

An  
Bord  
Pleanála

## Inspector's Report ABP320919-24

### Development

Demolition of non-original single-storey outbuildings to rear of existing house for the construction of two-storey extension and single-storey extension and single-storey detached garden room with external and internal alterations and modifications to the existing dwelling, formation of new vehicular entrance and relocation of existing pedestrian gate.

### Location

Rose Cottage, 75 Albert Road Lower, Glenageary, Co. Dublin, A96K3T6.

### Planning Authority

Dun Laoghaire-Rathdown County Council.

### Planning Authority Reg. Ref.

D24A/0507/WEB.

### Applicant(s)

Gregory & Kim Owens.

### Type of Application

Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

Third Party

**Appellant(s)**

Peter Richardson.

**Observer(s)**

None.

**Date of Site Inspection**

23/01/25.

**Inspector**

Anthony Abbott King.



## **1.0 Site Location and Description**

- 1.1. Rose Cottage is located on the east side of Albert Road Lower (built circa. 1830). Albert Road Lower is characterised by period two-storey and single-storey terraces and detached houses.
- 1.2. No. 75 Albert Road Lower and the adjoining terrace of houses to the south comprise conjoined double fronted two-storey villas (or cottages). This house type is well represented on Albert Road and in the wider Dun Laoghaire area.
- 1.3. No. 75 Albert Road Lower bookends the terrace (north gable). The side elevation (north elevation) of no. 75 Albert Road Lower is visible from the street.
- 1.4. No. 75 Albert Road Lower has an extensive mature rear garden.
- 1.5. No. 76 Albert Road Lower adjoins the single-storey terrace and forms part of a two-storey terrace to the north. No. 76 is a double fronted two-storey house with a front gravelled forecourt.
- 1.6. There is an access lane to the rear of the properties on this section of Albert Road Lower located between the south gable of no. 76 Albert Road Lower and the north gable of no. 75 Albert Road Lower.
- 1.7. The front building line on the east side of Albert Road Lower is uniform.
- 1.8. The low front boundary walls that characterise the streetscape are punctuated with a large number of vehicular openings. A number of the properties have in-curtilage parking.
- 1.9. No. 75 Albert Road Lower has a low boundary wall with a symmetrically placed pedestrian entrance to the front garden.
- 1.10. The site area is given as 0.080 hectares.

## **2.0 Proposed Development**

- 2.1. The development proposal comprises the following elements:
  - demolition of non-original single-storey outbuildings to rear of the existing house;
  - the construction of a two-storey extension and a single-storey extension ;



- the construction of a single-storey detached garden room;
- external and internal alterations and modifications to the existing dwelling;
- formation of a new vehicular entrance and the relocation of existing pedestrian gate on the north boundary wall to rear of the site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission subject to condition.

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

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

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

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

Transport Planning recommend the omission of the in-curtilage car parking space citing SPPR 3 of 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities' (15 January, 2024).

### **4.0 Planning History**

There is no recent relevant planning history.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

- Chapter 13 (Land Use Zoning Objectives) Table 13.1.1 (Development Plan Zoning Objectives) is relevant.



The area zoning objective is "A": *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

#### Urban Consolidation

- Chapter 4 (Neighbourhood-People, Homes and Place), Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:
  - *Conserve and improve existing housing stock through supporting improvements and adaptation of homes consistent with NPO 34 of the NPF.*
  - *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

#### Heritage Architecture

- Chapter 11 (Heritage and Conservation) Section 11.4.3 is relevant.  
11.4.3.3 Policy HER21 in the matter of nineteenth and twentieth century building, estates and features states: *It is a Policy Objective to:*
  - i. *Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.*
  - ii. *Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.*
  - iii. *Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.*

#### Extensions

- Chapter 12 (Development Management) Section 12.3.7.1 (Extensions to Dwellings) provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.



- Section 12.3.7.1 (ii) (Extensions to the Rear) is relevant and *inter alia* states:

*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.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

- Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) is relevant and *inter alia* states roof alterations / expansions to main roof profiles 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.

*Dormer extensions to roofs, i.e. to the front, side, and rear, will be considered with regard to impacts on existing character and form, and the privacy of adjacent properties. The design, dimensions, and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations. Dormer extensions shall be set back from the eaves, gables and/or party boundaries. Dormer extensions should be set down from the existing ridge.*

- Section 12.3.7.4 (Detached Habitable Room) is relevant and *inter alia* states:



*This can provide useful ancillary accommodation such as a playroom, gym, or study/home office for the main residence. It should be modest in floor area and scale, relative to the main house and remaining rear garden area..... Any such structure shall not be to provide residential accommodation for a family member/ granny flat nor shall the structure be let or sold independently from the main dwelling.*

#### Vehicular Entrances and Car Parking Standards

- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.
- Section 12.4.5.1 (Parking Zones) & Table 12.5 (Car Parking Zones and Standards) provides car parking standards for residential development *inter alia* proximate to high level public transport. The maximum residential car parking standard is 1 car parking space for a house in zone 1 and in zone 2 for a (1-2 bed) house near public transport. The maximum standard for houses with 3 bedrooms or more is 2 spaces.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), (June 2019);
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).



## **5.2. EIA Screening**

The proposed development is not within a class where EIA would apply.

## **6.0 The Appeal**

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

The grounds of appeal are summarised below:

- The appellant who is the resident of “Arbutus”, 74 Albert Road Lower, Sandycove, County Dublin claims that the planning authority is wrong to permit the proposed development, which will disrupt the Victorian streetscape with a structure of overbearing mass and scale.
- The submitted drawings inaccurately describes the facade of the appellant’s house. The portion of the roof of no. 74 Albert Road Lower highlighted is not visible from the road. The appellant cites Appendix A of his observation to the planning authority dated 12<sup>th</sup> August 2024, which should have been given more weight in the decision to grant permission.
- The proposed increase in ridge height will result in a two-storey house to the rear, which will have overbearing impacts on the appellant’s property, in particular, the kitchen / dining room area to the rear.
- The unique character and charm of Albert Road, exemplified by these single-storey villa type properties, such as the houses of the applicant and appellant, will be depreciated by high structures such as the proposed two-storey rear extension.
- The appellant was previously advised (2002) that a higher structure to the rear would not be acceptable in principle on the grounds of disruption to the amenities of neighbours.
- The appellant requests, in the event the Board does not limit the height of the development on the boundary, that the applicant be directed to paint the wall of the south elevation of the proposed extension an off-white / ivory colour to minimise the impact on the appellant’s amenities.



- The lane that runs between nos. 75 & 76 Albert Road Lower is inaccurately depicted. The lane extends behind the back garden of no. 75 Albert Road Lower to connect with the back garden of the appellant's house at no. 74 Albert Road Lower.
- The lane (right of way) is in the ownership of no. 76 Albert Road Lower who has acknowledged the right of way. A condition should be imposed on the applicant not to obstruct the lane.
- The applicant has exaggerated the number of developments that have raised the ridge height on Albert Road. It is stated that none of the extensions in the past 10 years have been of a similar mass and scale to the proposal.

## 6.2. Applicant Response

The applicant response, prepared by Kieran O'Malley & Company Town Planning Consultants on behalf of the applicant, is summarised below:

- The Board is asked to reject the grounds of appeal and confirm the decision of the planning authority, which is consistent with the pattern and character of development in the area.
- The applicant has summarised the grounds into 7 (no-headings) matters and has provided a response.

### *Disrupt Victorian streetscape*

- The applicant does not agree that the proposal would disrupt the streetscape on Albert Road Lower. The streetscape comprises a mix of terraces of two-storey and single-storey dwellings. Single-storey dwellings have two-storey rear extensions. There is a consistent building line on both sides of the road with a variety of building heights and roof profiles.
- There are a number of vehicular openings in the front boundary walls on the east side of Albert Road Lower creating off-street parking. The construction of openings may not all be authorised.



- There is no change proposed to the existing elevation of the single-storey part of no. 75 Albert Road Lower, the front building line or the front boundary wall, which are the key elements that contribute to the streetscape.
- The existing two-storey extension to the rear of no. 75 Albert Road Lower is already visible from the street. It is claimed the slight increase in ridge height will not be unduly intrusive so as to negatively impact the streetscape being consistent with the height, scale and massing of no. 76 Albert Road Lower.

*Inaccurate drawing*

- It is acknowledged that the contiguous elevation drawing submitted to the planning authority is inaccurate. An amended drawing is submitted, DRG. No. PI-007 Rev A, correctly detailing the appellant's roof.

*Overbearing proportions*

- The rear two-storey extension would be set 0.565m below the existing finished floor level. The proposal would not have a significant impact on the appellant's property by reason of its lower floor level, location north of the appellant's property, which has no windows looking north.
- The applicant details the location and planning status of the rooflights to the appellant's kitchen / dining room extension to the rear of no. 74 Albert Road Lower. The applicant does not accept there would be a negative impact on appellant's kitchen area given the rooflights are south of the proposal.
- The 3 proximate rooflights to the gable of the extension are set back 3m from the property boundary and one of the rooflights is clear of the projection of the proposed two-storey extension.
- The proposal will not have an adverse impact on the appellant's garden, as the garden is 40m in length and extends to over 450 sqm.

*Suggested paint colour*

- There is no justification for the lowering of the south gable of the proposal, which would abut the kitchen, hot press, lobby and toilet of the appellant's property as authorised under D02B/0861 (a ground floor plan planning drawing of the appellant's property is attached).



- The applicant does not accept that the proposal would materially impact the rooflights. However, the applicant has no objection to the paint colours requested by the appellant.

#### *Planning precedent*

- Precedent is not a planning consideration each application is decided on its own merits.
- The advice issued to the appellant in 2002 is not relevant. The development plan is the relevant policy document. There have been four development plan reviews in the interim.

#### *Laneway right of way*

- The location of the right of way is indicated (in yellow) on the submitted drawings as required by legislation. The applicant does not wish to obstruct the right of way and will undertake not to impede the right of way as it applies to the appellant's access to the rear of their property. The right of way is a legal and not a planning matter.

#### *Other extensions at Albert Road*

- The planning register and a site inspection will confirm many properties have been extended in similar ways including nos. 74 & 76 Albert Road Lower. The application summary is fair and accurate.

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

The planning authority refer the Board to the previous planners report. It is considered that the grounds of appeal do not raise any new matters that would justify a change of attitude.

### **6.4. Observations**

None to date.



## 6.5. Further Responses

The appellant response, in support of the appeal statement, to the applicant response, prepared by Kiaran O'Malley & Company Town Planning Consultant, is summarised below:

- The appellant disputes the contention that the proposal is consistent with the pattern and character of development in the area. Furthermore, the appellant disputes that the application summary of permitted development is not a fair view and is not accurate.
- The appellant is strongly of the view that an inspection of the area by An Bord Pleanála will support the contention that this development is inappropriate in mass and scale both when viewed from the street and in regard to the impacts on the appellants property.
- The appellant is aware that the area is not an ACA and that the subject properties are not protected structures. The appellant asks the Board to protect heritage architecture in an area that is not within an ACA. The Victorian character of this part of the street has been preserved to date by good planning decisions.
- A variety of rear extensions have been permitted visible on Google maps most of the permitted extensions are not visible from the street.
- The appellant is also aware that modern living requires car driveways to be permitted noting the appellants own driveway.
- The appellant acknowledges that there is no change to the single-storey from roof of no. 75 Albert Road Lower. However, the very high extension to the rear is clearly visible from the road and disrupts the streetscape.
- The appellant claims that the inaccuracy of the submitted drawings minimises the extension by exaggerating the height of the roof line of the appellants house at no. 74 Albert Road Lower. The appellant acknowledges the submission of amended drawing(s) in the appeal response noting that an inaccurate drawing was used by the planning authority in making its decision.



- The submission includes a photographic study of the roofscape of the subject streetscape comparing same with the proposed rear extension street profile.
- The appellant acknowledges that no. 76 Albert Road Lower is a two-storey Victorian house. The co-location of no. 76 and no. 75 Albert Road Lower doesn't justify almost matching the height of no. 76 in terms of height with a modern extension. It is claimed that the height of the rear extension does not constitute a 'slight increase in the existing rear ridge line'.
- The fact that the proposed structure is 0.565m below the existing floor level does not mitigate the scale and mass of the extension structure in terms of overbearing impacts. The proposed high southern gable will have adverse impacts on the appellants garden and interior visible through two of three kitchen Velux windows blocking the sky view.
- The appellant acknowledges the offer to insert a condition to paint the southern gable wall. However, asks the Board to lower the gable by 1m (or lower as much as possible without interfering with the interior stairway).
- The appellant accepts the applicants undertaking not to obstruct the laneway. However, a condition to acknowledge the right of way is requested.

## 7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and is consideration of the overall application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to refurbish and upgrade (including deep retrofit) the existing house, which has been vacant since March 2020, and *inter alia* to build a rear extension, garden room and provide for in-curtilage parking in the front garden.
- 7.3. The floor area of the existing house is given as approximate 155 sqm. The floor area to be retained is given as an approximate 131 sqm. The proposed additional floor area is given as an approximate 146 sqm.
- 7.4. The letter of application states that the proposed development seeks to become an exemplar of sustainability, whole life carbon analysis and high quality contemporary design in the adaptation of existing dwellings in the County.



- 7.5. The existing house and proposed rear two-storey extension would at roof level present as a triple pile extending on an east-west axis into the interior of the plot. The roofscape would comprise a shallow pitched roof immediate to the front building line with a low parapet. A higher pitched roof with dormers would be located immediate to the rear of the street block. A new rear extension with mono-pitch and flat roof would be located behind the existing house.
- 7.6. The second pitched roof with dormers would require an increase in ridge height to facilitate the headroom for three first floor bedrooms and would incorporate dormer fenestration.
- 7.7. The rear two-storey extension would elevate into the substantial back garden. The raised pitched roof with dormers would elevate toward the street behind the lower pitched roofscape at first floor level and would be internalised at ground floor level. The internal accommodation of the house would be reconfigured to facilitate modern living.
- 7.8. The two-storey rear extension would accommodate a kitchen / dining area and the access stairs to the first floor at ground floor level. A master bedroom suite and family bathroom would be accommodated at first floor level. The proposed detached habitable room in the garden would provide ancillary accommodation.
- 7.9. The assessment is interrogated under the following sub-headings:
- Adaptation of the housing stock
  - Heritage architecture
  - Roofscape impact
  - Dormer extension
  - Detached habitable room
  - Vehicular access
  - Other matters

*Adaptation of the housing stock*

- 7.10. Section 4.3.1.2, Policy Objective PHP19 (Existing Housing Stock-Adaptation) provides for the improvement of the existing housing stock through supporting improvements and adaptation of homes consistent with national policy objectives on



the reuse of existing buildings. The applicant proposes to refurbish and extend the existing house, which has been vacant for a number of years and is in a dilapidated condition.

- 7.11. The applicant states that alterations and extension will improve the structure and ensure the usability and longevity of the existing house into the future. I note that on balance the applicant proposes to conserve and improve the existing masonry nineteenth-century dwelling. I consider that the development proposal would be consistent with Policy Objective PHP19.

*Streetscape impacts*

- 7.12. The appellant claims that development is inappropriate in mass and scale when viewed from the street. The ridge height of the existing rear extension would be raised and would be clearly visible and would disrupt the streetscape. The proposed two-storey rear extension would set a precedent for high structures to be constructed behind the Albert Road street frontage.
- 7.13. The appellant is aware that the area is not an ACA and that the subject properties are not protected structures. However, Albert Road has unique character and charm, exemplified by single-storey villa type properties, such as the houses of the applicant and appellant. The existing Victorian character of the streetscape should be protected and the proposed development should be refused.
- 7.14. The appellant by way of further response (dated November 24) includes a photographic study of the roofscape of the subject streetscape comparing same with the proposed rear extension street profile. The appellant cites the inaccuracy of the submitted drawings to the planning authority in the representation of the roof profile of the appellants house at no. 74 Albert Road Lower, which it is claimed minimises the impact of the proposal on the streetscape.
- 7.15. The appellant requests the Board to conduct a detailed site visit to fully appraise the impact of the proposal on the receiving streetscape. It is claimed the varied extension of houses to date has been sympathetic to the character of the single-storey Victorian terrace. The appellant notes that the decision of the planning authority was made on the basis of inaccurate drawings.
- 7.16. The applicant acknowledges that the contiguous elevation drawing submitted to the planning authority is inaccurate. A corrected drawing is submitted as part of the



applicant response to the appeal (dated 25/10/2024), DRG. No. PI-007 Rev A, correctly detailing the roof of the appellant's property.

#### *Heritage Architecture*

- 7.17. Section 11.4.3, Policy HER21 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 provides for the sympathetic development of exemplar nineteenth and twentieth century buildings, in order to ensure their character is not compromised, *inter alia* encouraging the retention and reinstatement of features that contribute to the character of these buildings including roofscapes.
- 7.18. The applicant clarifies by applicant response that there is no change to the single-storey part of no. 75 Albert Road Lower, the front building line or the front boundary wall, which are the key elements that contribute to the streetscape. The proposal is to amend an existing rear part of no. 75 Albert Road Lower and to construct a further rear extension to bring the property up to modern standards.
- 7.19. I note the applicant's response. However, I also note that the visible roofscape of no. 75 Albert Road Lower, as viewed from observation points on the opposite side of Albert Road, would be altered as part of the development proposal. The impact on the Victorian streetscape is a significant ground of appeal. I interrogate this matter in detail below.

#### *Roofscape impact*

- 7.20. The applicant clarifies that the existing two-storey extension to the rear of no. 75 Albert Road Lower is already visible from the street. It is claimed the slight increase in ridge height will not be unduly intrusive so as to negatively impact the streetscape being consistent with the height, scale and massing of the adjoining property at no. 76 Albert Road Lower.
- 7.21. The existing ridge line (given as +5915mm) of the second pitch roof is located immediately behind the first pitch – the front pitch (ridge height given as +4585mm) is located directly behind the parapet (given as +3050mm). The applicant proposes to increase the ridge height of the second pitch (proposed ridge height given as +6360mm) and to insert dormers. The proposed development would be visible from the street.



- 7.22. In the matter of the raising of the ridge line of the second pitch, I note on the day of my site visit that the streetscape on the east side of Albert Road Lower is eclectic comprising terraces of two-storey and single-storey houses with a variety of building heights and roof profiles.
- 7.23. I also note that 'Rose Cottage' (no. 75 Albert Road Lower) forms part of a distinct terrace of single-storey period villas on Albert Road Lower. A terrace of five houses appears on the original ordinance survey (1829-1834) including "Rose Cottage". The letter of application clarifies that the original terrace was known as "Woodbine Cottages".
- 7.24. The present terrace is spatially defined in the overall streetscape by a gap between the two-storey terrace to the north, bookended by no. 76 Albert Road Lower, and by a gap in the streetscape to the south of the terrace. No. 75 Albert Road Lower bookends the terrace to the north.
- 7.25. There are 10 single-storey double fronted villa type houses in the present single-storey terrace streetscape, which has been extended south subsequent to the first ordinance survey mapping. The terrace of single-storey houses follows the same front building line. However, the terrace is not uniform in terms of parapet height and visible roof profile.
- 7.26. The street frontage of no. 75 Albert Road Lower measures approximately 12m. The roof profile of no.75 Albert Road Lower is clearly visible above the parapet line.
- 7.27. The roof profile of the abutting house at no. 74 Albert Road Lower is lower than No. 75 Albert Road Lower. The roof profile of no. 74 Albert Road Lower is also lower than the abutting house to the south at no. 73 Albert Road Lower. The roof profile of No. 74 Albert Road Lower is just visible above the parapet line and is noticeably lower than the abutting houses to the north and south.
- 7.28. I note that the parapet line of the single-storey terrace is not uniform and that nos. 70 & 69 Albert Road Lower exhibit significantly higher parapets and roof profiles. I conclude that the overall terrace exhibits a nuanced single-storey height.
- 7.29. No. 76 Albert Road Lower, adjoining no. 75 Albert Road Lower to the north, is a double fronted two-storey period house in a terrace of two-storey houses (circa. 1830) formerly known as 'Brooke Mount Cottages'.



- 7.30. The two-storey terrace to the north and the single-storey terrace, comprising no. 75 Albert Road Lower and conjoined properties, follow the same building line on the east side of Albert Road Lower.
- 7.31. I conclude that the proposed development is located in an eclectic streetscape of house types and building heights. The roofscape of the single-storey terrace is nuanced in terms of the parapet line and visible roof profiles. No. 75 Albert Road Lower has a pitched roof profile, which has an existing ridge line clearly visible from the street.
- 7.32. I consider that the proposed development, which would materially alter the height of the visible roof of No. 75 Albert Road Lower, would not materially alter the character of the streetscape on the east side of Albert Road East by reason of the increase in the ridge line height given the existing eclectic roofscape and the setback of the second pitch roof. However, the roof would also be materially altered by the insertion of 3 dormer windows, which would be visible from the street.

*Dormer extension (windows)*

- 7.33. The dormer fenestration would light 3 of the 4 bedrooms at first floor level. The dormer windows would be aligned and individually spaced within the roof plane exhibiting traditional dimensions measuring 1975mm in width with a 1685mm projection. The dormers would provide light, ventilation and a means of escape to first floor bedrooms.
- 7.34. The dormer windows would have a zinc material finish. The dormers would be set back from the main front façade parapet line by approximately 5m. They would elevate 800mm above the ridge line of the first pitch roof located immediately behind the parapet line.
- 7.35. Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 *inter alia* provides that front dormer extensions will be considered with regard to impacts on existing character and form. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be an overriding consideration.
- 7.36. Furthermore, it is required that dormer extensions shall be set back from the eaves and should be located below the ridge line. The proposed dormers would individually



elevate above the plane of the roof (+5450mm) and would be set back from the eaves. The raised ridge line (+6360mm) would be clearly visible above the dormers.

7.37. I consider that the proposed dormer windows, located in the front plane of the visible recessed second pitch of the roof behind the parapet line, would represent a material change in the roofscape of no. 75 Albert Road Lower. They would also represent a material change in the roofscape on the eastern side of Albert Road Lower. However, I do not consider that this would constitute an adverse visual impact.

7.38. I acknowledge that the physicality of the roofscape of no. 75 Albert Road Lower would be changed by the increase in ridge height and by the insertion of dormer windows.

7.39. However, I consider that the individual positioning, design, traditional dimensions and contemporary zinc finish of the proposed dormer windows, located in the second pitch of the roof, significantly recessed behind the parapet line on Albert Road Lower, would not adversely impact the character of Albert Road Lower given the eclectic nature of the existing streetscape.

7.40. It is considered that the proposed development would be consistent with Section 12.3.7.1 (iv) (Alterations at Roof / attic Level) and Section 11.4.3.3, Policy HER21 (Heritage Architecture) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

7.41. Finally, in the matter of inaccurate elevation drawings and the planning authority decision, the applicant has submitted an accurate drawing showing the roof profile of the appellant's property by way of appeal response. I have conducted a site visit and I am appraised of existing front roof profiles. The above text and photograph record attached to this report illustrate my observations.

#### *Rear extension*

7.42. The appellant claims that the proposed rear extension *inter alia* by reason of its height, scale and location on the sharded property boundary with no. 76 Albert Road Lower would have a significant adverse impact on the appellant's property in particular the impact of the height of the proposed south gable wall on the garden and interior of no. 74 Albert Road Lower.



7.43. The applicant claims in the appeal response that the rear two-storey extension would be set 0.565m below the existing finished floor level. The applicant considers that the proposal would not have a significant impact on the appellant's property as the extension would have a lower floor level, would be located north of the appellant's property and would have no overlooking windows.

7.44. Section 12.3.7.1 (ii) (Extensions to the Rear) provides that rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties. The guidance *inter alia* requires overshadowing, overbearing and overlooking impacts to be assessed along with proximity, height and length along mutual boundaries.

7.45. The two-storey rear extension (ridge height given as +7850mm) would elevate behind the ridge line of the second pitch (ridge height given +6360mm). The ridge height of the two-storey extension would be setback approximately 12m from the parapet line of the front façade (as a comparison the frontage of no.75 onto Albert Road Lower measures approximately 12m).

7.46. I consider that the set back of the two-storey rear extension and the increased ridge height of the second pitch would mitigate the visual impact of the roof of the proposed rear extension from the street.

*No. 74 Albert Road Lower*

7.47. The proposed extension would extend for the full width of the site and would be located on the shared property boundary with the access lane (right of way), between no. 75 and no. 76 Albert Road Lower, and with no. 74 Albert Road Lower.

7.48. The internal configuration of the extension would locate the stairwell to the first floor onto the shared property boundary. The appeal statement requests that relocation of the stairwell to the northern section of the proposed floor plan in order to reduce the height of the extension on the southern boundary abutting no. 74 Albert Road Lower.

7.49. The appellant states in further responses submitted in November 2024 that the sky view from the kitchen Velux would be obstructed by the height of the gable wall and requests a reduction in the wall while retaining the functionality of the proposed staircase.



- 7.50. I note that there would be no windows located in the south gable elevation of the proposed extension. Therefore there would be no overlooking of the neighbouring property. The proposed development would be located to the north of no. 76 Albert Road Lower, as such, there would be no overshadowing impacts.
- 7.51. Furthermore, the adjoining house to the south the residence of the appellant has a single-storey rear extension that projects into the garden beyond the projection of the proposed two-storey extension.
- 7.52. I consider that the location, height and scale of the proposed two-storey extension to the rear of no. 75 Albert Road Lower is acceptable in principle given the existing built context to the rear of no. 74 Albert Road Lower and given that there would be no overshadowing and overlooking impacts.
- 7.53. I note that the appellant has cited overbearing impacts resulting from the proximity of the proposed south gable of the extension to existing Velux roof lights in the single-storey extension to the rear of no. 74 Albert Road Lower. I also note the applicant's response that the rooflights are 3m from the property boundary.
- 7.54. I consider that the appellant's request that the south gable has a white or ivory paint finish is reasonable. The applicant is agreeable to this request. The material finish of the south gable of the extension can be dealt with by way of condition.

*No. 76 Albert Road Lower*

- 7.55. The applicant proposes new window openings in the north gable ground floor elevation onto the access lane between no. 75 and no. 76 Albert Road Lower. I would concur with the planning case officer that the window openings should have obscure glazing. This matter can be dealt with by way of condition.
- 7.56. I note the height and massing of the two-storey extension on the northern boundary with no. 76 Albert Road Lower. I note the spatial gap between the properties accommodating the access lane (right of way) and the projection of the extension to the rear of no. 76 Albert Road Lower. I do not consider that there would be a significant adverse impact on no. 76 Albert Road Lower subject to condition.
- 7.57. Finally, I note that the rear garden of no. 75 Albert Road Lower is substantial, approximately 40m in length, and that the residual garden, subsequent to truncation



to provide for the rear extension and garden room, would be acceptable in terms of quantity and quality of amenity space.

#### *Garden Room*

7.58. The applicant proposes to construct a single-storey pitch-roof garden room, accommodating a solar array at roof level, at the end of the back garden. The garden room would accommodate ancillary residential accommodation including a home office, gym and toilet.

7.59. The fenestration of the garden room would face both west and east. The west fenestration would elevate toward the rear elevation of the main dwelling house. However, the garden room would have an approximately 35m separation distance from the main house.

7.60. The garden room would measure approximately 50 sqm externally (10125mm x 5000mm). The internal floor area is given as 37.5 sqm. The ridge height of the garden room is given as 3.5m.

7.61. Section 12.3.7.4 (Detached Habitable Room) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 makes provision for detached rooms in the garden to provide useful ancillary accommodation, such as a playroom, gym, or study/home office, for the main residence. The habitable room should be modest in floor area and scale, relative to the main house and remaining rear garden area.

7.62. I consider that the proposed garden room would be consistent with Section 12.3.7.4 (Detached Habitable Room) of the development plan and is acceptable in principle and in detail.

#### *Vehicular access and in-curtilage parking*

7.63. The applicant proposes to provide in-curtilage parking in the front garden of no. 75 Albert Road Lower. The existing garden is solely accessed by a pedestrian gate in the front boundary wall.

7.64. There is a right of way to the north of no. 75 Albert Road Lower in the gap between no. 76 Albert Road Lower and no. 75 Albert Road Lower, which is an access lane to the rear of properties on this section of the road. The applicant proposes to remove a 6m section of the side boundary wall with no. 76 Albert Road Lower to facilitate



vehicular access via the lane from Albert Road Lower into the front garden of no. 75 Albert Road Lower.

7.65. The Transport Planning Division of the planning authority cite SPPR3 (Car Parking) of the Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities. The Division recommend that the proposed vehicular access and in-curtilage front garden parking spaces should be omitted from the development and replaced by landscaping.

7.66. SPPR 3, Section (i) states:

*In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.*

7.67. I concur with the Transport Planning Division of the planning authority given the urban location of the development proximate to frequent public transport and the requirement of the Guidelines to minimise car parking provision within city centres and urban neighbourhoods. The omission of the vehicular access and the in-curtilage car parking can be dealt with by way of condition.

7.68. *Other matters*

7.69. The appellant requests by way of further responses that a condition be attached to recognise the existence of the right of way. The applicant has clarified by appeal response that there is no wish to obstruct the right of way and will undertake not to impede the right of way as it applies to the appellant's access to the rear of their property. The right of way is a legal and not a planning matter.

7.70. I consider a planning condition would not be appropriate as provided for in Section 7.3.2 (conditions should be relevant to planning) the Development Management Guidelines for Planning Authorities (June 2007).

**7.71. The Appropriate Assessment Screening**



The proposed development comprises a domestic extension in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

## 8.0 Recommendation

- 8.1. I recommend a grant of permission subject to condition having regard to the reasons and considerations stated below.

## 9.0 Reasons and Considerations

Having regard to the grounds of appeal and further responses, the response of the applicant, the residential zoning objective and the policy framework provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the proposed development, subject to compliance with the attached conditions, would provide a reasonable level of accommodation on site, would not have an adverse impact on the visual and residential amenities of adjacent properties, would comply with Section 4.3.1.2 (Existing House Stock Adaptation), Section 12.3.7.1 (Extensions), Section 12.3.7.4 (Detached Habitable Room) and Policy HER21 (architectural heritage of exemplary nineteenth & twentieth century buildings) of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed
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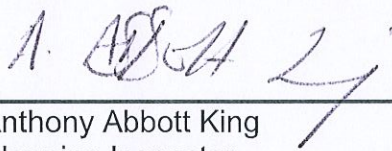


	<p>particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit a revised site plan for the written agreement of the planning authority in compliance with the recommendation of the Transportation Planning Division of the Planning Authority to omit the vehicular access and the in-curtilage front garden car parking spaces and to replace the parking area with appropriate landscaping.</p> <p><b>Reason:</b> In the interest of traffic safety and in compliance with SPPR3 of the Sustainable Residential Development and Compact Growth Guidelines.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, including the finish of the south gable elevation of the proposed two-storey extension, which shall exhibit a white painted finish.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The proposed window openings in the north gable elevation shall be fitted with permanently opaque glazing.</p> <p><b>Reason:</b> in the interests of privacy and residential amenity.</p>
7.	<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</p>



	<p>and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.



Anthony Abbott King  
Planning Inspector

27 January 2025