



An
Bord
Pleanála

Inspector's Report

ABP-320665-24

Development	<i>Renovation and extension of existing two storey house and associated site works</i>		
Location	<i>7 Cunningham Road, Dalkey Co. Dublin A96 E439</i>		
Planning Authority Ref.	<i>D24B/0412/WEB</i>		
Applicant(s)	<i>David & Kathy O'Keeffe</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Kevin and Grainne O'Donovan</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>08/10/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 7 Cunningham Road, Dalkey, Co. Dublin being a low density suburb in south County Dublin The site comprises of a two storey detached dwelling with large front and large rear gardens all on a stated site area of 0.192ha.

The estate where the proposed development site is located comprises of low density large detached dwellings on large sites. A number dwellings in the estate are undergoing extensive refurbishment and extension works

No 9 Cunningham Road is located to the east of the said site and No 5 is located to the west

2. Description of development. *The proposed development comprises of Permission for:*

- Demolition of the existing two-storey rear extension,
- Demolition of the existing single-storey extension and additions to the front and sides,
- The removal of the existing roof,
- Construction of a part two, part three storey extension to the front, rear and east side of the existing dwelling to include terraces at the front and rear,
- Construction of new roof to the existing house with dormer window and terrace to front,
- Provision of rooflights on the front, rear and side of the proposed roof,
- Alterations to all existing elevations to include reconfiguration and repositioning of all external windows and doors,
- Internal reconfiguration works
- Existing walls to be externally insulated and finished with brick and painted render ^L_{SEP} finishes,
- Widening of the front vehicular access gate and driveway, Construction of a garden room in the rear garden,
- All associated landscaping (including revised site levels), boundary treatments, site services above and below ground, and all associated site works.
- Existing floorspace is to be 337sq.m and the final floorspace after works is to be 416sq.m.

3. Planning History.

None on site

4. National/Regional/Local Planning Policy

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective A, which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'
- Chapter 12 Development Management. Section 12.3.7.1 refers to extensions to dwellings

Extensions to Rear

- Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.
- 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:
 - *M* Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
 - *M* Remaining rear private open space, its orientation and usability.
 - *M* Degree of set-back from mutual side boundaries.
 - *M* External finishes and design, which shall generally be in harmony with existing.

Extensions to Side

- Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.
- First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.
- Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at pre-planning stage.
- Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged.

Extensions to Front

- 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. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided. Front extensions, particularly at first floor level, should reflect the roof shape and slope of the main dwelling. A minimum driveway length of 6 metres should be maintained

5. Natural Heritage Designations

The nearest designated site is

- Dalkey Islands SPA (Site Code 004172) which is located 1.0km metres to the east of the site and
- Rockabill to Dalkey Islands SAC (Site Code 003000) is located 1.0km to the east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission granted on 1st August 2024. Conditions of note include:

- Condition No. 3 relates to the detached structure in the rear garden which is to be solely for use incidental to the enjoyment of the dwelling and shall not be used for human habitation.
- Conditions 8, 9 and 10 relate to development contributions

7. Submissions

There is one submission on file from Kevin & Grainne O'Donovan of 9 Cunningham Road c/o Roger Brassil & Associates (received 15th July 2024).

The submission raises the following issues:

- That the proposed development will result in overlooking and overshadowing
- Overlooking from first floor terraces and concerns that privacy screens will not prevent such overlooking
- That the proposal will break the established building line
- That the length and height of the proposed two storey extension to the side will impact upon daylight in the evening time to rooms in their property
- That construction traffic will block access to their property

8. Internal Reports

Drainage (15th July 2024) – no objection subject to conditions

Transportation (17th July 2024) – no objection subject to conditions

9. Third Party Appeal.

A third party appeal was lodged Kevin & Grainne O'Donovan of 9 Cunningham Road c/o Roger Brassil & Associates on 26th August 2024. The appeal in summary states

- That there were no planning conditions which specifically addressed their concerns raised in the submission to the planning authority on the 13th July 2024.
- The applicant has proposed a two-story side extension on the eastern side of the main dwelling in place of the existing single story flat roof extension. The impact of the two-story extension will be exacerbated by the length of the proposed development on the eastern side extending by approximately 4.4m beyond the existing building line at the rear and by approximately 2.25m beyond the existing front building line. The overall length of the two-story extension to the east will be 15.152m. The scale of the development will impact on access to daylight especially in the evening on the western side of the appellant property covering a home office, landing area, a reception room and an adjoining conservatory
- The proposed development will break the building line
- That a front elevation terrace will result in overlooking on the front and side of their property. It is also noted that the plans show for main living areas at first floor and hence the front and back terraces will be integral parts of these living areas
- No other property in the area has front or rear first floor terraces
- The first floor rear terrace will overlook the appellants rear patio and garden
- That if permission is granted for the said terraces that a full length of opaque glass replaces the screen proposed preventing overlooking to their property. It is stated however that they are opposed to the terraces outright.
- That a condition be imposed requesting a Construction and Traffic Management Plan be imposed.

11. Planning Authorities Response

A response was received by the Planning Authority on the 5th September 2024. The response refers to the previous Planners Report on file and that the appeal does not raise any further material that would justify a change of attitude to the proposed development.

12. First Party Response to Appeal

A response from the first party was lodged by DMVF Architects obo the applicants, David and Kathy O’Keeffe on the 25th September 2024. The response in summary states:

- That there is a separation distance of 3.1 metres between the proposed eastern elevation extension and the party boundary and 7.3 metres to the main gable of the appellants house and 4.4 metres to the single storey office. These large separation distances were chosen to minimise risk of overshadowing.
- That these separation distances are greater than that of a permitted re-development of a house at No 1 Cunningham Road, Planning Reg. Ref. D21A/1046 applies. Separation distances of only 1.5 metres were permitted in this instance.
- That the front projection only breaks the building line by 1.5 metres not 2.25metres as suggested in the appeal
- The rear projection does not go out as far the rear extension on the appellants property
- A shadow analysis study was submitted with the application which states that any overshadowing is within acceptable parameters.
- That very generous terraces are evident along Cunningham Road at No. 8, 10 12 and 14. It is also noted that there are a number of neighbouring properties along Cunningham Road and Dalkey Avenue that have balconies to the front and rear.
- That screens have been positioned to avoid overlooking to the appellants property. These screens are made up of fins set at 45 degrees and spaced accordingly to prevent overlooking

- That groundworks on site will be minimised and that a Construction and Traffic Management Plan for the proposed development is not required.

Environmental Screening

13. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

14. AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Principle of Development
 - Residential Amenities
 - Visual Amenities

2.2. Principle of Development

- 2.2.1. The proposed development site is located within an area designated as zoning objective A, in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Zoning objective A seeks *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*
- 2.2.2. With respect of the above, it is considered that the proposed development which comprises of the redevelopment and extension, including extending into the attic space of an existing house is an acceptable form of development within this land use zoning designation.

2.3. Residential Amenities

- 2.3.1. This is one of the principle issues raised in the appeal specifically that the proposed development will result in overlooking and overshadowing of the appellants property by reason of:
- (i) The proximity of the proposed extension to the east
 - (ii) The addition of first floor terraces to the front and rear elevation
- 2.3.2. I note initially that there are no windows proposed to face towards the appellants property to the east.
- 2.3.3. Concerns have been raised in the submission to the planning authority and the Board with respect to potential overlooking from proposed first floor balconies/terraces on the front and rear elevation.
- 2.3.4. I note that timber screens have been proposed which prevents overlooking to the side into the appellants property. Details of these screens are shown in the applicants response to the appeal and are designed so as to prevent overlooking. I would consider that these screens will prevent overlooking subject to details being submitted to the planning authority by way of a planning condition.
- 2.3.5. I note from submissions on the file that other developments in the area have been permitted first floor balcony features and in particular the applicants architect refers to Planning Reg. Ref. D22B/0116 where a balcony to the front and rear of the house were permitted. It is noted that the decision to grant permission was upheld on appeal

to the Board under APB-313662-22. I note in this regard that the Board imposed the use of opaque glass screens to prevent overlooking from these balconies.

- 2.3.6. I note that the use of opaque glass screens in lieu of the timber screens proposed in this application is the appellants preferred solution to overlooking
- 2.3.7. I would consider however, that subject to details being agreed that the proposed timber screens proposed will serve the same function as opaque glass screens.
- 2.3.8. With respect to the above, I would consider that the applicant has satisfactorily addressed the appellants concerns with respect to overlooking.
- 2.3.9. With respect to overshadowing, I note that a proposed two storey extension is located to the east of the proposed house and this is to be located on the same footprint as an existing single storey extension on this elevation which is proposed to be demolished though it is appreciated that the said extension is two storey and is larger than the existing extension which is to be demolished.
- 2.3.10. Shadowing impact will result as a consequence of early morning eastern sun and to an extent mid-morning south easterly sun. The sun is low in the sky at these times especially during the winter months
- 2.3.11. The existing house as it exists is the cause of some overshadowing to the adjacent appellants property to the east.
- 2.3.12. I note that a Shadow study has been submitted with the application which states that the impact of shadowing is within acceptable parameters and in accordance with the BRE Guidance Document '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*'¹
- 2.3.13. On the basis of the above, it is considered that the proposed development will not result in an significant increase in shadowing to the adjacent property than that which already exists and as such I consider the same is acceptable in this urban context.
- 2.3.14. In this respect, it is considered that the proposal would have a negligible impact on the residential amenity of the adjacent appellants property.

¹ BRE 2022

- 2.3.15. Having regard to the foregoing, it is considered that the proposed development would not result in any significant overshadowing or overlooking of adjacent properties and as such no residential amenity impacts will result.

2.4. Visual Amenities

- 2.4.1. It is noted that the only issue that the appellants raise with respect to visual amenities is that the building line to the front and rear has been breached and in this respect they state that it is proposed that the extension protrudes forward of the building line by 2.5 metres to the front.
- 2.4.2. The first party in their response to the appeal states that this is inaccurate and that the extension only protrudes by 1.5metres which they state is minor.
- 2.4.3. Chapter 12 Development Management. Section 12.3.7.1 of the statutory development plan serving the area refers to extensions to dwellings. In particular with regard to front extensions the section states:
- 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. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design*
- 2.4.4. I do not consider that the proposed front extension is excessive in scale and it will not impact upon the residential and visual amenities of the area and therefore is compliant with Section 12.3.7.1 of the statutory plan serving the area.
- 2.4.5. With respect to the rear extension, I note that it protrudes no further than that of the adjacent appellants property.
- 2.4.6. Having regard to the foregoing, it is considered that the proposed development is acceptable in terms of visual amenity considerations

2.5. Other Issues

- 2.5.1. I note that the appellant requests that the requirement for a Construction and Traffic Management Plan be imposed by way of a condition. The appellants concerns arise

with respect to the impact that construction traffic will have on their property and in particular that access to their property will not be blocked at any time

- 2.5.2. The first party in their response to the appeal states that such a condition is normally imposed for larger developments and that as part of the building works they will reuse construction waste as fill insofar as possible.
- 2.5.3. I consider that this response is acceptable and that a condition stipulating that access to the adjacent property be maintained at all times.

3.0 Recommendation

- 3.1. I recommend that permission for the development be granted.

4.0 Reasons & Considerations

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the DunLaoghaire Rathdown County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out 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>Reason: In the interest of clarity.</p>
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2.	<p>Revised drawings showing the construction details of the proposed screens on the eastern sides of the first floor balconies shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p>Reason: To protect residential amenities.</p>
3	<p>The detached garden structure shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be used for human habitation or the carrying on of any trade or business.</p> <p>Reason: To prevent unauthorised development.</p>
4	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed extension 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>Any damage to the party boundary that would result as a consequence of any demolition works shall be made good at the expense of the applicant.</p> <p>Reason: In the interest of clarity.</p>
6	<p>The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
7.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday and not at all on Sundays and Public Holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Vehicular access to adjacent properties shall not be blocked by construction traffic at any time.</p> <p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
9.	<p>The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of development.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Andrew Hersey

Planning Inspector

16th October 2024