



An
Bord
Pleanála

Inspector's Report ABP-314960-22

Development

Permission for demolition of the existing ground floor rear extension internal alterations, new basement, new two storey side and rear extension with solar panels, a new single storey rear extension, new single storey front extension, new detached covered garden seating area and storage room, landscaping and site works

Location

Clonlea, Knapton Road, Dun Laoghaire

Planning Authority

Dun Laoghaire County Council

Planning Authority Reg. Ref.

D22B/0249

Applicant(s)

John Cassidy and Rebecca Hellen

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Niall Meaghar and Nicola Matthews

Observer(s)

None

Date of Site Inspection

9th September 2023

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1.0 Site Location and Description

- 1.1. The proposed development is located on Knapton Road, Dun Laoghaire. The site comprises of a semi-detached house with large front and rear gardens all on a site area comprising of 0.9483ha
- 1.2. There is access to the rear of the site via a private lane (Knapton Lane) which serves a number of houses on Knapton Road including a mews development located directly to the south of the proposed development site.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following: Permission for
 - The demolition of the existing ground floor rear extension and
 - proposed internal alterations to the existing ground and first floors,
 - new basement to the rear,
 - new two storey side and rear extension with proposed solar panels
 - new single storey rear extension with 2 no. roof lights and
 - new single storey front extension with front porch,
 - new detached, single storey ancillary structure to the rear of the property to provide a covered garden seating area and storage room,
 - all landscaping and site works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to conditions. Conditions of note include for;

- Condition 6: The following shall be strictly adhered to in the proposed development: (a) All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction activities and vehicular/pedestrian movements on Knapton Road, and Knapton Lane during construction works.

(b) The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 3rd October 2022) reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

- Drainage Planning Report (14th June 2022) - No objection subject to conditions

3.3. Submissions/Observations

There are two submissions on file as follows:

- Simon and Dervla Lavin (received 17th June 2022) reside in the adjacent house to south of the proposed development site and they state that they have no objection in principal to the proposed development but they raise concerns with respect to overshadowing, that the proposed extension extends beyond the rear building line of their house and potential impact upon a mature boundary hedge.
- Niall Meagher (8th June 2022) resides to the south of the proposed development site and his access to his property is from Knapton Lane. He states that the amenity of the lane has been degraded as a consequence of heavy construction vehicles using the lane to access sites along the same. He therefore asks for reasonable working hours during construction and that all materials are stored within the site. He also requests further details with respect of the proposed landscaping as there are significant mature trees and shrubs on the site. Details of any removal of the rear boundary wall of the site have not been submitted with the application nor have details with respect of what the

boundary will be replaced with if it is to be demolished. Concerns are also raised with respect of wildlife within the site.

4.0 Planning History

On Site

- D14A-0313 – Permission refused for the construction of a new two-storey, four bedroom mews dwelling house in the rear garden of the said property subject of this appeal.

Adjacent

- ABP 303916-19 for Permission for Upgrading of Mews Laneway, surface water drainage sewer, utility services, public lights and associated signage refused planning permission

5.0 Policy and Context

5.1. Development Plan

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective A, which seeks *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*
- Section 12.2.1 Built Environment

The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible.

- Section 12.3.7.1 Extensions to Dwelling
 - (i) Extensions to the Front: Porch extensions, other than those deemed to be exempted development, should be of appropriate design and scale relative to the design of the original house.

- (ii) Extensions to the Rear: Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

5.2. Natural Heritage Designations

There are no designated areas in the immediate vicinity of the site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

- A third party appeal in the name of Niall Meagher & Nicola Matthews was lodged on the 27th October 2022

6.1. Grounds of Appeal

- That the amenity of Knapton Lane must be protected
- Details of the proposed boundary onto the lane have not been submitted
- That the residents along Knapton lane maintain the surface as necessary and that construction traffic in previous developments have degraded the lane.
- That the garden and mature trees and shrubs therein subject of this appeal have been completely removed by the applicants prior to a decision being issued.
- The level of demolition and excavation proposed and the restricted nature of this part of the lane, construction impact would be significant on the lane and the immediate adjoining properties.

- The design of all openings and boundaries that interface with Knapton Lane contribute to the long-term planning and coherence of this designated mews lane. The treatment to the lane should be appropriate to the mews character of the lane including the use of local stone and robust materials.
- It is requested that owing to the restricted nature of the lane that construction management activities are directed to the front of the property on Knapton Road where there is ample room for site establishment and removal of construction debris and materials haulage. This is particularly important to the users of the lane where there is no public lighting or pavement for pedestrians.

6.2. Planning Authority Response

- The Planning Authority responded on the 18th November 2022 asking the Board to refer to the planners report on the file

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to the relevant local development plan policies, history files and other relevant guidance documents.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters-

- Principle of Development

- Services
- Visual Amenity Issues
- Residential Amenity Issues
- Concerns raised in the appeal

7.2. Principle of Development

- 7.2.1. The proposed development site is located within an area designated as zoning objective A, in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Zoning objective A seeks *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*
- 7.2.2. Residential Extensions such as the one proposed are considered to be permitted in principle under this land use zoning objective.
- 7.2.3. With respect of the above, I am satisfied that the principle of an extension to this existing dwelling is acceptable at this location.

7.3. Services

- 7.3.1. I note that there is an existing connection to foul, surface water and mains water to serve the proposed development.

7.4. Visual Amenity Issues

- 7.4.1. The proposed development comprises of the partial demolition of an existing dwelling on site, specifically a flat roofed rear extension.
- 7.4.2. An engineer's report with respect to demolition and construction has been submitted upon response to a further information request issued by the planning authority.
- 7.4.3. It is proposed to construct a single storey front extension and porch which to an extent mirrors that of the adjacent attached dwelling to the south.
- 7.4.4. It is also proposed to construct a two storey over basement extension to the rear with windows of the basement facing onto a sunken courtyard with steps up to the garden

level. A minor single storey extension is proposed to the north side which is for the purposes of access to an internal utility.

7.4.5. It is further proposed to construct a detached garden building which is for the purposes of a covered seating area with store.

7.4.6. I consider that the design of the proposed extensions and detached garden building are generally acceptable in visual amenity terms and comply with the policies with respect of residential extensions as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028

7.4.7. I note in this respect the appellants have not raised any concerns with respect of the proposed design.

7.5. Residential Amenity Issues

7.5.1. With respect of private open space to serve the dwelling on site, there is more than adequate rear garden space left over after the extensions to serve the a outdoor amenity space of the applicants.

7.5.2. There is between 1.0 metres and 1.5 metres distance between the two storey rear extension from the party boundary of the adjacent house to the north which in itself is a two storey dwelling. I note that there is one proposed first floor window facing towards the adjacent property which I note serves a bathroom. There are three other existing windows. Subject to the proposed window being of opaque glass, I do not consider that there will be any negative implications of a result of the proposed extension on the dwelling to the north of the proposed development.

7.5.3. With respect of the dwelling to the south, there is a proposed single storey garden room located directly adjacent to the party boundary. The two storey extension is 3.485 metres from the party boundary of the adjacent property to the south. There are no first floor windows facing the adjacent property. Having regard to the same I would consider that there will be no impact upon the adjacent property to the south as a consequence of the same.

7.6. Concerns raised in Appeal

- 7.6.1. The concerns raised in the appeal are primarily based on two issues – that the amenity of the Knapton Lane is preserved and is not used for the purposes of construction access and the other is with respect of proposals regarding the proposed boundary onto Knapton Lane.
- 7.6.2. The appellant has also raised an issue with respect of the mature planting on site which was removed before a decision on the application was made by the Planning Authority. I have examined google earth and streetview, and I have carried out a site visit. It would appear from my examination that mature vegetation has been removed from the site. The site layout plan submitted indicates that some planting is to be retained particularly the boundary planting and the plan does not state specifically if particular trees and shrubs are to be retained or not. In any rate the planting is now gone and I do not think its loss has any implications with respect of the case planners assessment of the application. I would consider it appropriate that in the event that the Board makes a decision to grant the said development that a landscaping plan be submitted for agreement prior to the commencement of development.
- 7.6.3. The principal issue raised by the appellant whom resides in the mews house to the south west is with respect of the use of the lane for construction traffic.
- 7.6.4. I note that a Construction Management Plan was not submitted with the application
- 7.6.5. I would consider that the use of this lane will result in the significant loss of amenity of the appellant as his front door faces directly onto the lane, particularly during the construction period. There is no indication in the application that construction access is to be to the rear of the site even though this issue was raised by the appellant during the application process.
- 7.6.6. Potentially access to the site can be made via a side passage through the front garden of the site though this would prevent larger machinery from entering the site and it would I expect put additional building costs on the project.
- 7.6.7. Having regard to the temporary nature of the construction activity I would consider it unreasonable not to allow access to the rear subject to the applicant making good any defects to the lane that would result as a consequence and subject to all building materials and skips being kept on site. With respect of the same and if the Board decides to grant permission for the said development I would consider that the

applicant be conditioned that any defects to the lane or adjoining properties be made good prior to the occupation of the dwelling.

- 7.6.8. With respect of the treatment of the rear boundary wall facing onto Knapton, I would consider that it can be conditioned that the wall be of block construction faced and capped with stone to match that of adjacent properties (in this case granite)

7.7. **Appropriate Assessment Screening**

- 7.7.1. Having regard to the nature and scale of the proposed development, the distance from any European site and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

- 8.1. I recommend that permission is granted subject to the following conditions;

9.0 **Reasons and Considerations**

- 9.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16th day of May 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
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The first floor glazing on the ensuite bathroom serving the master bedroom shall be of opaque or frosted glass and shall be permanently maintained The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interests of residential amenity</p>
3.	<p>All external finishes including roof tiles, shall harmonise in material, colour and texture with the existing building on site unless otherwise indicated on the plans submitted.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>The following shall be strictly adhered to in the proposed development:</p> <p>(a) All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction activities and vehicular/pedestrian movements on Knapton Road, and Knapton Lane during construction works.</p> <p>(b) The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road, Knapton Lane or adjoining property(s) as a result of the site construction works</p> <p>(c) The applicant shall make good and repair any damage to the public road, Knapton Lane and any adjoining properties arising from carrying out the works. These repairs shall be carried out prior to the occupation of the dwelling all to the satisfaction of the planning authority.</p> <p>(d) All construction materials, machinery, skips and any other items associated with the construction shall be stored on site and not on the public road or Knapton Lane.</p> <p>Reason: To protect the amenity of Knapton's Lane</p>

5.	<p>The rear boundary wall of the site which faces onto Knapton's Lane shall be constructed of concrete block and faced and capped with local granite. Details of any future access to the site from Knapton's Lane shall be agreed with the planning authority in writing prior to the commencement of development.</p> <p>Reason: To protect the amenity of Knapton's Lane</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
7.	<p>The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development</p>
8.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 and 1400 hours on Saturday 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>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Andrew Hersey

Planning Inspector

15th October 2023