



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319465-24

#### Development

Single storey flat roof extension to the rear and single storey flat roof extension at roof level with a screened terrace at new second floor level to the front, elevational changes to the existing two storey split level flat roof dwelling and all associated site works.

#### Location

Talbot House, Talbot Road, Killiney, Co. Dublin, A96 AK15

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D24A/0028

#### Applicant(s)

Brian and Clodagh Kevans

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Susannagh Grogan

#### Observer(s)

None

**Date of Site Inspection**

23<sup>rd</sup> August 2024

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the end of Talbot Road, a narrow cul de sac in Killiney which comprises residential properties in a variety of styles. The appeal site contains a detached split level two storey dwelling of contemporary design with a flat roof on an elevated site. The site slopes upwards from the public road fronting the site towards the rear.
- 1.2. To the north of the appeal site boundary is a pedestrian laneway beyond which is a terrace of cottages at no. 1 to 5 Talbot Road. A pair of semi-detached dwellings, Willmount Cottages, are located to the west and the appeal site shares a boundary with No. 2 Willmount Cottages. A two-storey residential property identified as 'The Stables' is located to the south.
- 1.3. The pattern of development in the vicinity of the appeal site comprises dwellings of various design and height. Dwellings to the west of the appeal site are at an elevated position above the appeal site. The site has a stated area of 0.215 ha.

## **2.0 Proposed Development**

- 2.1. Permission is sought for an extension to the existing dwelling with a proposed floor area of 53 sq.m. comprising a single storey rear extension at first floor incorporating a stairs and an additional storey over the flat roof of the existing dwelling incorporating a bedroom, bathroom, lounge and balcony to the front elevation. Alterations proposed to the existing elevations comprise the set back of an existing overhang above the first floor on the front elevation.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 11<sup>th</sup> March 2024 Dun-Laoghaire Rathdown County Council granted permission subject to 9 conditions of a standard nature. Condition no. 2 states that the entire dwelling shall be used as a single dwelling unit and shall not be sub-divided. Condition 5 requires all necessary measures be taken to avoid conflict between construction activities and pedestrian/vehicular movements.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the planning officer can be summarised as follows:

- The current proposal has been reduced in bulk and scale and addresses previous reasons for refusal.
- In a verbal report the Conservation Division raised no objections.
- The rear extension would not result in undue overlooking, overbearing or overshadowing on adjacent properties.
- Surrounding dwellings have a similar height to the proposed extension and the proposal will not negatively impact the streetscape.
- Adequate private open space is proposed.
- The red line boundary on the existing and proposed site plans do not correlate, the site area is as shown on the proposed site plan.

#### **3.2.2. Other Technical Reports**

Drainage Planning: No objection.

Transportation Planning: No objection subject to conditions.

### **3.3. Prescribed Bodies**

None

### **3.4. Third Party Observations**

One third party observation was received objecting to the proposed development. The grounds of objection are similar to those raised in the appeal.

## **4.0 Planning History**

### **4.1. Appeal Site:**

D04A/1005 / PL 06D.209663: Permission granted by the Planning Authority and An Bord Pleanála for demolition of an existing dwelling and the erection of 1 no. 2 storey

detached 3 bedroom house with a balcony fronting onto Talbot Road, on the site at Talbot Cottage, with new car parking space accessed from Talbot Road.

D23A/0448: Permission refused by the Planning Authority for a single storey flat roof extension to the rear and single storey flat roof extension at roof level with a screened terrace at new second floor level to the front and rear for the following reason:

*It is considered that the proposed development, namely the main roof extension aspect, by virtue of the height, scale, layout and design of the proposed extension, including close proximity to the surrounding boundaries and adjacent property structures, would constitute overdevelopment of this restricted site, would be visually overbearing and dominant at this location, and out of keeping with the receiving environment, and result in undue overlooking of adjacent properties (to the front/ east and north). In addition, it is considered that the proposed development would adversely affect the character of the Killiney ACA. The proposal would seriously injure the visual and residential amenities of the area and depreciate the value of property in the vicinity. The proposal would not accord with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, and Section 12.3.7.1 (Extensions to Dwellings) regarding Extensions to dwellings, and therefore, would be contrary to the proper planning and sustainable development of the area.*

ABP-319467-24: An Bord Pleanála refused a request for leave to appeal planning permission D24A/0028.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. Section 12.3.7.1 provides guidance with respect to front and rear extensions and alterations to roof. The relevant considerations include:

- Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling.
- Extensions to the Rear: First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:
  - Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- Alterations at Roof/Attic Level: Roof alterations will be assessed against a number of criteria including:
  - Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures;
  - Existing roof variations on the streetscape;
  - Distance/contrast/visibility of proposed roof end;
  - Harmony with the rest of the structure, adjacent structures, and prominence.

The appeal site is located within the Killiney Architectural Conservation Area.

## 5.2. **Section 28 Ministerial Guidelines**

5.2.1. The following ministerial guidelines are considered relevant to the appeal site:

Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024) (the 'Compact Settlements Guidelines')

SPPR 1 requires a separation distance of at least 16 metres between opposing windows serving habitable rooms above ground floor level at the rear or side of

houses. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

Appendix A defines Habitable Rooms as primary living spaces such as living rooms, dining rooms, studies and bedrooms.

### **5.3. Natural Heritage Designations**

- 5.3.1. Dalkey Coastal Zone and Killiney Hill Proposed NHA is located 175 metres west of the appeal site.

### **5.4. EIA Screening**

- 5.4.1. See Appendix 1 - Form 1 EIA Pre-Screening attached to this report. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One third party appeal has been received from the occupant of No. 1 Talbot Road. The appeal includes the observation to the planning application from No. 1 Talbot Road and an observation submitted in relation to the previous planning application on the appeal site. Letters of objection to the proposed development are included from the residents of No. 3 Talbot Road, No. 5 Talbot Road and No. 2 Willmount Cottages. The appeal can be summarised as follows:

- The red line boundary on the site layout plan is incorrect and the colouring on roof drawings is misleading. Scale and proximity to adjacent site boundaries is a key consideration in this assessment and so the errors make a proper assessment impossible.

- The drawings use outdated OSI maps and do not show extensions at no. 1 Talbot Road and no. 2 Wilmount Cottages. As a result, the dimensions on site plans are not correct as existing buildings are closer to the proposal than shown on plans. The proposed extension is within 9 meters of 2 Wilmount Cottages and within 10.5 metres of 1 Talbot Road. Dimensions to the nearest neighbouring buildings have not been shown.
- Notes on drawings relating to 2 Wilmount Terrace incorrectly indicate that there is no habitable room on the southeast elevation facing the proposed extension. Windows on this elevation serve the kitchen, living and dining area of 2 Wilmount Terrace.
- Actual overlooking and loss of privacy from proposed high-level windows on the west elevation will be worse than indicated. The viewing angle from these windows is incorrectly shown and they will overlook habitable rooms and private open space at 2 Wilmount Cottages and 1 to 5 Talbot Road.
- Proposed reductions in height, width and volume from the previous proposal which was refused permission are not sufficient to change the assessment from overdevelopment. The proposal is not materially different from that previously refused.
- Inaccuracies on drawings have led to an incorrect assessment of the impact on surrounding properties by the planning authority and a failure to address the previous reasons for refusal.
- The proposed extension would be overbearing and dominant in volume, would reduce sunlight and daylight on adjacent properties due to its scale and proximity to boundaries, would result in a negative visual impact and reduce property values and does not comply with section 12.3.7.1 of the development plan.
- Attempts to address overlooking by designing blank facades creates a more monolithic building and increases the visual impact of the extension on neighbouring gardens.



- A window on the setback northern elevation contributes to overlooking to the west and northwest and windows on the southern elevation have not been assessed.
- The proposal does not comply with Compact Settlements Guidelines in relation to separation distances between windows.
- The impact on Killiney ACA has not been addressed.
- There are concerns in relation to construction traffic and noise.

## 6.2. Applicant Response

The first party response to the appeal includes drawings illustrating the comparison between the extension refused permission under planning reference D23A/0448 and proposed in the current application reference D24A/0028 and a Shadow Analysis.

The grounds of appeal can be summarised as follows:

- Precedents for similar developments in the area are outlined.
- The planning application addresses the previous reasons for refusal in relation to impacts on adjoining properties and on Killiney ACA.
- Differences in boundary lines to the east and west on site layout plans are minor.
- The surrounding dwellings to the south and west have ridge lines of similar height to the proposed second floor extension.
- The drawings submitted are sufficient and appropriately display the proposed development in relation to the immediate surroundings.
- Windows on the eastern elevation of 2 Willmount Cottages serve non habitable spaces, the window to the stairwell is oblique to the proposed living room window, the window to the kitchen is further south and faces a blank elevation and the window proposed from the living room is oblique and set back.
- The proposal will not be visible from the terrace of houses on Talbot Road due to setback, scale and existing mature planting.

- The proposed extension is subordinate to the existing dwelling and has sufficient separation distances from surrounding development to reduce the potential for overbearing impacts.
- The development complies with the policies and objectives of the development plan.

### 6.3. **Planning Authority Response**

The planning authority's response to the grounds of appeal states no new issues raised which justify a change of attitude to the proposed development.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

The third party comments on the first party response to the appeal can be summarised as follows:

- The first party response in relation to red line errors does not address the difficulties in assessing the proximity of the building to adjacent properties.
- The response does not address the errors in relation to roof volume and has not provided updated drawings to reflect the errors identified.
- The windows on the east elevation of 2 Willmount Cottages serve habitable rooms and it is not correct to say that these windows are set back or oblique to the proposed extension. The proposed development will substantially overlook habitable rooms and the private open space to this dwelling.
- Issues raised in relation to the impact of the development on adjoining properties have not been addressed.

## 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, the reports of the

local authority, 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:

- Principle of Development
- Design and Layout
- Other Matters

## **7.2. Principle of Development**

- 7.2.1. The subject site is zoned objective 'A' with the associated land use objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential uses are permitted in principle on lands zoned A. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits.

## **7.3. Design and Layout**

- 7.3.1. The appeal site contains a split-level detached dwelling with a flat roof. It is proposed to construct a new floor above the existing roof to provide for a second storey and an extension to the existing first floor to accommodate a stairs to access the proposed second floor extension.
- 7.3.2. Concerns are raised in the appeal that the design and scale of the extension is inappropriate and would negatively impact on the existing residential and visual amenities of the area and that the previous reasons for refusal have not been overcome. Concerns are also raised that the development would negatively impact on the character of the Killiney Architectural Conservation Area (ACA), within which the site is located.
- 7.3.3. Section 12.3.7.1 of the development plan provides guidance for extensions to dwellings. The development plan considerations include that there will be no significant negative impacts on surrounding residential or visual amenities, including in relation to overshadowing, overbearing, and overlooking and consideration of proximity, height, and length along mutual boundaries.
- 7.3.4. The site layout plan indicates that the existing dwelling has a separation distance of 6.2m from 'The Stables' to the south, 8m from no. 2 Willmount Cottages to the west and 9.2 m from no. 1 Talbot Road to the north. The proposed site layout plan shows

the extension, which is to be set back from the existing roof edge, at a distance of 9.7 m from The Stables, 14.1 m from no. 2 Willmount Cottages and 13.6 m from no. 1 Talbot Road. Having inspected the appeal site and surrounding properties, I consider these drawings do not accurately reflect the proximity of adjoining properties to the appeal site.

- 7.3.5. Number 2 Willmount Cottages is a semi-detached cottage to the west of the appeal site and situated on a sloped site such that the entrance gates and part of the front garden are at a similar level to the existing roof level of the appeal property. The site slopes down towards the garden and the eastern boundary which adjoins the appeal site. The third-party appeal notes that no. 2 has been extended to the east to provide for additional living space comprising a kitchen, living and dining area with windows facing east and doors leading to an east facing terrace. This is consistent with my findings on a site inspection whereby I observed that the eastern boundary of no 2 is located closer to the shared boundary with the appeal site than indicated on the drawings submitted with the application and with east facing windows serving habitable rooms with views over the roof of the appeal property.
- 7.3.6. Drawing no. 003 'Proposed Side Elevation North – Contiguous Elevation' appears to more accurately show no. 2 Willmount Cottages, showing the appeal site with a rear garden depth of approx. 3.4m and the eastern side of no. 2 set back 1.2m from the shared boundary.
- 7.3.7. No. 1 Talbot Road is a two-storey end of terrace dwelling located to the north of the appeal site and the rear boundary of which is separated from the appeal site by a pedestrian walkway. No. 1 has been extended to the rear such that it is also not accurately shown and is closer than indicated on drawings as outlined in the first party appeal.

### ***Overlooking***

- 7.3.8. The west elevation of the proposed second floor extension contains a living room window which is indicated as having a sill at 1.2m. As noted above, the drawings submitted do not accurately reflect the relationship between the appeal site and no. 2 Willmount Cottages, with the east elevation of no. 2 located considerably closer than indicated on drawings and containing windows to habitable rooms. The proposed living room window is to be setback 4.75m from the existing roof edge, 7.3m from the

rear site boundary, and I estimate it would be approximately 9 metres from the east elevation of no.2 Willmount Cottages. I consider the proposed living room window would result in direct overlooking into habitable rooms and into the private amenity space to the rear (north) and side (east) of Willmount Cottage and from Willmount Cottages into the living room within the proposed new extension. I do not consider a cill height of 1.2m is sufficient to prevent overlooking. Separation distances of at least 16 metres between opposing windows serving habitable rooms above ground floor level as specified in SPPR 1 in Sustainable Residential Development and Compact Settlements Guidelines would not be achieved. This issue could be addressed by incorporating suitable privacy measures to prevent undue overlooking from this window should the Board decide to grant permission.

- 7.3.9. I do not consider the proposal would result in undue overlooking into the rear of properties at 1 to 5 Talbot Road having regard to the orientation of the proposed windows on the west elevation. I consider the proposed high level window on the rear elevation facing west and north with an indicated cill height of 1.6m and which serves a staircase is unlikely to give rise to significant overlooking. Any overlooking that may occur towards these properties from the proposed living room window on the west elevation would be oblique and unlikely to result in overlooking to such an extent that it would result in an unacceptable impact on these properties. On the south elevation a window serving an office in the second floor extension is proposed to be obscured and as such I do not consider this will give rise to an unacceptable level of overlooking on 'The Stables' to the south. To the east, the proposed windows and balcony located on the front elevation are approximately 15 metres from the nearest property and will not directly face existing windows and as such is unlikely to give rise to significant overlooking.
- 7.3.10. Having regard to the limited scale of the proposed rear extension to the existing first floor and its design which incorporates a stairs to the proposed new second floor extension above and a high level window serving the staircase, I am satisfied that no undue impacts on the visual and residential amenities of surrounding properties will arise from this aspect of the development.

### *Overbearing*

7.3.11. Drawing no. 003 'Proposed Side Elevation North – Contiguous Elevation' indicates the appeal site has a rear garden depth of approx. 3.4m and shows the eastern side of no. 2 set back 1.2m from the shared boundary. Drawing no. 002A – Existing and Proposed Long Sections indicate the floor level at the eastern side extension at 2 Willmount Cottages at a level of approx. 117.55 and the height of the existing roof of Talbot House at approx. 117.8. The roof level of the proposed extension is indicated at a level of approx. 120.6 and as such the proposed western elevation will be generally aligned with the eastern side elevation of 2 Willmount Cottages at a distance of approximately 9 metres. The distance from the east elevation of no. 2 towards the shared boundary with the appeal site increases towards the south where the proposed extension steps toward the shared boundary and faces double doors serving a dining area and a terrace at no. 2. I consider the proximity of the proposed extension would result in a significant overbearing impact on no. 2 such that it would be detrimental to the amenities of that property. This arises as a result of the position of the proposed extension on the roof of the existing dwelling and the presence of windows serving habitable rooms as well as private amenity space to the east and north of no. 2 such that the proposed extension at a distance of approximately 9 metres will be visually obtrusive when viewed from inside habitable rooms and from private amenity space at no. 2. The first party in their response to the appeal note that the proposed extension is in line with existing building heights in the area. Whilst I agree that this is the case I note that as a result of proximity to adjoining properties the proposed extension would result in unacceptable overbearing impacts on no.2 Willmount Cottages to the west.

7.3.12. The proposed second floor extension would be located approximately 11 metres from the rear elevation of no. 1 Talbot Road which is the closest property to the north, and separated by a pedestrian walkway. I am satisfied that the proposed extension would be sufficiently set back from no.'s 1 to 5 Talbot Road such that it would be unlikely to give rise to overbearing impacts or result in significant impacts on the visual amenities of these properties.

### *Overshadowing*

- 7.3.13. In relation to overshadowing concerns, a shadow analysis was submitted with the application and the first party response to the appeal and having reviewed same I am satisfied that adjoining properties will continue to receive adequate sunlight in accordance with BRE standards and I am satisfied that adjacent dwellings and amenity spaces will not be adversely affected by the proposal in terms of a loss of daylight or sunlight.

### *Visual Impacts*

- 7.3.14. In relation to concerns regarding the impact on Killiney ACA, I note that the area comprises a variety of house types including traditional and more contemporary styles with varying heights surrounding the appeal site and variations in ground level in the area. The dwelling on the appeal site is of recent construction and there are no protected structures in the vicinity of the appeal site. The Planning Officer's report notes that the Conservation Officer raised no objections. Having regard to the pattern of development in the vicinity of the appeal site and to the scale of development proposed when viewed from the wider area, I am satisfied that the proposed extension will not materially impact on the character of the ACA or undermine its character. I am also satisfied that the proposal to reduce the extent of the existing front canopy over the first floor will not give rise to unacceptable visual impacts.

## **7.4. Other Matters**

- 7.4.1. In relation to concerns regarding the use of colour misrepresenting the proposed development, I am satisfied that the applicant has shown the existing dwelling on the appeal site and the proposed extension. However, as noted above I have concerns in relation to site layout plan drawings submitted which I consider inaccurately illustrate the proximity of the existing dwelling on the appeal site and the proposed extension to surrounding properties.
- 7.4.2. In relation to concerns regarding construction traffic and noise, I am satisfied that if permission is granted these matters can be addressed by way of standard conditions relating to a construction management plan and hours of construction.

## 8.0 AA Screening

- 8.1.1. I have considered the proposed development of a residential extension and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 1.5km from Rockabill to Dalkey Island SAC (003000) and approx. 2 km from Dalkey Islands SPA (0041720).

The proposed development comprises the development of an extension to an existing dwelling and associated site works. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed extension and associated site works.
- The location and distance from the nearest European sites and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account the screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

- 9.1. I recommend that permission be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the 'A' zoning objective of the site which seeks to provide for residential development while protecting existing residential amenities, to



SPPR 1 of the Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024) which requires a separation distance of at least 16 metres between opposing windows serving habitable rooms above ground floor level, to the design and layout of the proposed second floor extension and to the pattern of development in the immediate vicinity of the site, it is considered that the proposed development would have negative overbearing impacts on, and would result in overlooking of habitable rooms and private amenity space of the adjoining property to the west. It is therefore considered that the proposed development would unduly impact upon adjoining residential amenities, would be contrary to the provisions of Section 12.3.7.1 Extensions to Dwellings in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, would set a poor precedent for future development in the area and would 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.

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Bernadette Quinn  
Planning Inspector

25<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319465-24		
<b>Proposed Development Summary</b>	Single storey flat roof extension to the rear containing stair and single storey flat roof extension at roof level with a screened terrace at new second floor level to the front, elevational changes to the existing two storey split level flat roof dwelling and all associated site works.		
<b>Development Address</b>	Talbot House, Talbot Road, Killiney, Co. Dublin, A96 AK15		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_