



An
Bord
Pleanála

Inspector's Report ABP-322014-25

Development	<i>Demolition of existing chimney and open fireplace and construction of new additional second floor flat roof extension on top of the existing first floor flat roof, with associated roof lights, new roof coverings, windows and related works</i>		
Location	<i>2 Cambridge Close, Sandycove Road, Co. Dublin, A96 RW28</i>		
Planning Authority Ref.	<i>D24B/0537/WEB</i>		
Applicant(s)	<i>Declan Corcoran</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Grant Permission subject to conditions</i>
Type of Appeal	<i>Third</i>	Appellant	<i>Gregory Moore</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>11th April 2025</i>	Inspector	<i>Andrew Hersey</i>

1. Site Location/ and Description.

The site is located in the southern suburbs of Dublin on the southern end of Sandycove Avenue. The site comprises of a 2 storey flat roofed semi-detached unit set into a communal garden with No. 1 Cambridge Road. A single gated vehicular access onto Sandycove Avenue serves the two houses.

There is a large detached period 2 storey over property (Cambridge House) to the south and west of the proposed development site and the rear of these houses forms a boundary to the gardens of the same. Access to this house is from the Sandycove Road. Cambridge House is listed as a Protected Structure in the Dun Laoighre Rathdown County Development Plan 2022-2028.

Cambridge Mews is located to the north of the proposed development site

2. Proposed development. The proposed development comprises of permission to :

- Demolish existing chimney and open fireplace and
- construction of new additional second floor flat roof extension on top of the existing first floor flat roof,
- with associated roof lights, new roof coverings, windows and related works
- The overall floorspace proposed is 17sq.m. and comprises of a studio, store, WC and stairwell

3. PA's Decision Grant Permission subject to 5 conditions. Conditions of note include:

- Condition 2 – that the entire dwelling to be used as a single residential unit and shall not be subdivided into two separate habitable units.
- Condition 3 – relates to construction activities with measures to protect adjacent properties and the public road from dirt and debris
- Condition 4 – states that glazing to the studio window to be of frosted or opaque glass

3.1 Submissions: There is one submission on file as follows:

- Gregory Moore c/o Armstrong Planning (dated 14th January 2025) raises concerns with respect to
 - The impact upon the architectural heritage and protected structure at Cambridge House
 - The application does not include for an Architectural Heritage Impact Statement in accordance with the Architectural Heritage Impact Statement in accordance with the *Architectural Heritage Protection Guidelines for Planning Authorities*, as required under Section 12.11.2 and Policy Objective HER8: Work to Protected Structures of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
 - The proposed addition of a third storey to the duplex apartment at No. 2 Cambridge Close will result in significant negative impacts on the architectural heritage of Cambridge House and compound the damage to the protected structure and its curtilage.
 - The construction of the proposal will result in a considerable change in outlook from the rear and side (east-facing) windows at first-floor level of the protected structure, particularly those closest to the proposal, resulting in overbearance and further interfering in the relationship between the protected structure and surrounding streets.
 - Due to the height and dimensions of the proposed additional third storey, the proposed development is likely to negatively affect the daylight environment within the protected structure.
 - The proposed additional third storey very considerably exceeds the height of the existing modern extension to Cambridge House and will rise to the height of the eaves on the northern side of the protected structure. Having regard to the 7.4 m width of the additional storey, the height of the proposal will mean that No. 2 Cambridge Close will appear as inappropriately scaled and dominant in views of the protected structure from surrounding

historic streets and this prominent junction, particularly during the winter months when trees have lost their leaves.

- The proposal would set a negative precedent for over-scaled and excessively tall development at Sandycove Terrace
- Overlooking and loss of privacy to adjacent properties
- That the proposal will result in overshadowing of Cambridge Mews
- Visual Impact upon Cambridge House and its setting

3.2 Internal Reports.

- Drainage Planning Report received 23rd January 2025 – no objection

4. Planning History

- No recent planning history on the proposed development site

5. National/Regional/Local Planning Policy

5.1 The Dun Laoighre-Rathdown County Development Plan 2022-2028

- The site is zoned 'R' the objective of which is To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.
- Policy HER8: Work to Protected Structures; in part seeks to:
 - Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.'
 - Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials
 - Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining

buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected

5.2 Sustainable Residential Development and Compact Settlements

- SPPR 1 - Separation Distances: Minimum separation distances of 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. 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

5.3 Architectural Heritage Protection Guidelines for Planning Authorities

- Section 6.4.15 For more extensive or complex works with a potential to have a major impact on the architectural heritage, a planning authority may require an applicant to submit a more detailed impact statement. This may be necessary to allow the planning authority to assess the full implications of the proposals and allow an informed decision to be made on the appropriateness of the development.

5.2 Natural Heritage Designations

The nearest designated site is;

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 1.7km to the north west
- Rockbill to Dalkey Island SAC (Site Code 003000) is located 1.5km to the east
- Dalkey Islands SPA (Site Code 004172) is located 1.33km to the south east

6. The Appeal

6.1 A third party appeal was lodged by Gregory Moore on the 5th March 2025.

The appeal in summary raises the following issues;

- That there is no assessment of the proposal on the Architectural Heritage of Cambridge House, Sandycove Terrace or the Neighbouring Sandycove Point Architectural Conservation Area.
- That the proposed development is located within the former garden of Cambridge House a Protected Structure and is located 375mm from the façade of the protected structure.
- That the application does not include for an Architectural Heritage Impact Statement in accordance with the Architectural Heritage Impact Statement in accordance with the *Architectural Heritage Protection Guidelines for Planning Authorities*, as required under Section 12.11.2 and Policy Objective HER8: Work to Protected Structures of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- That the proposal will have a significant and negative impact on the Architectural Heritage and the Protected Structure at Cambridge House. The height, scale and bulk of the proposed development is not subsidiary to and does not take reference from the design of the adjoining protected structure and will result in considerable negative impacts on the architectural heritage of the protected structure, the terrace and the wider historic built environment. Moreover, we submit that the proposed addition of a third storey to No. 2 Cambridge Close immediately adjoining the protected structure at Cambridge House would set a negative precedent for over-scaled and excessively tall development at Sandycove Terrace, the mews lane at Sandycove Close and neighbouring historic streets
- Significant Negative Impact on Existing Residential Amenity due to the proposed developments excessive height, width and proximity to the boundaries and due to the loss of sunlight and by reason of overlooking to Cambridge House and Cambridge Mews.
- That no analysis of the potential impacts of the proposal on sunlight and daylight access was carried out, notwithstanding the height and width of the proposal at close proximity to the southern boundary of neighbouring residential lands.

6.2 P.A. Response Dun Laoighre Rathdown County Council responded to this appeal by letter dated the 24th March 2024. The following issues were raised;

- That regard should be made to the previous planners report
- It is considered that the grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development

6.3 First Party Response A submission was received from the first party on the 2nd April 2025 which comprised of a Shadow Analysis.

6.4 Response to First Party. A further third party response from Gregory Moore was received on the 22nd April 2025. The response raises the following issues:

- That the first party response does not include any assessment of the potential impacts of the proposal on architectural heritage
- That the first party fails to recognise that the site is located within the curtilage of or within the attendant grounds of a protected structure.
- That the shadow analysis study is incomplete.
- That the design of the proposal will have a significant impact upon the Cambridge House a protected structure
- That the precedents that the first party refers to are not relevant to the case

7. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

8. AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 1.7km to the north west east of South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and 1.5km to the east of Rockbill to Dalkey Island SAC (Site Code 003000) and 1.33km to the south east of Dalkey Islands SPA (Site Code 004172)

The proposed development comprises of a minor extension to roof of an existing building. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, and its location in a suburban area, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site

The reason for this conclusion is as follows:

- The relatively small scale nature of the works proposed
- The extensive distances to the nearest Natura 2000 sites and the absence of any hydrological connect from the site to the same and
- Having regard to the screening report/determination carried out by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required

9.0 Assessment

9.1 Introduction

- 9.1.1 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.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development
- Visual Impact upon Protected Structure
- Residential Amenities

9.2 Principle of Development

9.2.1 The site is located on lands zoned as 'R' in the Dun Laoighre Rathdown County Development Plan 2022-2028 , the objective of which is *'To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'*

9.2.2 The proposed development comprises of a 3rd floor extension to an existing semi-detached house at this location

9.2.3 Having regard to the forgoing it is considered that the proposed development would be in accordance with this land use zoning objective for the site

9.3 Visual Impact upon the Protected Structure

9.3.1 The proposed development site is located directly to the north of a Protected Structure (RPS 1285 Cambridge House) and the south wall of the house subject of this appeal forms along with No. 1 Cambridge Close forms a boundary between the two properties. There are no opes on the south side of the property facing towards Cambridge House.

9.3.2 The proposed third floor will be visible within the setting of Cambridge House but again there are no windows facing towards the same. I note that the extension measures circa 7.3 metres x 3.5 metres when measured externally with a height of 2.6 metres. The height is marginally lower than the parapet of Cambridge House 10.45 metres. The extension is to be clad with a zinc metal. There are three windows facing north

towards Cambridge Mews. The said extension is proposed to be 345mm from the east side wall of Cambridge House

- 9.3.3 The appeal refers to Section 12.11.2.3 of the Dun Laoighre Rathdown Development Plan 2022-2028 which I note in part states:

Any proposed development within the curtilage, attendant grounds, or in close proximity to a Protected Structure, has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting.

Section 12.11.2.3 further states that;

All planning applications for development in proximity to a Protected Structure must be accompanied by a design statement, with supporting illustrative material

- 9.3.4 I note that a design statement has not been submitted with the said application and I note the third party submissions with respect to the same. However, regard must be had to the fact that this section as set out in Chapter 12 Development Management Guidelines does not constitute development plan objectives or policy. I note that the case planners report does not consider the lack thereof of such a design statement to be an issue and does not consider that this is a material contravention of the statutory development plan serving the area. Section 12.11.2.3 refers to the general approach to development proximate to protected structures and lack thereof of a design statement is not in my view sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

- 9.3.5 I note that the Architectural Heritage Protection Guidelines for Planning Authorities under Section 6.4.15 states that Architectural Impact Assessments are only required for extensive and complex works. I do not consider the proposed works are extensive or complex and I consider that sufficient information has been submitted with the application to make a considered assessment of the impact of the proposed

development on the adjacent protected structure and the area in general. The extension is detached from Cambridge House though it is accepted that the said extension will be visible in the setting of the house and is in close proximity to the house. However the proposal is minor in nature and as such I do not consider in this instance that the failure of the applicant to submit an Architectural Impact Assessments or Design Statement merits a refusal of permission.

9.3.6 With respect to the design of the third floor extension I note that it is clad with a zinc material and all that will be visible within the setting of Cambridge House will be this zinc form on top of an existing two storey wall which forms the rear wall of the proposed development site. It will also be visible from the Sandycove Road.

9.3.7 I note that the Architectural Heritage Protection Guidelines for Planning Authorities states under 6.8.3 that:

‘Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure’

9.3.8 The zinc clad extension will be viewed as a ‘modern’ addition in the setting of the protected structure which should not be viewed inappropriate in this context. I am of the opinion that the use of this modern material successfully shows that the extension is a new addition to the setting in contrast to the historic palette of material associated with Cambridge House.

9.3.9 I also consider that the scale of the proposed extension is minor when compared to the volume of building associated with Cambridge House – it will not be overly dominant or overbearing as viewed from Sandycove Avenue as suggested in the appeal.

9.3.10 With respect to the foregoing, I am of the opinion that the proposed development will not impact upon the visual quality of Cambridge House or its setting.

9.4 Residential Amenities

9.4.1 The appeal also raises issues with respect to impact upon the residential amenities associated with Cambridge House.

9.4.2 I note first off that there are no windows facing towards the property and therefore there will be no overlooking to Cambridge House or its attendant gardens.

9.4.3 The appellant refers to the Sustainable Residential Development and Compact Settlements (SRDCS) and in particular Policy SPPR 1 which refer to Separation Distances and states that a *'Minimum separation distances of 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level'*

9.4.4 The windows of the proposed third floor extension are located circa 10.4 metres to the side wall of the adjacent property to the north Cambridge Mews. There are mature trees and shrubs on the party boundary which will help to reduce overlooking impacts. I further note that there are no windows on the southern opposing wall of Cambridge Mews though I did note roof windows. In any rate there are no opposing windows on the walls and therefore SPPR1 of the SRDCS does not apply in this instance. It is accepted that there may be some overlooking to amenity space associated with Cambridge Mews but as stated above, this is blocked intermittently by trees and shrubs on the party boundary and therefore views will be minimal. It is noted the case planner recommended that window associated with the studio of the proposed extension should be opaque to reduce overlooking impacts. I agree with the case planner in this respect and I recommend to the Board that such a condition is imposed with respect to the said window.

9.4.5 With respect to overshadowing, I note that a shadow study was submitted by the first party upon a response to the appeal. The study shows that any shadowing that will result as a consequence of the proposed development will be cast to the north of the proposed development and there will be no shadow cast on the appellant property i.e.

Cambridge House. I accept that this study only examines impacts at midday at mid-summer and at mid-winter i.e. the summer and winter equinox as stated in the third party submission. However, regard must be had to the orientation of the site to the north of the appellants property.

- 9.4.6 Regard is also had to the potential loss of light to windows on the appellants property on the 3rd Floor rear elevation. I note that these windows are 2.752metres from the said proposed extension. Having regard to the BRE Guidelines 2022 Site Layout for Daylight and Sunlight (hereunder referred to as the BRE Guidelines), and in particular Figure 16 and 17 of the same, which refers to the 45 degree rule, which is used when accessing loss of light to windows which are perpendicular to any proposed extension. Applying this rule, in both the horizontal and vertical planes to assess the impact of the proposed extension on these windows, I consider that there will be no loss of light from the same as the windows would not be within the 45 degree angle as taken from the roof of the proposed extension (this is clear from Drawing No.P_30_1)
- 9.4.7 I note that shadowing diagrams show that shadowing will occur to the property to the north of the proposed development site - Cambridge Mews on December 21st the Winter Equinox when the sun is at its lowest point in the sky. I would consider that some degree of overshadowing will always occur to adjacent properties in this urban area especially in winter when the sun is low in the sky. I note that the appellant has raised this issue even though it is understood that his property is Cambridge House not Cambridge Mews. It is also worth mentioning that there has been no objection to the proposed development from the owner or occupier of Cambridge Mews.
- 9.4.8 It is not clear from the said diagrams the impact of easterly sun to in particular the appellants property. I would however consider that this will be minimal and any shadowing which would occur would be onto a flat roof of 1 Cambridge Close and will not cast a shadow over the appellants property. In any rate easterly sun is likely blocked by built forms and existing trees in this urban environment.
- 9.4.9 The appellant also states that the case planner has had no reference to the BRE Guidelines with respect to overshadowing and in particular he refers to Section 2.2.4. Section 2.2 of the BRE Guidelines sets out guidance with respect to the safeguarding of daylight within existing buildings. The appellant again cites the impact to Cambridge

Mews to the north of the proposed development site. However as stated previously the opposing elevation of Cambridge Mews does not apply as there are no opposing windows on the same and therefore this section does not apply to the proposed development.

9.4.10 On the basis of the above, it is considered that residential amenity impacts to adjacent properties are not considered excessive and as such considered reasonable in this urban context.

10. Recommendation

I recommend that permission for the development be granted permission

11. Reasons & Considerations

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 as set out in the Dun Laoighre Rathdown County Development Plan 2022-2028, and would not be injurious to the visual or residential amenities of the area, would not impact upon the visual setting of the adjacent Protect Structure, Cambridge House, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. 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>The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: To define the scope of the permission</p>
3	<p>The glazing to the window serving the studio shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interest of protecting the residential amenities of adjacent properties</p>
4	<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>
5.	<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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>
6	<p>All necessary measures shall be taken by the Applicant and Contractor to;</p> <ul style="list-style-type: none"> - prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works - repair any damage to the public road arising from carrying out the works, - avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works

	Reason: To safeguard public amenities and in the interests of traffic safety
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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.

Name: Andrew Hersey

Planning Inspector

Date: 4th June 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP322014-25		
Proposed Development Summary	Domestic Extension		
Development Address	2 Cambridge Close, Sandycove Road, Co. Dublin, A96 RW28		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			

Yes	Tick/or leave blank	State the Class here.	
No	Tick or leave blank		√
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____