



An
Bord
Pleanála

Inspector's Report

ABP-315232-22

Development

The construction of a new greenhouse extension at ground floor (area 22.6 sqm) to the rear (north-east elevation) of the house, blocking up an existing ensuite window to the rear of the house. The development will also include replacing an existing bay window to the rear of the house with glazed doors and balcony.

Location

Cliff Castle, 23 Coliemore Road,
Dalkey, Co. Dublin, A96 X086 (A
Protected Structure)

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D22A/0675

Applicant(s)

Peter O'Connell

Type of Application

Planning permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)	Peter O'Connell
Observer(s)	N/A
Date of Site Inspection	19 th October 2023
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1. The site measures approximately 0.316 ha located at Cliff Castle, 23 Coliemore Road, Dalkey, County Dublin. The site is located approximately 500 metres southeast of the village of Dalkey. The site comprises a detached castle-like Protected Structure and is bounded by 1 no. large detached residential property to the south. The site is also bounded by Dublin Bay to the northeast and Coliemore Road to the southwest.
- 1.2. The front elevation of the subject dwelling faces north and is served by significant amenity area within the curtilage of the dwelling. The subject dwelling includes vehicular access from Coliemore Road, with pedestrian access to the dwelling largely setback from the road apart from one doorway. The subject dwelling enjoys access to Dublin Bay via a set back private harbour area to the east of the site.
- 1.3. Notwithstanding the orientation of the dwelling, the main pedestrian entrance to the dwelling faces towards the northwest. This would appear to suggest that the rear of the dwelling constitutes the boundary wall of the site. However, for the purpose of clarity, this report refers to the rear of the dwelling as the area of proposed development facing towards the northeast of the site as this is the reference that has been used by the appellant.

2.0 Proposed Development

- 2.1. The proposed development is described as comprising the following:
 - Removal of a single storey store room located to the rear of the dwelling.
 - Construction of a new single storey double height greenhouse extension at terrace level to the rear of the dwelling measuring approximately 22.6 sqm.
 - Blocking of an existing ensuite window to the rear of the dwelling and removal of a section of wall and an existing window to facilitate access to the proposed greenhouse.
 - Replacement of existing bay window to the rear of the dwelling with glazed doors and a balcony.
- 2.2. The application is accompanied by:

- An Architectural Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was REFUSED by the Planning Authority on the 2nd November 2022 for the following reason:

- The subject property, Cliff Castle, is a protected structure. The greenhouse extension, glazed doors and balcony element proposed to the rear (northeast) of the existing dwelling, by reason of their scale, height, massing and design would detract from the architectural character and setting of the subject Protected Structure, and would thus not accord with the provision of Policy Objective HER8: Work to Protected Structures Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Planning Officer's report concluded that permission for the proposed development should be refused.
- 3.2.2. Notwithstanding the above, the Planning Officer concluded that the principle of this type of development was acceptable on this site and that the proposed development did not inhibit the residential amenity of neighbouring properties. However, the Planning Officer did concur with the views of the Conservation Division on the proposed development, which are summarised below.
- 3.2.3. The planning officer also concluded that the proposed development would not significantly impact upon a Natura 2000 site, and therefore Appropriate Assessment (AA) of the proposed development was not required. The need for environmental impact assessment (EIA) was excluded by the Planning Officer at preliminary examination. As such, a screening determination was not required for EIA.

Other Technical Reports

- 3.2.4. Drainage Report (11th October 2022) – no objection subject to 1 no. condition.
- 3.2.5. Conservation Division Report (3rd October 2022) – Recommends refusal on the basis that the rear elevation of the property carries added significance and that the proposed development would materially and adversely affect the character and setting of the subject Protected Structure. In particular, the proposed development would have an overbearing impact on views of the Protected Structure from the sea. The report opposes the replacement of the existing bay window to the rear elevation and highlights non-conformance with Policy HER8 of the Dún Laoghaire Rathdown Development Plan.

3.3. Prescribed Bodies

Arts Council – no response received.

Heritage Council – no response received.

An Taisce – no response received.

Fáilte Éireann – no response received.

Department of Housing, Local Government and Heritage – no response received.

3.4. Third Party Observations

None received.

4.0 Planning History

Subject Site

D22A/0010 – GRANT of permission for a new orangerie extension at ground floor level (33m²) within the enclosed garden courtyard, to the southwest elevation.

D18A/0829 - GRANT of permission for a 4m x 12m external swimming pool within the existing front garden terrace area.

Neighbouring Site:

D07A/0622 – GRANT of permission for single storey conservatory extension (64.6m²) to the northwest side of a Protected Structure 25 (Elsinore) Coliemore Road, Dalkey, County Dublin, subject to 5 no. conditions.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Local Authorities

5.1.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed development of a protected structure:

- Promote the consideration of the potential impact of proposed development on the character of the protected structure.
- Consider the impact of cumulative extensions on the special interest of a structure.
- Encourage the smallest possible loss of historic fabric and ensure that historic features are not obscured, damaged or destroyed if permitting extensions to protected structures.
- Avoid adversely affecting the principle elevations of the protected structure.
- Extensions should complement the original structure in terms of scale, materials and detailed design.
- Consider carefully any proposed extensions to the rear of protected structures in urban areas, as rear elevations can contain fabric that is useful in reading the history of the protected structure.
- The visual impact of an extension from a distance should be considered.
- Assess the reversibility of proposals to allow for the future correction of unforeseen problems without causing damage to the structure.

5.2. Dun Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Record of Protected Structures No.1495 -
 - Castle Wall (Note: Cliff Castle also a Protected Structure).
 - House (Note: Castle Wall also a Protected Structure).
- Policy Objective HER8: Work to Protected Structures –
 - Protect from negative impact on special character and appearance;
 - Have regard to guidelines detailed in section 5.1 of this report;
 - Ensure sensitive siting and design of extensions with respect to scale, mass, height, density, layout, and materials;
 - Ensure that new and adapted uses are compatible with the character and special interest of the protected structure;
 - Ensure the retention of the form and structural integrity of the building.
- Specific Local Objective 130 – ‘Ensure that development has no significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or does not significantly detract from the character of the area either visually....’
- Policy Objective GIB6: Views and Prospects – ‘It is a Policy Objective to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects’.
- Chapter 12 Development Management: Section 12.11.2.1 Works to a Protected Structure – ‘all new work should relate sensitively to the fabric, scale, proportions, and design of the Protected Structure.... New additions/extensions should respect the significance of the building/structure, through consideration of its siting, bulk, form, scale, character, colour, textures and material.... Appropriately scaled extensions should complement, and be subsidiary to, the main structure be positioned generally to the rear elevation or less prominent elevation’.

5.3. Natural Heritage Designations

5.3.1. The following sites are located within close proximity to the proposed development:

Proposed Natural Heritage Area (pNHA):

- Dalkey Coastal Zone and Killiney Hill (001206) – approx. 37m.

Special Area of Conservation (SAC):

- Rockabill to Dalkey Island (003000) – approx. 365m.

Special Protection Area (SPA):

- Dalkey Islands (004172) – approx. 93m.

Biosphere Reserve:

- Dublin Bay Biosphere Reserve – approx. 37m.

5.4. EIA Screening

5.4.1. The proposed development does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning & Development Regulations 2001, as amended, therefore no preliminary screening and EIA is required (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted by the appellant on the 29th November 2022 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The aesthetic/design of the proposed development is similar to that of previously approved extensions on this site, namely Reg Ref. D22A/0010.
- The type of plant that it is intended to be grown in this greenhouse requires space to grow, which has informed the volume of the greenhouse.

- The proposed development will be located on the terrace level which is c.500m above the existing ground floor level. This will give the impression that the proposed development is a taller building than the existing dwelling.
- No overbearing elements or overlooking of adjoining properties as a result of the height of the proposed development.
- The increased glazed area will provide a well-lit internal space complimentary to the existing fenestration of the building.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

None received.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Integrity & Design of the Protected Structure
- Residential Amenity

7.2. Integrity & Design of the Protected Structure

- 7.2.1. The subject dwelling represents a 19th century detached three-bay, two storey castle with a circular tower at each end of the front façade. The dwelling enjoys protected structure status, along with castle walls protruding to the southwest which are not

impacted by the proposed development. My assessment of the impact on the protected structure is therefore confined to the castle itself i.e. the subject dwelling.

- 7.2.2. I note that the Architectural Heritage Impact Assessment submitted on behalf of the appellant states that there have been some extensions added to the structure over time and that these extensions are characterised by flat roofs. From analysis of site mapping, it appears as though the part of the structure where the proposed development would be added is an extension and may not form a part of the original structure. Notwithstanding this, the Local Authority Conservation Officer has expressly stated that the rear of this dwelling has added significance and national guidelines support the consideration of protecting later additions to protected structures. I am therefore of the opinion that the impact of the proposed development is not lessened by the fact that the rear of the dwelling may not be a part of the original structure.
- 7.2.3. I also concur with the views of the Local Authority Conservation Officer regarding the added significance of the rear of the structure with respect to its visual prominence. This also aligns with national guidance which highlights the importance of the visual impact on protected structures from a distance. With respect to this, I note that the height of the proposed development would be more than half the height of the protected structure at its highest point. Having regard to this, I consider that the height of the proposed development would detract from the character of the protected structure which, in itself retains a visually imposing character on the surrounding area.
- 7.2.4. Whilst the Conservation Officer has expressed her opposition to the removal of the bay window to the rear of the dwelling, no reason is provided in her report for this. The applicant has submitted an Architectural Impact Assessment which examines the significance of this bay window and determines it to be of no architectural merit, I am minded to agree with this assessment. In my assessment of the bay window during my site visit, it appeared to be a modern addition to the protected structure and, therefore, I would be minded to concur with the applicant on the matter of the significance of the removal of the bay window.
- 7.2.5. The Local Authority have noted an issue with the design of the proposed development in their reason for refusal, while the design approach of the proposed

development is consistent with extensions to this property. However, the design approach is not considered to be appropriate in the context of the height, scale and mass of the proposed development. This does not align with Policy Objective HER8 which requires extensions of protected structures to be sensitively sited and designed with respect to scale, height, mass, density, layout and materials.

- 7.2.6. Having inspected the site and the details submitted with the application, and having examined the constructed orangerie extension, it is my opinion that the proposed development, by way of its scale, mass and height, would negatively impact the character and setting of the protected structure of Cliff Castle. In particular, I believe that the scale, height, mass and form of the development would visually expose the proposed development from the rear and to the north of the site.

7.3. Residential Amenity

- 7.3.1. The drawings submitted with the application show that there is very little, if any, possibility of overlooking or overshadowing as a result of the proposed development. As the proposed development will be constructed abutting a boundary wall of significant height, sufficient screening will be provided to avoid overlooking or overshadowing on neighbouring properties.
- 7.3.2. I am of the opinion that the residential amenity of the adjoining properties will not be affected by the proposed development as sufficient screening is provided by the existing boundary wall and also by the setback nature of the rear garden area.

7.4. Conclusion

- 7.4.1. Having regard to the foregoing, I am of the opinion that the scale, mass and height of the proposed development does not respect the character and setting of the protected structure. Having regard to the applicant's justification for the scale, mass and height of the proposed development being that the type of plant that is intended to be grown in the greenhouse requires space to grow, I do not feel it appropriate to propose modifications by way of condition to the proposed development which will not materially change its intended use. However, I note that the Board may be minded to propose conditions as such to reduce the scale, mass and height of the proposed development.

7.5. Appropriate Assessment Screening

- 7.5.1. I note that the application was not accompanied by a screening report for Appropriate Assessment. However, I note that the Local Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.
- 7.5.2. Although the site is located adjacent to Rockabill to Dalkey Island SAC (c. 365m) and Dalkey Islands SPA (c. 93m), the location of the proposed development is well removed from the European sites by way of the height at which it is to be situated, approximately 9m above the private harbour area. The proposed development is also located in an area of the site that is setback from the private coastal access that the property enjoys. Further to this, the Irish Sea provides a hydrological buffer between the proposed development and the European sites.
- 7.5.3. The qualifying interests of both the nearby European Sites are outlined as follows:
- Rockabill to Dalkey Island SAC
 - Reefs
 - *Phocoena phocoena* (Harbour Porpoise)
 - Dalkey Islands SPA
 - Roseate Tern (*Sterna dougallii*)
 - Common Tern (*Sterna hirundo*) [A193]
 - Arctic Tern (*Sterna paradisaea*)
- 7.5.4. Given the scale of the proposed development and the works involved, I am of the view that the proposed development will not lead to a likely significant effect on the qualifying interests of any nearby European Site.
- 7.5.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site's No. 003000 & 004172, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.5.6. This determination is based on the following:

- The hydrological buffer between the proposed development and the European Sites; and
- The extent and nature of the proposed works.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

- 8.1. I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the protected structure status of this building, it is considered that the proposed works would, by virtue of their scale, mass and height, have a detrimental and irreversible impact on the essential qualities of this structure, thereby materially affecting its character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Conor Crowther
Planning Inspector

8th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315232-22			
Proposed Development Summary	The construction of a new greenhouse extension at ground floor (area 22.6 sqm) to the rear (north-east elevation) of the house, blocking up an existing ensuite window to the rear of the house. The development will also include replacing an existing bay window to the rear of the house with glazed doors and balcony.			
Development Address	Cliff Castle, 23 Coliemore Road, Dalkey, Co. Dublin, A96 X086			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	✓	N/A	Class of development relates to a 'house' or 'dwelling unit'. Extension/modification to an	No EIAR or Preliminary Examination required

			individual house/ dwelling is not a class or type.	
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Conor Crowther Date: 08/11/2023