential Amenities) states:

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are

adjacent to proposed higher density and greater height infill developments.

- Chapter 12 (Development Standards) Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) in particular Section 12.3.7.7 (Infill) is relevant. In accordance with Policy Objective PHP19: Existing Housing Stock — Adaptation, infill development will be encouraged within the County.

### Infill Development

Section 12.3.7.7 states inter alia -

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gateways, trees, landscaping, and fencing or railings.

### Private Open Space

Section 12.8.3.3 (Private Open Spaces) Table 12.10 (Private Open Space) is relevant.

### Vehicular Entrances and Car Parking Standards

Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.

### Demolition

Section 12.3.9 (Demolition and Replacement Dwellings) states that the Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The demolition of an existing house in single occupancy and replacement with multiple new build units will



not be considered on the grounds of replacement numbers only but will be weighed against other factors.

Furthermore, Chapter 3 (Climate Action) is relevant including the following policy objectives CA5 (Energy Performance in Buildings), CA6 (Retrofit & Reuse of Buildings) and CA7 (Construction materials).

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Housing, Planning and Local Government 'Urban Development and Building Height Guidelines for Planning Authorities' (December 2018)
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).

## 5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

## 6.0 The Appeal

### 6.1 . Grounds of Appeal

The appeal statement is prepared on behalf of the applicant by Hughes Planning Consultants. The grounds of appeal are summarised below:

- The applicant requests the Board to assess the application in the first instance in accordance with the plans and particulars lodged with the planning authority in August, 2022. However, the applicant has submitted a suite of

revised drawings for the assessment of the Board representing an 'alternative design option' including a reduction in building height and the inclusion of opaque glass in the windows interfacing with neighbouring properties. These amendments are motivated both by the reasons for refusal of planning permission (Reg. Ref: D22A/0576) and by third party submission;

- There are numerous precedents in the area for similar types of development. Dun Laoghaire-Rathdown County Council and An Bord Pleanála (ABP) have granted planning permission for demolition of some of the existing housing stock and the provision of larger replacement house(s) in Knocknacree Park and within the County;
- The proposed development is consistent with the 'A' zoning objective (Residential) and would not have an adverse impact on adjoining residential amenities, including the adjacent properties to the west and east of the applicant site, and would accord with the proper planning and sustainable development of the area;
- The proposed development represents an efficient use of centrally located zoned urban / suburban serviced lands. The design provides an appropriate compact growth response to the development of an infill / backland site while providing a high standard of residential amenity for future residents of no. 33 Knocknacree Park;
- The proposed three-storey dwelling satisfies or substantially exceeds the quantitative residential standards of the development plan and the 'Quality Housing for Sustainable Communities- Guidelines for Planning authorities (2007)';
- The development includes a swimming pool to meet the medical requirements of the owner(s), which cannot be provided within the existing house;
- The proposed new build house would be energy efficient and would re-use materials on site in order to build an A rated compliant house that is future proofed incorporating heat recovery ventilation, air to water pump, high levels of insulation and renewable energy source. The benefits arising from the operational CO<sub>2</sub> savings projected into the future would out weight the environmental costs of demolition and reconstruction;

- The development is consistent with Project 2040: National Planning Framework (Objective 35), and with regional planning guidelines, where the target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill I brownfield sites.

## 6.2. Planning Authority Response

The planning authority notwithstanding the applicant's appeal statement, including proposed changes, still considers that the planning authority report considerations, reasons for refusal, and concerns remain valid.

## 6.3. Observations

There are 8 observations in total. It is noted that there is repetition and overlap in observation. The substantive matters of the individual observations are summarised below:

### (1) Lisa Gaughran & Garret Whelan, no. 8 Knocknacree Park, Dalkey

- Support the decision of Dun Laoghaire-Rathdown to refuse planning permission for the proposed 4-storey house, which is contrary to the policies and objectives of the Dun Laoghaire-Rathdown Development Plan 2022-2028, would represent over development of the site, would not harmonise with the existing streetscape in particular in terms of building height and would have a significant negative impact on existing residential and visual amenities in particular in terms of overshadowing (evidenced by internet shadow diagrams attached for specified days and times in March/September and December) and overlooking;
- The retrofitting and reuse of existing buildings rather than their demolition is planning policy. There is no justification for demolition of the existing 1960's split-level bungalow, which is a habitable dwelling house;
- The revised drawings (alternative proposal) submitted with the appeal have not been advertised and may not have been viewed by many third parties. The appeal assessment should be restricted to the proposed development submitted to the planning authority;
- The photomontages provided by the applicant are misleading. The observer submits 3D Model drawings prepared by Core Architects

(shared among our community) to demonstrate the impact of the proposed 4storey replacement house on the receiving streetscape. The topography of Knocknacree Park is such that the impact of the development in terms of overlooking / overbearing on the house of the observer located on the downward slope side of the street would be disproportionate;

- There will be significant disturbance and potential dangers, safety and health hazards arising from the construction of the proposed development including truck movements required in removing large amounts of granite in the excavation of the site;
- The proposed development would set an undesirable precedent for similar such over development in the surrounding area;
- The observer(s) notes that they have not agreed to any part of the development proposal.

(2) James Allen, no. 5 Knocknacree Park, Dalkey, County Dublin

- The proposed development does not conform to zoning, the County Development Plan 2022-2028, would be visually overwhelming, will affect the visual aesthetics and views of the surrounding area and could adversely affect neighbouring properties.

(3) Rosalind Kelly, no. 10 Knocknacree Park. Jennifer McHale, no. 14 Knocknacree Park & Malcolm Connolly, no. 15 Knocknacree Park, Dalkey •

Support the decision of Dun Laoghaire-Rathdown to refuse permission on comprehensive grounds including national and local policy objectives;

- The planning authority assessment of the principle of development found it to be contrary to the zoning objective, inter alia because it would be visually dominant, would seriously injure visual and residential amenities and would be contrary to proper planning and sustainable development; • The demolition of a habitable house and 'deep excavation' is not justified;
- The proposed development would be inconsistent with the pattern of development in the area characterised by established building lines and heights within the 1960's cul-de-sac and would jar aesthetically;

- The appeal submission has not addressed the main reasons and grounds for refusal provided by the planning authority including the excessive height of the proposal;
- The revised drawings (alternative proposal) submitted with the appeal have not been advertised and will not have been viewed by many third parties.

(4) Sylvia Teskey, no. 2 Knocknacree Park, Dalkey, County Dublin

- The proposed development is disproportionate in scale and does not integrate with the existing streetscape. The scale of the proposed development almost doubles the floor area of the existing house;
- House extensions and improvements in Knocknacree Park have been broadly sensitive to the original estate design in terms of scale, height and site footprint and have had regard to the topography of the site. The proposed development would represent a very significant change in skyline and streetscape and would have a negative impact on residential and visual amenity;
- Demolition of a habitable and structurally sound dwelling is contrary to Development Plan 2022-2028 policy (Section 12.3.9), the justification for demolition provided by the appellant does not satisfy the 'strong justification' required by the development plan. The existing house can be sympathetically modernized, extended and retrofitted.

(5) Brian and Niamh McCabe, no. 35 Knocknacree Park, Dalkey, County Dublin

- No. 35 Knocknacree Park neighbours no. 33 Knocknacree Park to the west of the subject site. We fully support the decision and assessment of the planning authority, contrary to the statement of the appellant that the planning authority provided no rationale for their decision, to refuse permission based on the policy framework of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referenced by 35 individual policies and guidelines);
- There is no rationale for the demolition of the existing habitable house. The proposed demolition would contravene Section 12.3.9 (Demolition and Replacement Dwellings) of the Dun Laoghaire-Rathdown County

Development Plan. It would also be contrary to policy objectives CA5 (Energy Performance in Buildings), CA6 (Retrofit & Reuse of Buildings), CA7 (Construction materials) and other relevant policy objectives of the

- The revised proposal submitted with the appeal statement included in a suite amended drawings have not been advertised for the benefit of third parties, which is not compliant with the Planning and Development Regulations. The observer requests the Board to disregard the revisions, which do not address the negative impacts of the proposal on their property;
- The development will seriously injure existing residential amenity and depreciate the value of property in the vicinity, including the value of the observers property by reason of undue negative impacts including on existing residential and visually amenities;
- The development located on a constrained, elevated and poorly configured site represents an incongruous design given its excessive height, massing, bulk and change in building line, which would be out of character with the established pattern of development in the vicinity, and would set an undesirable precedent for similar types of over development in the area;
- The proposed development would be overbearing, dominant and visually obtrusive when viewed from no. 35 and neighbouring properties. It would not comply with Section 12.7.3.7.7 (infill) of the county development plan inter alia in terms of overlooking and overshadowing. The observer highlights 7 opportunities for overlooking from the proposed west elevation where indirect / direct overlooking may result, identified as locations A-G on an augmented architectural drawing (PA-09 No. 1). The observer also highlights in a shadow fall analysis current / proposed scenarios the increased shadow falling on the side passage and front garden of no. 35 Knocknacree Park (March 21<sup>st</sup> 1 lam) reducing light to kitchen, dinner and hall areas;
- There are health and safety and disruption concerns resulting from the heavy duty excavation of c750m<sup>3</sup> of solid granite;

- The development is contrary to national and regional guidance, as the demolition and replacement house would not increase the housing stock;
- The precedent cases submitted by the appellant are not comparable with the proposed development given the context, site, location, orientation and design;
- There was no public consultation by the applicant. The appeal submission has not addressed the main reasons and grounds for refusal provided by the planning authority.

(6) George and Louise Brady. No. 31 Knocknacree Park. Brian O'Sullivan and Cathy Doran. No. 32 Knocknacree Park prepared by BPS Planning and Development Consultants

- The existing house at no. 33 Knocknacree Park is in 'show house' condition. It is habitable and as such does not satisfy the criteria provided for in Section 12.3.9 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 for demolition and replacement. The appellant has not justified house demolition with no specific evidence provided in the appeal statement. The existing house is not structurally unsound, a comparison of refurbishment cost with demolition and replacement cost is not transparent and the extent and disposal of demolition waste is not detailed;
- The applicant's description of the height, scale and extent of the development is misleading. For example, the proposed development comprises a 4-storey house rather than a 3-storey house over basement, as the 'sub-basement' is effectively the ground floor of the replacement house;
- The amended drawings submitted with the appeal statement have not been advertised. Other property owners in the vicinity of the site may not be aware of the proposed amendments. The amendments should be disregarded by the Board in their assessment on procedural grounds;
- The appellant has not submitted a material contravention statement in regard to the demolition of the existing dwelling house, which it is claimed would constitute a material contravention of the development plan by reason of demolition of the existing house;

- The proposed development would have significant negative impacts on neighbouring properties including the observers properties at no. 31 Knocknacree Park and no.32 Knocknacree Park, which is immediately east of the proposed development.
- Survey of existing ground conditions and structures on the applicant site and adjoining properties is required given the extent of excavations proposed to facilitate the replacement house.

(7) Gerard and Agnieszka Whelan, no. 6 Knocknacree Park

- The planning authority provided a robust and comprehensive rationale and a clear evidenced based planning policy justification for the refusal of planning permission, which the observer(s) fully supports;
- No. 6 directly faces the applicant site. The area gradient will ensure that the negative impact on the residential amenity of no.6, including overlooking and overshadowing, will be more extreme from the overdevelopment of the subject site;
- The proposed development by reason of its substantial height, design, bulk, massing and layout would be overbearing and visually obtrusive when viewed from neighbouring properties and would be contrary to development plan policy including the zoning objective. The proposed development will cause loss of amenity in terms of noise disturbance, vibrations and other dis-amenity;
- The development will result in undue overlooking of a number of neighbouring properties resulting in a loss of privacy. The observer refutes the appeal statement ascertain that the development will not give rise to overlooking;
- The development given the excessive 4-storey height on a steep and elevated slope will result in overshadowing and loss of light (evidenced by internet shadow diagrams attached for specified days and times in March/September and December) including to properties across the access road and in the direction of no. 6;
- There is no justification to demolish a habitable and structurally sound exemplar mid-century modernist 1968 Californian style house. It is observed that if no. 33 is unsuited for retrofit this would mean that all



homes on the street or neighbouring 1960's housing estates are candidates for demolition;

- The observer refutes the appeal statement premise that the development will not depreciate the value of property in the vicinity because potential buyers will be cognisant of the undue and serious negative impact of the development on existing residential amenities including overlooking from repetitive glazing, balconies and terraces;
- The development would set an undesirable precedent for similar types of development in the area. The observer notes that the examples provided in the appeal statement of precedents are not relevant as the context is different. The approval of the development could open the door for multi-storey developers in a mature low density low rise suburban residential cul-de-sac, which would be unsustainable and contrary to national / local policy frameworks;
- The retrofit of the existing building is aligned with national / local sustainability and planning policy goals. The TENT report recommendation to demolish and rebuilt does not support development plan policy Objective CA05 (Energy Performance in Buildings) rather a building retrofit would be strongly encouraged to enhance energy performance. Furthermore, the TENT Report states that the low carbon emission values referred to in the report do not act as a design requirement or target. ABP is asked to carefully consider the greater energy efficiency ratios of the new build and those of the existing dwelling including the 'embodied energy';
- The revised proposal submitted with the appeal statement included in a suite amended drawings have not been advertised for the benefit of third parties, which is not compliant with the Planning and Development Regulations;
- The observers have not agreed to any part of this development or to any of the impacts that would have on their property / surroundings.

(8) John & Dee Flynn, no. 9 Knocknacree Park

- The observer(s) support the decision of the planning authority to refuse planning permission given that the proposed development is

contrary to national and local development plan policy including the site zoning.

The observer(s) request ABP to uphold the decision of the planning authority. There is need to restore public confidence in planning frameworks;

- No. 9 Knonknacree Park is a 2-storey property located diagonally across the road from the applicant site and is at a lower datum level given the steep topography of the area. The proposed development would by reason of excessive height, massing and bulk tower over neighbouring properties, including no. 9. It would present problems of overlooking and overshadowing and would set an undesirable precedent for similar types of overdevelopment;
- The proposed development would potentially overlook and over shadow no. 9 (evidenced by internet shadow diagrams attached for specified days and times in March/September and December) resulting in a serious loss of residential amenity. There is potential over-looking from high-level monolithic glazing, balconies and roof terraces. The impact of the development would seriously depreciate the value of property in the vicinity;
- There was no public consultation with local residents. There is stiff and growing opposition amongst the public to incongruous developments that have no visual harmony with the streetscape and are overbearing and visually obtrusive. The proposed tall, bulky replacement building has no visual harmony with the established pattern of development in the area;
- The appeal statement does not address the main reasons and grounds of refusal recorded by the planning authority. The revised suite of drawings submitted with the appeal have not been readvertised;
- There is no justification or rationale for the demolition of the existing habitable and structurally sound dwelling, which would be contrary to development plan policy;
- The observers have not agreed to any part of this development or to any of the impacts that would have on their property / surroundings.

## 7.0 Assessment

7.1 . The following assessment covers the points made in the appeal submission, third party observations and my de novo consideration of the application. It is noted that there are no new substantive matters for consideration.

7.2. The appellant has submitted a suite of revised drawing dated 20/10/2022 (received 26/10/2022) with the appeal statement. It is noted that the revised proposal would introduce minor changes including opaque glazing to identified windows. The revisions would also include more significant changes. The applicant would reduce the overall height (1 115mm) of the replacement house, which would inter alia require additional site excavation (800mm). I intend to assess the proposed development as submitted to the planning authority on the 05/08/2022. I advise the Board that the

proposed amendments, included as part of the appeal statement, would on balance represent a material change to the development advertised and as such will not form part of my assessment below.

The relevant overall procedural and planning issues arising from the development proposal for the demolition of the existing house and the provision of a replacement house are interrogated in my assessment under the following headings:

- Compact growth & urban consolidation;
- Infill residential development;
- Scale, height and massing;
- Architectural design, building form & elevation treatment;
- Internal configuration and amenity;
- Open space provision;
- Principle of demolition;
- Impact on residential amenities.

### 7.3. Compact growth and urban consolidation

The site is subject to zoning Objective 'A' where residential is a 'permitted in principle' land use. The grounds of appeal argue that the proposed development would fully utilise serviced zoned lands. The appeal statement cites the requirement for the planning authority to be consistent with national, regional and

local urban consolidation goals and compact growth policies. The appellant cites inter alia Project 2040: National Planning Framework (Objective 35) where the target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill / brownfield sites.

The applicant site is located at Knocknacree Park, Dalkey. Knocknacree Park is located within the designation 'Dublin City and Suburbs' (Urban) of the Core Strategy

Map (Figure 2.9) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Chapter 2 (Core Strategy), Policy Objective CSI 1 — Compact Growth — requires the delivery of 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary.

The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and, as such, promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes. The strategic objective of compact urban development is supported in principle by densification of urban / suburban sites in particular lands accessible by walking, cycling and public transport. Knocknacree Park is located approximately 450m from Dalkey Dart Station. On the day of my site visit it took me less than 10 minutes to walk from

Dalkey DART station to the applicant site.

The applicant proposes the demolition of the existing house and the construction of a sustainable replacement house (based on future operational carbon emissions projected to 2080). It is considered that the proposed development would represent an intensification of residential use on existing zoned and serviced lands. The floor area of the existing house is given as 245 sqm. , which would be replaced by a new build floor area of 468 sqm — an approximate floor area increase of 223 sqm.

Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP18 (Residential Density) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 inter alia provides for the increase of housing supply and the promotion of compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. The assessment below

inter alia interrogates Chapter 12 development management requirements in order to ascertain the impact of the proposed development on the receiving environment.

#### 7.4. Infill Residential Development

Chapter 12 (Development Standards), Section 12.3.7 (Additional Accommodation in

Existing Built-Up Areas), Section 12.3.7.7 (Infill) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 encourages infill housing development in accordance with Policy Objective PHP19 (Existing Housing Stock-Adaptation). Policy Objective PHP19 promotes densification of built-up areas in the County through small scale infill development having due regard to the protection of the amenities of existing established residential neighbourhoods. And Policy Objective PHP20 (Protection of Existing Residential Amenities) has regard to the residential amenity of existing homes where they are adjacent to proposed higher density and greater height infill developments.

The proposed replacement house would be greater in height, scale and massing than the existing house. One of the two reasons for refusal by the planning authority, having regard to the sloping and elevated configuration of the site and the proximity of adjacent dwellings to the east and west, is that the proposed development would not comply with Section 12.3.7.7 (Infill) of the Dun Laoghaire,,Rathdown County Development Plan 2022-2028. The reason for refusal states that the proposed development would be unduly visually obstructive and overbearing when viewed from the adjacent sites by reason of its substantial height, design, bulk / massing and layout. In particular it would result in undue overbearing and overshadowing of the property to the west at no. 35 Knocknacree Park. These matters are interrogated in my assessment below.

#### 7.5. The scale, height and massing

The proposed replacement house would be a detached 3-storey building exhibiting a flat roof profile raised over a rubble stone basement fully visible at street level.

It is considered that the proposed building would read as a 4-storey house comprising levels 1 & 4 of accommodation (see the description of the proposed development) at street level onto Knocknacree Park. The new house would replace an existing detached split level bungalow that presents as a 2-storey house at street level (see site description) with a significantly recessed upper

bedroom level to the rear. The measured height of the existing street elevation to Knocknacree Park is an approximate 8000mm. The street elevation of the replacement house would in general follow the established building line.

The replacement house would be significantly higher in the streetscape than the adjoining properties at no. 32 Knocknacree Park, a similar split level bungalow to the existing house at no. 33 Knocknacree Park, and at no. 35 Knocknacree Park, a bungalow on a raised site to the west. The measured height of the proposed street elevation to Knocknacree Park would be 12780mm. The upper floors (level 3 & 4) would be significantly set back from the two lower floors (level 1 & 2). The measured height of the 2 lower floors would be 6274mm. The upper most floor would be set back by an approximate 8800mm from the ground floor (level 2). The measured height of the 2 upper floors would be an approximate 6500mm. The roof of the ground floor (level 2) would in part be used as an outdoor terrace accessed from the principal reception room at first floor level (level 3). It is considered that the replacement house would represent an abrupt change in streetscape height on the south side of Knocknacree Park given the benchmark height of the existing streetscape.

The bulk and massing of the replacement house is concealed to the rear by the steep sloping topography of the site. The applicant notes that the existing level difference from street access to uppermost level is 1098mm. In consequence, the rear garden (south) elevation presents as a two-storey structure. The replacement house would replace the existing single storey structure at garden level. The existing house has a parapet height of approximately 3000mm. The proposed replacement rear elevation would have a parapet height of 6726mm. It is considered that the rear elevation height for a detached house is not excessive.

The appellant provides illustrative examples of two-storey rear elevations previously granted planning permission in Knocknacree Park. It is considered that a two-storey rear garden elevation to a detached dwelling is an established suburban typology. However, in the instance of the proposed development the patio garden levels of the adjoining houses at no. 32 Knocknacree Park and at no. 35 Knocknacree Park are lower than the proposed garden level of the replacement house at no. 33 Knocknacree Park. In the instance of no. 35 Knocknacree Park there is a significant differential of approximately 4000mm. It is considered that the design and massing of the proposed development to the rear would significantly change the physical relationship with the adjoining properties at no. 32 and no. 35 Knocknacree Park,

which are single storey in height. The substantive issues of overlooking, overshadowing and overbearing are assessed below in the interrogation of the impacts of the proposal on existing residential amenities.

The proposed rear building line would be set-forward of the building line of the existing house at no. 33 Knocknacree Park. The rear building line would be significantly forward of the rear building line of no. 35 Knocknacree Park. It is considered that the 2-storey massing of the development would be clearly visible from the private amenity space of the adjoining house to the west at no. 35

Knocknacree Park. Furthermore, the garden elevation (south), incorporates a return projection for the purpose of utility, that would accommodate at garden level (level 3) a utility room and above a partly enclosed roof terrace (level 4), that would extend the 2-storey massing of the replacement house along the eastern boundary beyond the rear building line of no. 32 Knocknacree Park.

The projection of the building along the eastern boundary would be significant measuring an approximate 4000mm forward of the established building line. The bedroom floor roof terrace (level 4) located above the utility is screened from the east by a full height masonry wall (privacy wall) containing the chimney stack for an external stove located at garden level. It is considered that the massing of the proposed return projection (south elevation) would have a potential negative impact on the adjoining property at no. 32 Knocknacree Park immediately to the east.

Furthermore the potential to overlook from the bedroom terrace is significant. These matters are discussed below.

#### 7.6. Architectural design, building form & elevation treatment

There is an established character and pattern of development in the cul-de-sac with a number of properties upgraded in recent years. Observers note that all dwellings on the south side were designed to respond to their elevated sloping sites and that recent redevelopment is cognisant and respects the original design approach. The houses consist of low-split level one to two storey dwellings. These houses are distinct and are described as California 1950's / 1960's architecture.

The architect's design response submitted with the appeal (dated 25/10/22) concludes that as these 1960's houses reach the limit of their design life and more contemporary homes take their place, new models more adapted to modern living requirements with usable private amenity space need to be development and encouraged for these sites.

There is a visual and physical relationship between no. 33 Knocknacree Park and the adjoining house at no. 32 Knocknacree Park to the east. The resident of no.32 Knocknacree Park observes that both properties have a similar architectural style, split level design, roof heights, building dept and footprint. The proposed replacement house would in general follow the established building footprint of the existing house(s). However, it would be significantly taller on street and to the rear of the property, larger in scale and with significantly greater massing on the site boundaries. It would exhibit a contemporary modern design with glazing predominating on street and to the south facing rear garden. The elevations would exhibit a render finish with rubble wall outer leaf facing to the sub-basement walls (level 1). The windows would exhibit a powder coated aluminium finish.

The architect's design response notes that the existing house does not provide safe or compliant pedestrian access and is deficient for modern living. The letter of application to the planning authority observes that the existing houses, inter alia those on the south side of Knocknacree Park, adapt to the steep slope by stepping their section to minimise excavation. However, the replacement house would be dropped below the existing ground level to the front to allow a shallower graded pathway from the street. This would require excavation of the site following demolition of the existing house at a dept of 650mm to facilitate pedestrian access from the street and lower the overall height of the replacement building.

The replacement house would in general follow the front and rear building lines of the adjoining house at no. 32 Knocknacree Park. The house on street would step in two volumes, the first step comprising the volume comprising sub-basement (level 1) and the exercise suite at ground floor (level 2) and the second volume comprising the reception floor (level 3) and bedroom floors (level 4) above. The rear elevation as discussed above reads as a 2-storey elevation with a terrace to the bedroom floor (level 4) raised above the reception room floor (level 3). The replacement house would have a flat green roof above the upper level (above level 4).

The north elevation exploiting sea views and the south elevation exploiting solar gain would have large expanses of glazing. The fenestration in the west side elevation facing no. 35 Knocknacree Park comprises a number of window openings including a window opening lighting a bedroom and dressing area (level 4). This opening is located behind the rear building line of no. 35 Knocknacree



Park and would potentially overlook or create the perception of overlooking of the rear garden of no.

35. The east elevation fenestration would light the staircase hall and ancillary spaces within the replacement house taking light from the narrow passageway between no. 33 and No. 32 Knocknacree Park to the east or on the upper level of the replacement house from above the roof level of no. 32.

#### 7.7. The internal configuration and amenity

The design response addresses the deficiency of the existing house where the primary private amenity space to the rear enjoying a southern aspect is not linked to the living accommodation, which in the existing house is located to the north exploiting the sea views. The access to the rear garden is presently either via the garden or the side passage way. The architect states in his design statement submitted with the appeal, dated 25/10/2022), that the existing conservatory to the rear of the house is externally accessible and internally accessible only from the bedroom.

The architect's design statement articulates that following land survey and site analysis the existing level of the rear garden was used to set out a direct relationship between the living accommodation (level 3) and the south facing garden with the bedroom accommodation located above (level 4). The replacement house would comprise internally an exercise suite, including linear pool, at ground floor level (level 2), kitchen, reception room and ancillary spaces at first floor level (level 3) and 3 bedrooms at second floor level. (level 4) The four levels of the replacement house, including the basement (level 1), would be connected by a lift and stairway. It is considered that the proposed dwelling would represent a reasonable level of internal residential amenity.

The appeal statement highlights the requirement of the owner(s) to have access to a swimming pool. The TENT Engineering Structural Environmental Report dated 26/10/2022 notes that the client requirement for an internal swimming pool cannot be achieved within the existing structure. The Architect's Report notes the specific medical condition of the client motivating the design brief for the inclusion of the subject swimming pool in the new-build development.

It is further noted that observers have highlighted the proximity and accessibility of swimming pools in the wider area. On balance it is considered that the requirement for the provision of an indoor pool is a relevant consideration given the stated necessity for a home swimming pool presented by the applicant's architect citing the recommendation of a medical consultant.

#### 7.8. Open space

The site area is given as approximately 0.8 of a hectare. Section 12.8.3.3 (Private Open Spaces) Table 12.10 (Private Open Space) of the Dun Laoghaire,,Rathdown County Development Plan 2022-2028 requires a minimum of 60 sqm of private open space for the proposed 3-bedroom replacement infill house. The substantial rear garden would satisfy the requirement in quantitative and qualitative terms.

#### 7.9. The principle of demolition

Application to the planning authority

One of the two reasons for refusal is based on the sustainable reuse of the existing building stock. The demolition of the subject building and the construction of a replacement house is a significant planning consideration given the policy framework of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which demonstrates a bias to retain and retrofit the existing housing stock in the interests of sustainability. In specific Section 12.3.9 (Demolition and Replacement Dwellings) of the development plan states that the planning authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition in opposition to their demolition and replacement - unless a strong justification in respect of the latter has been put forward by the applicant.

The letter of application details that the replacement house will be accessible and energy efficient. The services and plant requirements for the house are listed including:

- NZEB Energy standard underfloor heating heat recovery e Air to Water heat pump
- Photovoltaic Solar Panels

- Plant for Pool and House and services.

The case officer states that no justification for demolition is provided by the applicant in the matter of the demolition of the existing house and the construction of a replacement house.

The TENT Engineering Structural Environmental Report (26/10/2022)

On appeal the applicant's justification for the demolition of the existing house is the provision of a sustainable replacement house based on significantly reduced future operational carbon emissions projected to 2080. This action would significantly reduce the anticipated running cost in CO<sub>2</sub> per sqm over the next 60 years to realise an improvement of 93% over the energy requirements of the existing structure (TENT Engineering Report Pg. 16). The TENT Engineering Report finding is that a carbon benefit may soon be realised and that running cost improvements are more significant than initial construction emissions.

The recommendation of the TENT Engineering Report states that the detached existing residential dwelling at no. 33 Knocknacree Park is assumed to be BER F rated or worse dwelling. The report concludes that the existing house is unsuited for retrofit and continued use (the appeal statement Pg. 56 confirms that the existing house energy rating is F as verified by a qualified BER assessor engaged by the applicants). The TENT Report concludes that it is not viable to provide upgrades that would be cost efficient to improve the energy rating of the existing house to an acceptable comfort level.

Furthermore, the structural integrity of the existing house frame cannot be guaranteed to extend the life of the structure by an additional 60 years. Demolition and the provision of an environmentally conscious new-build is advocated. The TENT Engineering Report requires a detailed demolition and waste plan to be prepared, which would allow for appropriate recycling of the demolished elements.

This can be dealt with by way of condition if a positive recommendation is recorded. The TENT Engineering Report further states that 'an embodied carbon comparison and optimisation is performed between the existing building and the proposed dwelling'. However, this action is based on an illustrative development option only.

The TENT Report highlights that a single structural option has been developed 'for the sole purpose of outlining a potentially achievable environmentally friendly development'. This development 'option' for a sustainable new-build structure is

illustrative only and comprises of a load bearing masonry wall structural system with

'hollowcore' floors (hollow floor slabs), which would reduce concrete use.

The engineering report explains that the masonry wall construction reduces foundation requirements (shallow foundations) while providing the option to recycle existing building blocks. There is an option to include 50-70% recycled structural steel, which would represent original embodied carbon fully amortized. However, the 'suggested system' does not provide specification for the proposed development and as it is stated does not show the required structure or material in the final development proposal. In summary, the justification of the demolition of the existing building and the construction of a new build replacement house is only by comparison with a potentially sustainable new-build development option, which the applicant has not committed to construct.

#### Appeal Statement

The appeal statement reiterates that the existing dwelling is energy inefficient and unfit for redevelopment. The appellant notes that renovation of a BER F rated house to bring it to an A rating would incur considerable cost. The appeal statement inter alia commits to the construction of and the re-use of materials on site that can be salvaged inclusive of all stone in order to build an A rated compliant house that is future proofed incorporating heat recovery ventilation, air to water pump, high levels of insulation and renewable energy source. It is stated that a minimum A3 rated design will be delivered. The core justification for demolition and replacement is that the more energy efficient replacement house would improve the energy rating and would be cost efficient.

The appeal statement does not in itself provide clarity in the matter of demolition and replacement including adherence with policy objectives CA6 (Retrofit and Reuse of Buildings) and CA7 (Construction Materials). Policy Objective CA7 provides that the planning authority will support the use of structural materials that have low to zero embodied energy. The appeal refers the reader to the TENT Engineering Report to satisfy compliance with sustainability objectives including the applicant's justification for demolition required by Section 12.3.9 (Demolition and Replacement Dwellings) of the development plan.

It is considered on balance reading collectively the appeal statement, the submitted drawings as advertised and the TENT Engineering Report, including the

clarification within the TENT Report that the 'suggested system' does not provide specification for the proposed new-build development, that the applicant has not provided justification for the demolition of the existing house as required inter alia by Section 12.3.9 of the development plan.

#### 7.10. Impact on existing residential amenities

In the substantive matter of overshadowing, overlooking and overbearing, the impacts arising from the proposed development would principally be on the adjoining properties to the east adjacent, at no. 32 Knocknacree Park (a similar split level type bungalow to the existing house at no.33), and to the west adjacent, at no. 35

Knocknacree Park (a bungalow on an elevated site). The appeal statement notes that the opposing houses in Knocknacree Park (across the access road to the cul-de-sac), specifically no. 7 Knocknacree Park directly opposite the applicant site is 48m distance from the proposed glazed ground floor elevation (level 2).

It is recognised that there will be a permanent physical change in the streetscape and temporary disturbance resulting from the demolition and construction of a replacement house at no. 33 Knocknacree Park. In this regard the detailed observations of third parties have been considered and noted. The residents of the adjoining properties at no. 32 Knocknacree Park (and the resident of no. 31 Knocknacree Park) to the east and at no. 35 Knocknacree Park to the west support the planning authority decision to refuse planning permission and have lodged on appeal detailed observations in this regard.

On balance it is considered that there are significant residential amenity issues highlighted in the observations of both parties given the proximity of the private amenity space of adjacent houses to the rear massing of the replacement house. The architect states in his design statement conclusion submitted with this appeal, (dated 25/10/2022), that privacy between dwellings is maintained using the existant mature vegetation or similar replanted and boundary treatments. I do not consider the existing mature planting sufficient mitigation based on the following interrogation of the design and massing of the replacement house to the rear of the applicant site.

No. 32 Knocknacree Park has a similar building height, dept and footprint to the existing house at no. 33 Knocknacree Park. The houses are similar in original design and massing. The proposed development would change this relationship. The ridge height of the garden elevation (south elevation) of no. 32 Kocknacree

Park is given as (+62.55). The parapet height of the proposed garden elevation (south elevation) of the replacement house is given as (+67.29). A height differential of almost 5 metres. The proposed garden elevation (south elevation) of the replacement house comprises a utility room projection that would extend the east elevation of the replacement house forward of the rear building line of no. 32 Knocknacree Park. The east elevation located on the boundary with no. 32 Knocknacree Park would read as a full height 2-storey wall incorporating a chimney stack (denoted as a privacy wall) when viewed from the east.

The massing on the eastern boundary with no. 32 Knocknacree Park is excessive given the proximity of the proposed development (less than 1m), the projection of the garden elevation utility return located significantly forward of the established building line and forward of the rear building line of no. 32 Knocknacree Park, and the significant differential in ridge I parapet height, which is 474m. between the ridge height of no. 32 Knocknacree Park and the proposed parapet height of no. 33

Knocknacree Park. It is considered that the 2-storey massing along the eastern boundary would have significant overbearing impacts in particular when viewed from observation points to the rear of no. 32 Knocknacree Park.

No. 35 Knocknacree Park is in design a conventional bungalow comprising a more shallow floor plan than nos. 32 & 33 Knocknacree Park with its rear building line located behind the existing building line of nos. 32 and 33 Knocknacree Park. The proposed 2-storey garden elevation of the replacement house is an approximate 7m forward of the rear building line of no. 35 Knocknacree Park. Furthermore, the differential in grade between the garden level patio area of no. 35 Knocknacree Park (+56.5) and the proposed garden level patio of no. 33 Knocknacree Park (+60.64) is a significant approximate 4000mm.

The western elevation of the replacement house projects away from the boundary with no. 35 Knocknacree Park by reason of the wedge shaped configuration of the applicant site. There is an average 4500mm separation distance between the western elevation of the replacement house and the boundary with no. 35 Knocknacree Park. However, notwithstanding the separation distance mitigation there will be significant overbearing and over shadowing impacts on no.35

Knocknacree Park by reason of the location of the replacement house forward of the rear building line and patio space of no. 35 Knocknacree Park. It is considered that the impact of the substitution of a single-storey for a two-storey structure will be

magnified by the significant differential in grade at garden level between the patio area of no. 35 Knocknacree Park and proposed elevation and patio area of no. 33.

The resident of no. 35 has observed that there are 7 potential overlooking opportunities provided by openings in the west elevation of the replacement house. It is considered that the proposed fenestration located forward of the rear building line to the west elevation has the potential to overlook the rear amenity space of no. 35 Knocknacree Park. Furthermore, the extensive rear bedroom terrace (level 4) may act as a viewing platform to the rear of the adjoining houses adjacent on the south side of Knocknacree Park. It is considered that the proposed development in terms of its height, design, massing, fenestration and terracing would by reason of overlooking, overshadowing and overbearing impacts significantly depreciate the residential amenities of the adjoining adjacent dwellings.

7.1 1 . In conclusion, the replacement house on street would be significantly taller than the existing dwelling and by reason of its height (greater than 12 metres), scale and massing would create an abrupt visual change in the streetscape. The proposed development to the rear, having regard to the step sloping topography of the site and the proximity of the adjacent houses to the east and west, at no. 32 and no.35 Knocknacree Park, would by reason of its height, design, massing, fenestration and terracing seriously injure the visual and residential amenities of adjoining properties, in particular no. 35 Knocknacree Park, which would experience significant overshadowing, overlooking, and overbearing impacts, and would be inconsistent with development management requirements, as provided for in Section 12.3.7.7

(Infill) of the Dun Laoghaire,,Rathdown County Development Plan 2022-2028, which seeks to protect existing residential amenities in the redevelopment of infill / brownfield sites.

Furthermore, the appellant / applicant has not justified the demolition of the existing house as required under Section 12.3.9 (Demolition and Replacement Dwellings). It is considered that the proposed development would be inconsistent with the climate action policy objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, in particular Section 3.4.1 .2, Policy Objective CA6 (Retrofit & Reuse of

Buildings), which seeks to reduce carbon emissions by regulating embedded carbon requiring the retrofit and reuse of existing buildings over their demolition and

reconstruction where possible. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### 7.1 2. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development comprising a replacement house within an established built-up area, it is possible to screen out the requirement for the submission of an NIS.

### 8.0 Recommendation

8.1 . I recommend a refusal of planning permission for the following reasons and considerations.

### 9.0 Reasons and Considerations

Having regard to the reasons for refusal, the grounds of appeal, the residential zoning objective, which seeks to provide, improve and protect residential amenities, and the relevant policy framework of the Dun Laoghaire-Rathdown County

Development Plan 2022-2028, it is considered that the proposed development would be contrary to the climate action policy objectives of the Dun Laoghaire-Rathdown

County Development Plan 2022-2028, in particular Section 3.4.1.2, Policy Objective CA6 (Retrofit & Reuse of Buildings), which seeks to reduce carbon emissions by regulating embedded carbon requiring the retrofit and reuse of existing buildings over their demolition and reconstruction, and Section 12.3.9 (Demolition and

Replacement Dwellings), which requires a strong justification for the demolition of the existing housing stock, and would by reason of the height, scale and massing of the proposed replacement house significantly negatively impact the existing amenities of adjoining properties and as such would be contrary to the proper planning and sustainable development of the area.



## 1 0.0 Reasons for refusal

1 .	<p>The proposed development, which includes the demolition of the existing dwelling and the construction of a replacement dwelling, would be inconsistent with Section 12.3.9 (Demolition and Replacement Dwellings) and Section 3.4.1.2, Policy Objective CA6 (Retrofit and Reuse of Buildings), of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, where it is the policy of the planning authority to require the retrofit and reuse of existing buildings rather than their demolition and reconstruction where possible. Furthermore, the proposed development would, if permitted, set an undesirable precedent for similar type development in the area in the absence of a strong justification for the demolition of the existing habitable house at no. 33 Knocknacree Park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
2.	<p>The applicant site is located within an area to which the "A" land use zoning applies in the Dun Laoghaire-Rathdown County Development Plan 20222028 — 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. The proposed development having regard to the sloping and elevated configuration of the applicant site, the proximity of dwellings to the east and west, and the location of the proposed 2-storey garden (south) elevation significantly forward of the rear building line and amenity patio area of no. 35</p> <p>Knocknacree Park, would by reason of its height, design, massing, fenestration and terracing be visually obstructive and overbearing to the rear of the site, and would result in undue overshadowing and overlooking impacts on adjoining properties in particular the dwelling to the west, at no. 35 Knockacree Park. Therefore, the proposed development would seriously injure the visual and residential amenities of adjoining adjacent properties, would be inconsistent with development management requirements to protect existing residential amenities in the redevelopment of infill sites, as provided for in Section 12.3.7.7 of the Dun Laoghaire-Rathdown County</p>

	Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.
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"I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way".



A. ~~Abbott~~ King

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Anthony Abbott King  
Planning Inspector

24 November 2023