



An
Bord
Pleanála

Inspector's Report ABP-316082-23

Development

Permission for amendments to existing permission D18A/0480 (under construction) to include (1) Reduction of permitted floor heights of 350mm at ground floor and 350mm at first floor (2) addition of new living room, hallway and WC (35sqm) at first floor. (3) addition of new 'front door' at first floor with pedestrian access and gate onto Harbour Road and associated elevation changes and siteworks.

Location

Rear of no. 3 & 4 Bloyke, Harbour Road, Dalkey, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/1015.

Applicant

Bryan Molloy.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party v Refusal

Appellant

Bryan Molloy.

Observer(s)

Paula Fagan.

Aidan Dorgan & Siobhan O' Connor.

James Michael Craig & Others.

Christopher Herbert.

Date of Site Inspection

17th of July 2023.

Inspector

Adam Kearney.

1.0 Site Location and Description

The subject triangular shaped site with a stated area of 0.038 Ha is located at the junction of Harbour Road and a *Cul de Sac* road in an established residential area of Dalkey village, circa 13km southeast of Dublin City Centre. The site comprises former parts of the rear garden areas of No. 3 and No. 4 Bloyke, and a previously undeveloped area to the north of No. 4 Bloyke used for car parking and bin storage. The area is predominantly residential.

2.0 Proposed Development

Permission sought for amendments to existing permission D18A/0480 (under construction and ceased on day of visit) to include (1) Reduction of permitted floor heights of 350mm at ground floor and 350mm at first floor (2) addition of new living room, hallway and WC (35sqm) at first floor. (3) addition of new 'front door' at first floor with pedestrian access and gate onto Harbour Road and associated elevation changes and siteworks

3.0 Planning Authority Decision

3.1. Decision

Permission **Refused** for the following reason.

The application site is located within an area subject to the development objective 'A - To provide residential development and improve residential amenity while protecting the existing residential amenities' in the Dún Laoghaire-Rathdown County Development Plan, 2022-2028. Having regard to the nature and scale of the proposed development, including its two-storey bulk, height and proximity to site boundaries, the restricted size of the application site, the site configuration, noting in particular the site context between two roadways, the proposed development, would, if permitted, be overly prominent, and constitute overdevelopment of the site. The proposed development would be visually obtrusive on the streetscape, and would

seriously injure the residential and visual amenities, and depreciate the value of property in the vicinity. The proposed development would not be in accordance with Section 12.3.7.7 Infill of the 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

3.2.1. Planning Report - Main Points

- It is considered generally that the changes/ amendments and additions currently proposed, would make a significant change to the building granted permission under D18A/0480.
- Proposal would be overly bulky, and prominent appearance in its receiving environment and when viewed on the streetscape, and from surrounding properties.
- The proposed house, as amended, would therefore have serious negative impacts on the residential, and visual amenities of the surrounding properties, including the reduced separation distances to the surrounding boundaries on the restricted and irregular shaped site.

3.2.2. Other Technical Reports

- The Transportation Planning report states no objection, subject to conditions.
- The Surface Water Drainage Planning report states no objection, subject to conditions.

4.0 Planning History

D18A/0480

Permission Granted for a part 2-storey/part single-storey flat roofed detached three bedroom dwelling, comprising 139 sq.m with 2 no. off street parking spaces on a site comprising part of the rear gardens of no. 3 and 4 Bloyke with a new automated vehicular access gate within the existing stone boundary wall to the access lane. The proposed development will be screened from Harbour Road by 0.8m high timber fence above the existing stone boundary wall. Permission is also sought for all associated landscaping, boundary wall works, and drainage works.

D11A/0012: Permission refused by the Planning Authority) for a new two storey three-bedroom dwelling, new pedestrian entrance off Harbour Road, relocated vehicular entrance and associated site works at the rear. PA decision upheld by ABP (Ref. PL06D.238724)

5.0 Policy and Context

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.

NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.

NPO 35 aims to increase residential density in settlements through a range of measures including infill development and site-based regeneration.

5.1. **Development Plan**

The Dun Laoghaire County Development Plan 2022-2028 is the operative County Development Plan.

Zoning: Objective 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities.

Residential development is permitted in principle under this zoning objective.

Chapter 12 of the Development Plan deals with Development Management. The following sections are relevant:

Section 12.3.7.5 Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas.

Section 12.3.7.7 Infill

In accordance with Policy Objective PHP19: Existing Housing Stock -Adaptation, infill development will be encouraged within the County. 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, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th

century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status or similar.

Section 12.3.7.1 Extensions to Dwellings

5.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. EIA Screening

Having regard to the nature and modest scale of the proposed development of an extension to single dwelling under construction, and its location in an established built-up urban area served by public infrastructure it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

Grounds of Appeal

- proposal is both appropriate and constitutes an improvement on previously permitted development.
- The permitted massing is 700mm taller and includes for extensive solid enclosing terrace screens on the elevated first floor massing.
- Appellant refers to a precedent for the proposed development located at the junction of no. 16 Burdett Ave with Marine Parade and private *Cul de Sac* in Sandycove (D10A/0089)
- The re-orientation of the proposed development with the addition of new 'front door' and pedestrian gate provides a dwelling with appropriate relationship

with the public road frontage to enliven or provide an animated interface onto Harbour Rd.

- The Local Authority has failed to consider all of the massing elements of the permitted scheme,
- the Local Authority has failed to consider the proposed changes, including the significant improvement in the quality of the dwelling, increasing the quantum of family living space.
- Should the Board share the Local Authority concern with the extension northward of the living room volume, the covered external terrace could be omitted.

6.1. **Planning Authority Response**

In a letter dated the 18th of April 2023 it was considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.2. **Observations**

The observations largely echo the original submissions.

- Supportive of the Local Authority decision to Refuse Permission.
- Reiterate the arguments around bulk and massing.
- Impact on residential amenity and visual amenity.
- Fears about loss of light.
- Overdevelopment on a constrained site.

6.3. **Further Responses**

None

7.0 Assessment

- 7.1. I have read all the documentation attached to this file including, the appeal, the report of the Planning Authority, in addition to having visited the site.
- 7.2. The primary issue pertains to the addition of additional floor space to the first floor and the resultant impact this will have with regard to massing and the impact on visual amenity of proximate dwellings.
- 7.3. I note that the revised design with a fuller first floor component is similar to a proposal refused permission under planning Ref D11A/0012 which it appears was submitted by the then owners of No. 3 and 4 Bloyke. The 2018 application was subsequently scaled down with a design which included only a part first floor.
- 7.4. From estate agents' signage on the site and the presence of a new applicant I can only surmise that there is a new owner of the dwelling under construction with no connections to adjacent properties and who purchased the site with the benefit of permission from the previous owners who formed the site from part of the rear gardens of No. 3 & 4 Bloyke.
- 7.5. There is reference to loss of light in the content of the observations. I do not consider that the addition of 35m² to the permitted development at first floor level in combination with an overall height reduction of 0.7m will impact on properties to the west. Whose frontages are separated by a road and front gardens and at a remove of circa 16m.
- 7.6. There is reference to D11A/0012 and while I accept that an application for a similar proposal was refused and upheld on Appeal, I would counter that in the intervening 12 years there has been a cathartic re-evaluation of the overarching development management rationale led by the National Planning Framework which places emphasis on consolidated growth in established urban areas and more compact development as a counter foil to continued greenfield expansion.
- 7.7. From the submissions and observations there is concern that the further modification will impact on the amenity of the neighbouring dwellings and impact on a view afforded to a rear window/balcony at No. 3 Bloyke.
- 7.8. While I can sympathise with the owner of this property, the maintenance of a view cannot be considered as a planning argument, and I do not consider the bulk or

massing of the dwelling as overbearing or incongruous albeit I have reservations about the covered terrace. This view is informed by the appraisal of the partly built structure which was not a benefit afforded to those who appraised the 2011 application.

- 7.9. I am in agreement with an observer who questioned the CGI supplied by the applicant and specifically the perspective approaching from the northeast / Harbour direction. I believe the light-coloured covered terrace to be excessive and incongruous with the streetscape and should be omitted. In addition, the colour palette of material/finish to the first floor should consist of a darker palette that would integrate better with the surrounding fabric.

8.0 Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development, the location of the site within a serviced urban area, the physical separation to designated European Sites, and the absence of any pathways the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination can be reasonably excluded.

9.0 Recommendation

- 9.1. I recommend that permission is Granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities, character or built heritage of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Note: Conditions applied by the Local Authority to the parent permission D18A/0480 not covered in this decision remain applicable.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The covered terrace at first floor level shall be omitted and drawings detailing this revision along with details of the external finishes/palette of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
6.	<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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Note: a pro rata increase reflective of the increased floor plan area shall be agreed with the Local Authority.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.

.Adam Kearney
 Planning Inspector

28th August 2023