



An
Bord
Pleanála

Inspector's Report ABP-317379-23

Development	Construction of guesthouse accommodation comprising 30 bedrooms in 2 no. two-storey wings set in a landscaped garden.
Location	Lands to the rear of The Queen's Public House and Restaurant (Protected Structure), Castle Street, Dalkey, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D22A/0402
Applicant(s)	East Coast Heritage Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Dalkey Community Council John Heavey and other residents of White's Villas

Date of Site Inspection

12th October 2023

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The site comprises an outdoor service area to the rear/northern side of The Queen's public house and restaurant which is a protected structure, located on the northern side of Castle Street in Dalkey town centre. The site has a stated area of 0.1535 hectares. The Queen's fronts onto Castle Street, having established there in 1745. To its west is Dalkey Castle and Heritage Centre, and to its east is the former Tramyard site.
- 1.2. The Queen's comprises a three-storey building at its front elevation, with seated areas available to the front. The building has been extended to the rear resulting in a number of extensions, both single and two storey, beyond which is the outdoor service yard area. This area comprises hardstanding and is in use as an outdoor drinking/dining area, a car park (approximately 14 no. spaces) and accommodates service areas for the public house and restaurant. The site boundaries comprise stone/random rubble walls at the western and northern sides, and the side wall of the adjoining Tramyard building at the eastern side of the site.
- 1.3. The development site is accessed by a relatively narrow lane which runs to the west of the protected structure and which also provides access to the residential area of White's Villas located to the north and west of the appeal site. The predominant house types within White's Villas are single and two storey terraced housing. The western and northern boundaries of the site adjoin the rear gardens of two storey houses in White's Villas.
- 1.4. Street frontage in the centre of Dalkey is generally narrow with limited car parking and set-down areas on street. Dalkey DART station is approximately 290 m (4 minutes walk) from the subject site and bus services are available approximately 190 m from The Queens. Services include local routes to Dun Laoghaire, Killiney and Cherrywood and an hourly service to Dublin Airport and the eastern side of the city.

2.0 Proposed Development

The proposed development consists of the construction of guest house accommodation, comprising 30 no. bedrooms including two suites and two

accessible rooms in 2 no. two storey flat-roofed wings / accommodation blocks with green blue roofs to the rear (north) of the Queen's public house and restaurant.

The flat roof height of the westernmost block ranges in height between 5.7m and 6.2m, while the flat roof height of the eastern-most block is 6.2m. The lengths of the proposed buildings are indicated as 32.34 metres (eastern block) and 36.706 metres (western block).

The following accommodation units are proposed:

- 8 no. double bed units each with ensuite including 1 no. accessible double bed unit with ensuite at ground floor level of each building.
- 7 no. double bed units each with ensuite including 1 no. suite at first floor level of each building.

The bedrooms are arranged in groups of four, each sharing an entrance lobby with a stairs to the upper level.

An inner central landscaped garden is proposed between the 2 blocks and shall be traversed by a covered walkway link of timber construction extending from the existing restaurant/bar northwards to the rear of the appeal site, therefore providing access to both proposed accommodation blocks.

The submitted plans show a set-down area to the rear of the Queen's and immediately south of the proposed new accommodation building located at the western part of the site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 15 conditions on 23rd May 2023. Noteworthy conditions include:

Condition 2:

2. The following shall be strictly adhered to in the proposed development: (a) The guesthouse bedroom accommodation hereby permitted shall be used exclusively as guesthouse/holiday accommodation/short-term lettings accommodation, and such

use shall be directly connected with the use of the existing Queens Public House and Restaurant. The guesthouse accommodation hereby permitted shall not be separated or sub-divided from the existing public house and restaurant premises either by way of sale or letting or otherwise. (b) The proposed covered walkway link from the bar/ restaurant of the existing premises, and any other associated link, with the proposed accommodation, shall be maintained, unless otherwise authorised by a prior grant of planning permission.

REASON: In the interests of clarity, and to prevent unauthorised development.

Condition 4 requires submission of an annual report to the Planning Authority from an appointed Workplace Travel Coordinator for a period of 3 years demonstrating the hard and soft measures implemented to promote increased use of sustainable travel modes to access the proposed guesthouse.

Condition 5 requires that a Construction Management Plan (CMP) is submitted and agreed in writing by the Planning Authority prior to commencement of development.

Condition 6 relates to noise and vibration monitoring and dust monitoring.

Condition 7 relates to compliance with the Operational Waste Management Plan (OWMP).

Condition 11 relates to archaeological monitoring.

Conditions 13-15 inclusive are financial contribution conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planning report dated 3rd August 2022 considered that the principle of the proposed development is acceptable at the site. It raised several issues on which further information was required, including clarity on access arrangements and whether the guest house would operate independently of the bar/restaurant. Furthermore, a shadow cast analysis was sought and pending its findings the applicant was advised to provide revised proposals to mitigate overshadowing on adjoining residential properties. The report also raised concerns that the proposal would adversely impact on residential properties to the west of the site due to visual overbearance on account of the

scale proposed and the proximity of the western site boundary. Revised external finishes were recommended along with an alternative proposal to provide natural light to the internal stairwells.

- The second Planning report dated 30th January 2023 raised concerns relating to the submitted Sunlight Access Impact Analysis and recommended submission of a revised Analysis to demonstrate how any undue overshadowing of adjoining residential properties is proposed to be mitigated. The report noted that the proposed revised external finishes and the proposed louvres on the first floor opaque windows on the rear elevation of the western block have not adequately addressed the concerns raised and clarification of the further information was sought.
- The third Planning report dated 23rd May 2023 confirmed that having regard to the submission received from the applicant's consultant along with the Addendum Sunlight Report, the issue of overshadowing has been satisfactorily addressed. The report noted the revised plans showing revised external finishes including light coloured buff brick to the upper west and south elevations and the omission of the opaque windows on the rear elevation of the western block are acceptable.

3.2.2. Other Technical Reports

Drainage Planning: Further information and clarification of further information requests issued in relation to a number of drainage items.

Transportation Planning / Environment : Further information and clarification of further information requests issued in relation to a number of items including revised drawings demonstrating location for drop-offs and deliveries and provision of a Construction and Environmental Management Plan (CEMP).

Environmental Enforcement and EHO Report: Applicant requested to submit a Construction and Excavation / Demolition Waste Management Plan and an Operational Waste Management Plan (OWMP). A construction report and a construction methodology report to include proposals for the retention of the structural integrity of surrounding structures was also sought.

Conservation Division: Generally supportive of the proposal in the context of its relationship with adjoining/near-by Protected Structures. The proposed 2 storey height is deferential to The Queen's and the historic skyline of Dalkey ACA. Contemporary design approach is acceptable and the proposal is not considered to adversely affect the character and special interest of the ACA.

Public Lighting: The first report confirms no requirement for street lighting but that the proposed walkway requires lighting which cannot impact on White's Villas. The second report notes bollard lighting is proposed as set out in the further information response and is acceptable.

Prescribed Bodies

Department of Housing Local Government and Heritage: Further information requested regarding the carrying out of an Archaeological Impact Assessment (including Archaeological Test Excavation) of the subject site. A later submission from the Department recommends inclusion of archaeological conditions.

Irish Water: The applicant was requested to engage with Irish Water through the submission of a Pre-connection Enquiry (PCE) to determine the feasibility of connection to the public water/wastewater infrastructure.

3.3. Third Party Observations

Several third party observations were submitted to the Planning Authority during the course of the planning application. The issues raised are similar to the grounds of appeal as set out in the two third party appeals submitted to the Board.

4.0 Planning History

Appeal site

PA Ref. D10A/0383 refers to an August 2010 decision to grant permission to enclose an existing rear external stair at the Queen's Bar and Restaurant.

PA Ref. D05A/0271 refers to a September 2005 decision to grant permission for erection of a timber frame structure and gated time security screen fencing to be used as an open smoking facility at the rear of the premises.

ABP Ref. PL06D.120164 / PA Ref. D00A/0313 refers to a January 2001 refusal to grant permission for a 2 storey over entrance level office building including partial demolition of a wall, incorporating shared car parking to rear of the premises.

Refusal reasons were as follows:

- 1. The proposed development by reason of its scale and bulk would be out of character with the pattern of development in the surrounding area, would constitute an inappropriate development of the site and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and development of the area.*
- 2. The proposed development would generate a demand for on-street car parking which cannot be met locally. The proposed development would, therefore, result in traffic congestion which would endanger public safety by reason of a traffic hazard.*

PA Ref. D97A/0705 refers to a December 1997 decision to grant permission for a first floor extension comprising new kitchen at the rear.

Adjoining site to the east

ABP Ref. ABP-309240-21 / PA Ref. D19A/0932 refers to an August 2021 grant of permission for demolition of vacant buildings and construction of a mixed use development at The Tramyard, Castle Street, Dalkey, Co. Dublin.

ABP Ref. PL06D.244971 / PA Ref. D14A/0590 refers to a September 2015 grant of retention permission (3 year period) for extension and change of use from landscape studio to retail shop, extension to two coffee shops, external seating, tarpaulin roof and decking.

Adjoining sites to west and north (White's Villas)

PA Ref. D14A/0797 refers to a grant of permission for addition of single storey extension to the front with a slightly pitched roof containing roof lights associated minor alterations and ancillary site work at 19 White's Villas.

ABP Ref. PL06D.242288 / PA Ref. D13B/0155 relates to a proposal for development at 18 White's Villas consisting of a two storey extension at rear (area 28.5 sqm and parapet height 5.9m above ground level) east elevation, containing a kitchen at ground floor and a bedroom on first floor, 2 no. Velux roof-lights at rear (east

elevation) on roof of existing house, a porch at front (area 3.0 sqm and ridge height 3.5m above ground level) west elevation and alterations to the front garden boundary wall with public road and associated drainage and site works. This development was granted on appeal.

PA Ref. D11A/0341 relates to a grant of retention permission at 16 White's Villas for demolition of an existing single storey rear extension; retention of the construction of a two storey extension to the rear, consisting of 13.4 sqm at ground floor level and 13.4 sqm at first floor level; associated elevational changes to the north and east elevations; and the retention of a vehicular access off White's Villas.

PA Ref. D04A/0780 relates to a grant of permission for a new dwelling on a site to the side and also to construct minor modifications, a rear extension and replace the existing roof and associated site works and services to the existing dwelling at 19 White's Villas.

Site in the vicinity of the appeal site

ABP Ref. ABP-304937-19 / PA Ref. D19A/0290 refers to an October 2019 grant of permission for demolition of 2 single storey buildings and the construction of 14 guest accommodation units at The Dalkey Duck Public House, 61 Castle Street, Dalkey, Co. Dublin.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 is the operative Development Plan. The site is zoned NC – Neighbourhood Centre '*To protect, provide for and / or improve mixed use neighbourhood centre facilities.*' 'Guest House' use is listed as 'Permitted in Principle' and 'Hotel/ Motel' is listed in the 'Open for Consideration' category of the NC Zoning Objective.
- 5.1.2. The site is located within the Dalkey Village Architectural Conservation Area' (ACA) as included in Appendix 4.2 of the Plan.

5.1.3. The Queen's Public House is a Protected Structure (RPS No. 1464), as set out in Appendix 4.1 of the Plan. There are a number of other Protected Structures in the immediate vicinity of the site including:

- Tram Yard, Castle Street – Tram Lines (RPS No. 1463)
- Tram Yard, Castle Street – Gates and Entrance Piers (RPS No. 1471)
- Dalkey Castle and Heritage Centre (RPS No. 1458)
- Archibold's Castle (RPS No. 1466)
- Church of the Assumption (RPS No. 1472)

5.1.4. The site is located within an 'Archaeological Zone of Interest' – no. 023-023 refers and includes 'Historic Town', Church, Castle, Graveslab, Holy Well, Cross and Town Defences.

5.1.5. The role of tourism is identified in Chapter 6 – 'Enterprise and Employment' of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028.

Policy Objective E17-Tourism and Recreation:

It is a Policy Objective to co-operate with the appropriate agencies in promoting sustainable tourism and securing the development of tourist and recreation orientated facilities in the County. Furthermore, the Council will promote the implementation of the Dún Laoghaire-Rathdown Tourism Strategy & Marketing Plan 2017–2022 and any subsequent update thereof.

Policy Objective E23 – Night-time Economy:

It is a Policy Objective to support the achievement of a sustainable night-time economy based upon key principles including inclusivity, diversity, vibrancy and which is underpinned by a consideration of the balancing of needs and co-existence between potentially conflicting uses.

5.1.6. Section 7.2 relates to Multifunctional Centres in Dun Laoghaire-Rathdown.

Policy Objective MFC1: Multifunctional Centres

It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as

multifunctional centres which provide a variety of uses that meet the needs of the community they serve.

Policy Objective MFC2: Accessible and Inclusive Multifunctional Centres

It is a Policy Objective of the Council to promote accessibility to Major Town Centres, District Centres and Neighbourhood Centres by sustainable modes of transportation in order to encourage multi-purpose shopping, business and leisure trips as part of the same journey.

5.1.7. Section 11.4.1.2: *Policy Objective HER8: Work to Protected Structures*

It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.*
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.*
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.*
- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.*

- vi. *Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.*
- vii. *Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*
- viii. *Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.*
- ix. *Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- x. *Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES)*

5.1.8. Section 11.4.2.1: *Policy Objective HER13: Architectural Conservation Areas*

It is a Policy Objective to:

- i. *Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.*
- ii. *Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*
- iii. *Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.*
- iv. *Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst*

simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

- v. *Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.*
- vi. *Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.*

5.1.9. Chapter 12 of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 refers to Car Parking Standards under section 12.4.5 and Cycle Parking under 12.4.6 which are noted.

5.1.10. Section 13.1.2 Transitional Zonal Areas.

5.2. National Guidance

- The National Planning Framework (NPF) - Section 2.6 “ Securing Compact and Sustainable Growth’ - Advocates compact development that focuses on reusing previously developed, ‘brownfield’ land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings.
- Chapter 4 of the NPF ‘Making Stronger Urban Spaces’ is also pertinent to the proposed development and it includes:
 - National Policy Objective 14: ‘In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.3. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are Dalkey Island SPA and Rockabill to Dalkey Island SAC, located c 650 m east and c 980 m east respectively.

5.4. **EIA Screening**

See completed Form 2 on file. Having regard to the nature of the proposed development comprising 30 guest bedrooms in two buildings with a covered walkway link and associated works, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two third party appeals have been submitted to the Board.

The grounds of the third party appeals by Dalkey Community Council and John Heavy and other residents of White's Villas (represented by Marston Planning Consultancy-MPC) are grouped and summarised as follows:

Impacts on Residential and Visual Amenity

- Given its location, proximity, bulk and scale the proposed development would adversely affect the visual and residential amenities of the area and the appellants' houses at White's Villas.
- The proposed development would be visually obtrusive and visually overbearing. The length of the proposed western building at 38m will cause overbearing impacts to dwellings at White's Villas. Some of the rear garden depths are constrained e.g. rear gardens at Nos. 18, 19 and 19A.

- The degree of overshadowing on rear gardens of Nos. 10,17, and 18 White's Villas will be significant and range from 25% to 69% reduction in sunlight (only 20% is acceptable). The proposal is contrary to the BRE Guidelines. The positioning and massing of development results in a significant reduction in sunlight to the gardens of properties and their internal spaces.
- Applicant has failed to reduce the scale of the proposed development despite negative impacts arising. The blank wall to the rear of properties at White's Villas is incongruous.
- The site is in a Transitional Zone. The planning authority has not protected the residential amenity and private open space of associated with the appellants' dwellings. This is contrary to the zoning of the appellants' properties.

Car parking / Transport

- Shortfall in car parking will result in haphazard parking and a traffic hazard. Parking provision has not been adequately assessed.
- Failure to provide car parking and loss of existing car parking facilities will lead to a significant reduction in residential car parking for local residents, impacting their amenity. Parking generated by the proposed development will spill into adjoining residential areas.
- Church car park is full at weekends and is closed overnight on Saturday. Recent works on Castle Street has resulted in a loss of on-street car parking.
- Inadequate area provided for deliveries / drop-off point along the laneway between the Heritage Centre and the side entrance of the proposed hotel.
- Concern expressed in relation to refuse collection trucks operating in such a confined area. Waste collections will occur daily and block off White's Villas.
- Concern that the Construction Management Plan and measures to manage traffic at White's Villas has not been agreed and is subject to a condition (Condition No. 5).
- Queries the Mobility Study which indicates 70% of the guests will walk to the hotel. The traffic survey is piecemeal.

Impacts on Dalkey ACA

- No relevant precedent for this form of development within the ACA.
- The proposed development negatively impacts on the setting of Dalkey ACA, Dalkey village and nearby Protected Structures.

Noise / Disturbance

- Planning Authority failed to adequately consider noise impacts from the proposed plant and operational activities.
- The proposed landscaping areas could be used for outdoor congregation areas. The bedroom blocks will be accessed externally. As such this will generate night-time noise and is a cause of concern for residents.

Other

- Proposed development will cause a reduction in property values of appellants' properties.
- Concern expressed in terms of the impact of the proposed development on the structural integrity of the boundary wall which is protected. Full structural survey of the appellant's properties and historic wall should be undertaken prior to any works.
- Waste management facilities are undersized.
- Overdevelopment of the subject site. Limited distance between the proposed buildings and the site boundaries.
- Proposed development is contrary to the zoning objective and the proper planning and sustainable development of the area.
- Welcome proposal for guest accommodation as such facilities are lacking in Dalkey.
- There have been drainage issues in the area for many years.

6.2. Applicant's Response

The applicant's response to the appeal may be summarised as follows:

- The Queen's was originally a hotel and proposed guesthouse use is compatible with its original function.

- The Dalkey ACA, curtilage features and setting have been considered from the outset of the design process.
- The proposed development was subject to a very detailed assessment by the Planning Authority, with all issues examined prior to the decision to grant permission.
- Reference made to previous planning applications relating to rear residential extensions in White's Villas.
- Reduction in height of the proposed development to single storey would not mitigate effect on overshadowing due to the existence of the high boundary wall which is to be retained.
- Applicant has significant experience in development of hotels and has commissioned AWN environmental consultants to provide construction and operational waste management plans.
- Grounds of appeal made by MPC are misleading and inaccurate. For instance, the proposed windows in the rear elevation of the western block were removed; the height of the rear wall of this block is 5.7 metres and not 7.5 metres as stated in the appeal.
- External finishes of the rear wall of the western block were adjusted to take account of the transitional zonal area.
- The technical explanation of the shadow analysis is ignored.
- The introduction of sleeping quarters should ameliorate rather than disimprove the external noise environment.
- NRB transportation consultants undertook capacity and availability studies in terms of car parking.
- Boundary wall will be fully and structurally assessed and protected in construction and operational phases.
- Considerable support locally for the proposed development.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority considers that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.4. **Observations**

6.4.1. None received.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following heading:

- Land-use and Nature of Development
- Design and Visual Impact on Dalkey ACA and Protected Structures
- Impact on Residential Amenity
- Access and Transportation
- Other Matters
- Appropriate Assessment Screening

7.2. **Land-use and Nature of Development**

7.2.1. The proposed development comprises the provision of 30 guest accommodation rooms in 2 no. two storey buildings located to the rear (north) of The Queen's Public House (a protected structure). The subject site is zoned 'NC' for neighbourhood centre development. 'Guest House' use is listed as 'Permitted in Principle' and 'Hotel/Motel' is listed in the 'Open for Consideration' category of the 'NC' zoning objective. I therefore consider that the provision of a guest house development at this town centre site is acceptable in principle.

The applicant has provided a significant amount of detail in support of the application and also on foot of the requests for both further information and clarification of further information. The proposed development will be used for short-stay tourist accommodation and it will function as part of and in association with the existing bar/restaurant business operating from The Queen's. There is direct access to the

proposed covered walkway from the restaurant/bar premises which leads to the accommodation blocks. There is also access to the covered walkway from the drop-off area at the western side of the site, although this is indicated to be for deliveries, for access to the bicycle parking area and for serving as an emergency exit from the proposed development. I note that the planning authority included a condition requiring the guesthouse accommodation not be separated / sub-divided from the existing bar/restaurant premises operating from the site. I would recommend inclusion of such a condition, if the Board is minded to grant permission for the proposed development.

7.3. Design and Visual Impact on Dalkey ACA and Protected Structures

- 7.3.1. I note the grounds of appeal contend that the proposed development would be visually obtrusive, would adversely affect the visual amenity of the area, negatively affect the setting of the Dalkey ACA and protected structures. A Design Statement and an Architectural Heritage Impact Assessment (AHIA) both prepared by de Blacam and Meaghar Architects were submitted with the planning application. The Design Statement sets out the rationale for the design of the proposed buildings, specifically that the surrounding context largely comprises buildings of two storey design and that the proposed blocks are set back from the surrounding boundary walls and buildings. The blocks are separated from the adjoining protected structure (The Queen's) and on account of their height and rear location it is submitted they are subservient to the protected structure. Accesses and windows address the central garden. I agree with the conclusions of the Design Statement and consider that the proposed development has been carefully designed to respond to its town centre context and surrounding development.
- 7.3.2. A simple palette of external materials comprising predominantly rendered walls and hardwood windows and doors, and a stone plinth to the base are proposed, along with buff brick at the southern elevations and rear elevation of the westernmost block. It was noted during the site visit that buildings in the immediate area are generally finished with render/plastered elevations, and the use of stone is evident on the external treatment of the castles and the church in the village. I therefore consider that the external treatment of the proposed blocks is visually acceptable. These proposed materials are of a type that is found in Dalkey and are not out of

character with the area. As such it is my opinion that the proposal would be visually acceptable.

- 7.3.3. The AHIA provides an analysis of The Queen's and contains a photographic record of the building, the overall site and its surrounding context. No works are proposed to this protected structure. The AHIA considers that the two storey height and scale of the proposed buildings which are in keeping with the prevailing height of the area, would be subservient to the protected structure and they are designed to have minimal impact on the Dalkey ACA.
- 7.3.4. I agree with the findings of the AHIA in that the proposed buildings are set back from the rear of the protected structure and they are subordinate to it. There are also a number of other important and protected structures in the vicinity of the site including Dalkey Castle and Heritage Centre (RPS No. 1458), Archibold's Castle (RPS No. 1466) and the spire of the Church of the Assumption (RPS No. 1472). The two storey design of the proposed blocks will ensure these protected structures will remain dominant in the skyline. The proposed external materials are simple in nature and my view is that they will not detract from the adjoining protected structure or any other protected structures in the vicinity. As such, in my opinion the proposed development complies with Policy Objective HER8: Works to Protected Structures.
- 7.3.5. Similarly, I do not foresee any undue impacts arising from the proposed development on the setting of the Dalkey ACA. In the context of the location of the site adjoining the protected structure and within the Dalkey ACA, the proposed buildings are sensitively designed, and are of an appropriate form. The proposal seeks to retain features that contribute to the character of the ACA, specifically in this instance the boundary walls surrounding the site. I consider the proposal accords with Policy Objective HER13: Architectural Conservation Areas of the Development Plan.

The Conservation Division is supportive of the proposed development in terms of the relationship with the adjoining protected structures and the ACA. The report notes that the historic skyline of the ACA should remain intact and unaffected on account of the height of the proposed buildings. I agree with the conclusion that the development would not adversely affect the character and special interest of the Dalkey ACA.

I acknowledge that the rear wall of the proposed western block will be visible from the rear windows of several houses in White's Villas, particularly those adjoining the site to the west. I note that revisions were made to the external finishes of this rear wall in order to ameliorate concerns which were raised regarding its potential visual impact when viewed from the rear of houses adjoining the site. Revisions comprise removal of the proposed opaque fenestration and the addition of light coloured brick, rather than self-coloured render, to the upper western and southern elevations which in my view is more aesthetically pleasing and appropriate than the original proposed treatment. In summary I do not consider that the proposed development would result in significant adverse effects on the visual amenity of the area and I consider it would contribute positively to the character of the area.

The appellants contend that the proposed development constitutes overdevelopment of the subject site. There may be a perception of overdevelopment when viewed from the existing adjoining residential units, however this would be the case if any residential or similar development were constructed on this site. Having regard to the zoning of the site and its location, the proposed development may be less dense and visually obtrusive than other forms of potential development that could take place at this location in accordance with the 'NC' zoning objective. Two storey development on such a site cannot be considered as being out of character with the existing pattern and form of development in the area. I consider the design and scale of the proposed development appropriate for this town centre site and in my view the proposal constitutes an efficient use of town centre lands.

7.4. Impact on Residential Amenity

- 7.4.1. The main concerns raised in relation to impact on residential amenities relate to overbearing, overshadowing and noise impacts.
- 7.4.2. Overbearing impact - Concern has been raised in relation to overbearing impacts arising from the proposed westernmost block on adjoining residential properties and associated rear gardens at White's Villas. In terms of potential overbearing impacts, noting the nature of the proposal I consider that the residential terraced block at 16-19A White's Villas would potentially be most affected by the proposed development.
- 7.4.3. The length of the flat roofed two storey part of this block is c 32.5m. The rear gardens of Nos.16 to 19A White's Villas are bounded by the western perimeter wall

of the site. The height of this wall is c 2.8 m to the rear of Nos.19 and 19A White's Villas and it increases to c 3.8 m to the rear of Nos.16-18 inclusive. I note that the rear gardens of the adjoining block of terraced houses in White's Villas have quite limited depths (although the garden depths increase the further north one travels). Nos.16 and 18 have rear extensions which have reduced the quantum of rear private open space. An infill house (No.19A) was constructed adjoining No.19 and as such very limited rear private open space is available to it, although there is some private amenity space available to the side/south of this dwelling.

As part of the clarification of further information response the westernmost block has been repositioned slightly further east on the site with approximate separation distances between the two storey elements of the proposed block and the existing western boundary wall ranging from approximately 1m (towards the north-west corner) to c 2.4m. Also submitted as part of the response is a drawing (CFI-06) which demonstrates a set-back to part of the roof so that the parapet level matches that of the adjoining houses to the east. The roof height increases to 6.2m at a separation distance of c 4.5m from the western site boundary. The applicant also revised the finishes of the rear elevation of this block to comprise buff brick as opposed to render.

- 7.4.4. Having regard to the above-mentioned alterations to the proposed development I consider measures have been taken to assist in addressing concerns raised in relation to potential overbearing impacts of the proposed development at this transitional location. I consider that some overbearing impact to the southern part of the adjoining residential terrace is likely, however in my opinion the degree of overbearing impact would fall within the bounds of acceptance for an urban/town centre site.
- 7.4.5. Overshadowing - Having regard to the orientation of the residential properties at White's Villas which adjoin the site to the west relative to the path of the sun, the rear of these properties generally benefit from morning sunlight.
- 7.4.6. The applicant submitted a 'Sunlight Access Impact Analysis' of the proposed development, prepared by ARC Architectural Consultants, as further information. The report focuses on the potential impact of the proposed development on sunlight access to the rear gardens of White's Villas, with Figure 1 of the report focussing on

the gardens of the dwellings to the west and north of the site which are analysed in the report. Section 2.0 of the report notes that some rear gardens to the west of the site are modest and heavily overshadowed due to the height of the boundary walls and the small distances to boundaries from the rear elevations. The report examines the existing and proposed situation with regards overshadowing for the periods of 21st of March, 21st of June and 21st of December, and for a number of times of the day. As a guide, Section 3.3.17 of BRE Guide (2022) states that on the 21st March, *'at least half of a garden or amenity area should receive at least 2 hours of sunlight.'*

7.4.7. The findings of the submitted shadow analysis are set out in Table 4.0 which indicated potential impact on Gardens 1 and 2 associated with Nos. 19A and 19 White's Villas respectively as 'imperceptible to slight.' However potential impacts as 'imperceptible to significant' (Garden 3 associated with No. 18 White's Villas) and 'moderate' (Garden 4 associated with No. 17 White's Villas) and 'imperceptible to moderate' (Garden 12 associated with No. 10 White's Villas) were indicated. Clarification was sought on these results along with a revised proposal to mitigate undue overshadowing and a revised shadow cast analysis.

7.4.8. In response, an Addendum Sunlight Access Impact Analysis was provided by ARC Architectural Consultants, the main points of which are as follows:

- Where a garden is small in size and heavily overshadowed, just a modest increase in overshadowing may result in a large relative impact on the proportion of the garden receiving sunlight for 2 hours on 21st March and this situation is demonstrated in Table 1 of the Addendum Report in relation to Nos. 10, 17 and 18 White's Villas.

- In the case of Nos.10, 17 and 18 White's Villas the area of their rear gardens have been considerably reduced following the construction of house extensions. The extensions also cause overshadowing impacts. These gardens are already heavily overshadowed by the existing boundary wall surrounding the application site.

Having regard to the findings of both the Sunlight Access Impact Analysis and the Addendum Sunlight Access Impact Analysis I am satisfied that the proposed development would not cause undue overshadowing impacts on adjoining residential properties at White's Villas. It is evident that adjoining gardens to the west are already overshadowed by the existing boundary wall of the site. Other adjoining

dwellings have the benefit of rear extensions which also cause overshadowing impacts.

- 7.4.9. Operational noise impacts - It was evident during the site visit that the appeal site includes 14 no. car parking spaces and an amount of outdoor seating; it can therefore accommodate many people. The submitted site layout plan indicates that the amount of outdoor seating will be significantly reduced to a limited number within a ground level courtyard area and which will be almost surrounded by buildings, which I would expect should result in a significant reduction in noise compared to the existing situation. In addition, the layout of the proposed blocks encloses access to the rooms and the landscaped garden area which again should reduce any potential for excessive noise nuisance. I do not envisage that the proposed development would be a greater nuisance than the current layout may cause to residents in the area. Similarly, plant for the proposed development will be contained internally and given the nature of the proposal I would not anticipate undue noise impacts arising.

7.5. Access and Transportation

- 7.5.1. The comments of the Dun Laoghaire-Rathdown County Council Transportation Department are noted with regard to the provision of details in relation to delivery vehicle access and refuse collection at White's Villas. The guest accommodation aspect of this development is unlikely to generate significant amounts of additional goods/delivery traffic having regard to the scale of the proposed development. Other than laundry collections and occasional maintenance requirements, it is not foreseen that significant additional vehicular movements will occur, nor will the development generate significant additional volumes of waste as set out in the OWMP. Delivery and collection associated with the public house and restaurant will continue in the current manner and should be able to accommodate any additional volumes associated with the proposed guest accommodation.
- 7.5.2. If the Board is minded to grant permission, I recommend inclusion of a condition requiring submission of a Construction Management Plan to the planning authority for agreement, to include measures for traffic management in the area during the construction phase.

No car parking is proposed for this development. I note the requirements of the Dun Laoghaire-Rathdown County Development Plan in this regard and the comments of

the Transportation Planning Section. The lack of car parking was not identified as a concern and I would concur with this. Further information was sought in relation to nearby car parking options for guests along with capacity surveys to demonstrate parking provision in the vicinity. The Transportation Assessment Report prepared by NRB Consulting Engineers included a 24 hour capacity survey of the car park at Dalkey Church which is commercially operated. I note the one of the appellants has noted this car park is closed overnight on Saturdays. Figure 2.2 of the NRB Report indicates the locations of several car parking areas within a 3 minute walk of the proposed development. The Report also demonstrates that the car park was never at full capacity during the study period and that for the vast majority of the day it was at less than 50% occupied.

While I acknowledge the concerns raised in relation to the lack of car parking associated with the proposed development, given the general availability of car parking in the vicinity as referred to above, I do not consider the proposed development will result in haphazard parking or a traffic hazard. Furthermore, the nature of the proposed facility is that guests will pre-book accommodation and will then be made aware that there is no on-site parking available. Public transport in the vicinity is generally good. A direct bus service to Dublin Airport in the form of Aircoach route 703 is available near the site, the DART station is also less than 300m from the site and taxis are also available in the immediate area.

7.6. Other matters

- 7.6.1. I note the concerns raised in the grounds of appeal in respect to the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.6.2. The appellants raise concern relating to the impact of the proposed development on the structural integrity of the boundary wall which is protected. I note that the applicant submitted a structural report and construction methodology report prepared by Fearon O'Neill Rooney Consulting Engineers as further information. Trial holes were excavated up against the east and west boundaries in order to inspect the size and depth of the walls' foundations. Proposed protection measures during

construction are set out in section 2.1 and the report describes the construction methodology to reduce noise, dust and vibration. I note also that the applicant's response to the appeal confirms that the walls will be protected in both the construction and operational phases.

7.6.3. The grounds of appeal indicate long-standing drainage issues in the area, however no supporting or specific information in this regard has been provided. I note that the Drainage Planning Section had no objection to the proposal subject to conditions following receipt of additional information on foot of requests for further information and clarification of further information. I am satisfied that the proposed development is acceptable from a drainage perspective subject to inclusion of appropriate condition(s).

7.6.4. The applicant has provided an Operational Waste Management Plan (OWMP) for the proposed development. Section 4.3.3 sets out the overall waste storage capacity requirements and I am satisfied bin storage capacity fully caters for weekly collections.

7.7. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed guesthouse development, the location of the site in a serviced urban area and absence of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and the zoning for neighbourhood centre purposes, to the location of the site in an established urban area within the centre of Dalkey Village and to the

nature, form, scale and design 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 residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 10th of June 2022 and as amended by the further plans and particulars submitted on the 4th January 2023 and 27th April 2023, 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>Reason: In the interest of clarity.</p>
2.	<p>(a) This permission is for construction of guesthouse accommodation comprising 30 no. bedrooms in 2 no. two storey blocks to the rear of The Queen's public house and restaurant.</p> <p>(b) The proposed guest accommodation shall be used only as a short-stay tourist accommodation facility, with a maximum occupancy period of two months, and shall not be used for permanent occupation or for use as a student residence. It shall be retained in single overall ownership with the adjoining public house and restaurant.</p> <p>Reason: In the interests of clarity and orderly development, and to protect residential amenities.</p>

3.	<p>All boundary walls shall be protected during the construction phase of the proposed development and retained in their entirety.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
5.	<p>Details of the materials, colours, textures and specifications of all the external design/finishes to 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>
6.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 as amended, or any statutory</p>

	<p>provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.</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 1900 Mondays to Fridays inclusive, between the hours of 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> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>The blue green roof areas shall not be accessible except for maintenance purposes only.</p> <p>Reason: In the interest of residential amenity.</p>
11.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p>

	<p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
12.	<p>A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials;</p> <p>(b) proposed locations of landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed lighting fixtures;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>The proposed development shall comply with the Operational Waste Management Plan received by the planning authority as clarification of further information on the 27thApril 2023.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

	<p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
15.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site. Provision shall be made for broadband connectivity in the development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
17.	<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>
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John Duffy
Planning Inspector

3rd November 2023