



An
Bord
Pleanála

Inspector's Report

ABP-321283-24

Development	Demolition of existing dwelling for the construction of a new dwelling and all associated site works.
Location	Coolkeel, 33 Knocknacree Park, Dalkey, Co. Dublin, A96 V250
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0678/WEB
Applicant(s)	Rory and Yulianna Finegan
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Rory and Yulianna Finegan
Observer(s)	1. John and Dee Flynn 2. Knocknaree Park Residents Association 3. Malcolm Connelly 4. George, Louise Brady & Ors

5. Rachel Bell
6. Gerard and Agnieszka Whelan
7. Kristen Dehn
8. Sylvia Teskey
9. Mark Taylor
10. Paul Engel
11. Lisa Gaughran & Garrett Whelan
12. Markus Grimmeisen
13. Brian McCabe & Niamh Ryder
14. Joanna Michalec & Robert Byrne
15. Niall Bourke
16. Andrew Walsh & Ilana Hastings

Date of Site Inspection

7 February 2025

Inspector

Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site measures c. 811 sqm, and contains a three-bedroom split-level house, dating from the 1960s. It is located on the south of Knocknacree Park, a housing estate on a steeply sloping site which was laid out with some 40 non-identical houses of similar character and vintage, in Dalkey. The fall is c. 12 metres over a distance of c. 60 metres, from the rear boundary of the site to the front. This is typical of the housing estate, which has a number of split-level houses, built over two or three levels, built into the steep slope. The houses on the south side of the housing estate are elevated, and typically have long front driveways, flat roofs or shallow pitched roofs, and picture windows and first floor front balconies to benefit from sea views.
- 1.2. The house is built into the incline, and formed of two volumes. The front block contains living accommodation over a converted garage, with a staircase connecting the living area and the higher rear block, which contains three bedrooms and bathrooms. The converted garage is accessible from the exterior, but there is no internal connection to the rest of the house. The house has a two-storey elevation to the road, with a full-width veranda-style terrace over the converted garage. The single-storey bedroom block is not immediately visible from the public road, as it is set back some 10 metres from the front elevation. The house has a single-storey elevation to the rear, with a conservatory extension running the full width of the house, accessible from one bedroom and from the rear garden. The house has c. 160 sqm of living accommodation, not including the converted basement garage (40 sqm) or the conservatory (20 sqm), or windowless storage rooms (c. 15 sqm) to the rear of the living accommodation.
- 1.3. The site is bordered to the west by 35 Knocknacree Park (a bungalow with a pitched roof), to the east by 32 Knocknacree Park (similar in form and character to no 33), and to the south by the rear gardens and tennis court of Ardburgh House, a protected structure on an elevated site, visible from the public realm of Knocknacree Park.

2.0 Proposed Development

2.1. It is proposed to demolish the existing house, and construct a new three-bedroom house of c. 371 sqm with accommodation as follows:

- Basement (ground floor to front elevation) spa with steam room, sauna, and hot tub (124 sqm)
- Garden level (first floor to front elevation) living accommodation (142 sqm) with French doors leading to newly excavated rear and side terraces
- First floor (second floor to front elevation) bedroom accommodation (105 sqm) with 3 bedrooms, each leading to front or rear balcony
- Excavation of part of site to facilitate expanded basement, garden level floor, and rear and side terraces
- Alterations to front and side boundary treatments and landscaping

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

1. Having regard to the nature of the proposed development, which comprises of the demolition and reconstruction of a residential dwelling, would not be in accordance with Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in that a strong justification has not been provided for the demolition of the existing dwelling on site, nor has it been demonstrated that the existing dwelling has fallen into such a state of disrepair to render it uninhabitable. Furthermore, the proposed development, if permitted, would set an undesirable precedent for the demolition of existing dwellings and would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- Report dated 22/10/24 noted in particular the submission of an Energy & Sustainability Report by the applicant, the condition of the house, and Development Plan policy on replacement of dwellings, and recommended a refusal as above. Considered proposal appropriate having regard to residential amenity.

3.2.1. Other Technical Reports

- Transportation Planning – no objection subject to conditions
- Drainage Planning- no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

17 received, from neighbouring residents at Knocknacree Park. Issues raised were subsequently addressed in observations to the appeal.

4.0 Planning History

4.1. On site

- PL06D.314950 (D22A/0576)

Demolition of the existing 1960's two storey over sub-basement single detached dwelling and the construction of a new 3-bedroom three storey over sub-basement single detached dwelling, all ancillary services and site works.

Permission refused by the Board (following a first party appeal against refusal) for the following reasons:

1. The proposed development, which includes the demolition of the existing dwelling and the construction of a replacement dwelling, would be contrary to Section 12.3.9 (Demolition and Replacement Dwellings) and Section 3.4.1.2, Policy Objective CA6 (Retrofit and Reuse of Buildings) of the Dun Laoghaire-Rathdown County

Development Plan, 2022-2028, where it is the policy of the planning authority to require the retrofit and reuse of existing buildings rather than their demolition and reconstruction where possible. Furthermore, the proposed development would, if permitted, set an undesirable precedent for similar type development in the area in the absence of a strong justification for the demolition of the existing habitable house at number 33 Knocknacree Park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The application site is zoned Objective A - 'To provide residential development and improve residential amenity while protecting the existing residential amenities' - in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Having regard to the sloping and elevated configuration of the site and the proximity of dwellings to the east and west, the proposed development would, by reason of its height, design, massing, fenestration and terracing, be physically overbearing and excessively overlook adjoining properties. The proposed development would be visually dominant when viewed from its surroundings, would seriously injure the visual and residential amenities of the area and of property in the vicinity of the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. Recent and relevant decisions

4.2.1. Recent applications for demolition of houses:

- ABP-319835-24 (D23A0819) – permission refused for demolition of 176 sqm bungalow and garage, to facilitate construction of a 250 sqm two-storey house with dormer attic at Merville Avenue, Stillorgan, for one reason, non-compliance with Policy Objective CA6 and the requirements of Section 12.3.9 of the Development Plan.
- D24A/0667/WEB – permission granted for demolition of single-storey dwelling and construction of two-storey dwelling subject to conditions at 73 Quinn's Road, Shankill.
- ABP-319952-24 (D23A/0662) – permission granted for demolition of 127 sqm dormer house and construction of a new 212 sqm dormer dwelling in the grounds of a protected structure. (Seacroft Mews, Seafield Road, Killiney)

- ABP-313301-22 (D21A/0835) (Sanford, Green Road, Dalkey) – permission granted for demolition of 140 sqm dormer house and construction of replacement dwelling of 442 sqm.
- D22A/0202 – permission granted for demolition of two-storey dwelling and garage and construction of 39 apartments at 45 Woodlands Park, Blackrock.

4.2.2. Recent applications in Knocknacree Park:

- REF1824 – Works deemed exempt under Section 5 referral for elevational changes, window and door replacement, internal remodelling, at 38, Knocknacree Park, Dalkey, Dublin, A96C9Y3
- D23A/0672 – permission granted for 75 sqm rear extension, internal alterations, external insulation and elevational changes, and site works, at 26, Knocknacree Park, Dalkey, Dublin, A96K8R9
- D23B/0243 – permission granted for two-storey extension, new balcony, and elevational changes at 20, Highland Lodge, Knocknacree Park, Dalkey, Dublin, A96W2T4
- D22A/0612 – permission granted for alterations including small extension, enclosure of garage, conversion of store room to home office, changes to floor levels, changes to roof height and pitch, elevational changes, energy upgrades including heat pump, at Selskar, 23 Knocknacree Park, Dalkey, Co Dublin, A96V8X7

4.2.3. The below application was granted under the previous Development Plan:

- D20A/0116 – permission granted for demolition of house and construction of semi-detached pair of houses in its place, at 29 Knocknacree Park, Dalkey, Co. Dublin A96 K7Y5

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-28

- 5.1.1. The zoning objective for the subject development site is “A”: To provide residential development and improve residential amenity while protecting the existing residential amenities. Residential is permitted in principle as a land use in this zoning.
- 5.1.2. Chapter 3 deals with Climate Action.

Policy Objective CA5: Energy Performance in Buildings It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.

Policy Objective CA6: Retrofit and Reuse of Buildings

It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

- 5.1.3. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20: Protection of Existing Residential Amenity. It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is

protected where they are adjacent to proposed higher density and greater height infill developments.

As part of a long section 4.3.1, the following text is included:

The Council will encourage the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type - particularly those in areas consisting of exemplar 19th and 20th Century buildings and estates (see Chapter 3, Policy Objective CA6 and Chapter 12, Section 12.3.9).

Chapter 11 Heritage and Conservation contains policies regarding demolition as follows:

11.4.3.2 Policy Objective HER20: Buildings of Vernacular and Heritage Interest It is a Policy Objective to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
- ii. Encourage the retention and/ reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features.
- iii. Ensure that appropriate materials be used to carry out any repairs to the historic fabric.

11.4.3.3 Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features: 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.

5.1.4. Chapter 12 gives detailed guidance on Development Management.

Section 12.3.9 Demolition and Replacement Dwellings

The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares. Applications for replacement dwelling within the rural area will be assessed under the provision of Section 12.3.10.4.

Section 12.2.1 Built Environment states

The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible (Refer also Section 12.3.9 Demolition and Replacement Dwellings). Where this

cannot be achieved, the Planning Authority will support the use of sustainably sourced building materials and the reuse of demolition and excavated materials.

5.2. Natural Heritage Designations

Rockabill to Dalkey SAC – 900 m east

Dalkey Islands SPA – 700 m east

Dalkey Coastal Zone and Killiney Hill pNHA – 200 m south

5.3. EIA Screening

See completed Form 1 and 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received against refusal, on behalf of the applicant. This appeal was accompanied by the following documents in support:

- Sustainability Report and BER Addendum
- Structural Assessment
- Condition Survey Report
- Conservation Appraisal
- Architectural Design Statement

Issues raised included the following:

- The applicant intends to demolish this dated dwelling without any architectural merit and replace it with a bespoke energy efficient home which responds to the site and the setting

- The proposed house is an appropriate response to the site, and would have no negative impacts on neighbours or on visual amenities
- The existing house contains a number of design deficiencies, with insufficient floor-to-ceiling height, poor connection from the living areas to the rear garden, steep inclines, and bedrooms internalised by an external glasshouse
- A structural inspection revealed significant concerns regarding the built fabric, including excessive deflection in floors, corroded columns to the balcony canopy, deteriorating roof structure, moisture entrapment to the external walls, blocked external vents, damp, cracking in ceilings, asbestos, and differential settlement.
- A Condition Survey Report found that the property appears to be in a satisfactory condition from a structural perspective, although it did not rule out concealed timber decay, and noted poor insulation, dated condition, and various shortcomings and maintenance, repairs, and improved works required. It concluded that serious consideration should be given to demolition and rebuild, taking into account shortcomings in relation to Part M and the building's layout.
- A sustainability report indicates that the existing dwelling has a BER of F, with potential to upgrade to a BER of B2 with refurbishment and extension. A new build A1 rated home is more sustainable in the long term (after 17 years), even taking into account the embodied carbon in the more extensive build.
- A number of developments are put forward as precedent for the justification of demolition: D24A/0667/WEB (73 Quinn's Road, Shankill) ABP-319952-24/D23A/0662 (Seacroft Mews, Seafield Road, Killiney) ABP-313301-22/D21A/0835 (Sanford, Green Road, Dalkey) D19A/0505 (Thornfield, Westminster Road, Foxrock) D22A/0202 (45 Woodlands Park, Blackrock). Nearby developments D04B/0779 (38 Knocknacree Park), D15A/0636 (27 Knocknacree Park) and D20A/0116 (29 Knocknacree Park) D19/0125 (26 Knocknacree Park) show the emerging character of the housing estate.
- The proposal complies with all Development Plan policy, Ministerial Guidelines, and national policy.

6.2. Planning Authority Response

- The planning authority requested the Board to take account of PL06D.319835 (D23A/0819), refusal for demolition of dwelling to facilitate construction of a replacement dwelling at 19 Merville Avenue.

6.3. Observations

6.3.1. Sixteen observations were received, all from residents of Knocknacree Park.

John and Dee Flynn

- CGI indicates building will be visually obstructive on Ardbrugh House, a protected structure
- Repeat application with very little changed to unacceptable height and design – CGI images of proposal provided
- Council policy favours deep retrofit, which is as achievable here as in other houses in the estate
- Permission D15B/0176 (next door) shows alterations possible
- No evidence presented that structure is unsound or uninhabitable – estate agent's photos from 2020 show house in good order
- Board Inspector has determined that estate has established character, distinct houses, and pattern of development of 1-2 storey houses.
- No justification for demolition in light of climate crisis, housing crisis, and policy framework
- Both refusal reasons from previous Board refusal are applicable in this case
- Misleading and incorrect information in the application and appeal, lack of independent impartial surveys
- Works like this should not be permitted in the middle of a housing estate for safety reasons – heavy duty excavation and demolition unprecedented
- Significant error in measurement in planner's report (p. 16) has underestimated 4.1 metre height increase

- No community support for application
- Precedents presented by appellant irrelevant

Knocknaree Park Residents Association

- Majority of houses in Knocknacree Park were designed by an Irish architect (Dermot Kennedy) on his return from the US, who was influenced by 1950s/1960s Modern Californian style over there.
- Unnecessary destruction of a habitable and unique dwelling
- Proposed replacement dwelling is out of all proportion to existing character
- Environmental impact of demolition/replacement strategy
- Good examples of refurbishments/upgrades in the area

Malcolm Connelly

- Similar proposal already refused
- Proposal would undermine architectural integrity of the estate due to size and prominent position
- Risk of damage to adjoining properties

George, Louise Brady & Ors (31 & 32 Knocknacree Park)

- The excessive height, bulk and scale of the new house would have undue impacts on both 31 and 32 Knocknacree Park, having regard to overlooking, overbearing and overshadowing. The height increase of the front block would be over 4 metres, and the development should be refused due to serious injury to visual and residential amenities and the streetscape.
- House is not only habitable but is an exemplar split-level 1960s dwelling, which was in show-home condition in estate agent's media of 2020, and (like no 32, of similar construction) is extremely structurally sound. Photos submitted with appeal are unrepresentative, and precedents cited are not relevant.
- Proposal is contrary to planning policy, and does not satisfy criteria set out in Section 12.3.9 or comply with Policy Objective CA6: Retrofit and Reuse of Buildings. Applicant has not overcome reason for refusal. The Structural Assessment recommending demolition was authored by a third year engineering

student. The recommendation to demolish the house rather than retrofit it is not based on engineering evidence, it is a mere preference of the applicant. Insufficient account has been taken of extensive excavation and spoil removal.

- A material contravention statement should have been submitted
- Noise and vibration impacts of construction and excavation (of solid granite), and potential impacts on neighbouring structural stability, have not been considered.

Rachel Bell

- No evidence justifying demolition
- Height increase of 4 metres would cause an abrupt change, destroying visual harmony and established pattern of development
- Massive disruption from excavation and demolition in a sensitive location
- Houses are distinct and have architectural merit and character as determined by An Bord Pleanála
- Proposal has already been refused on this site

Gerard and Agnieszka Whelan

- Appeal data is misleading, with incorrect and unsubstantiated assertions
- Unneighbourly proposal with no community support
- Demolition unjustified – house is structurally sound and habitable, and of distinctive character, sustainability argument is not based in fact. Houses in estate have achieved A2 or B1 BER.
- Poor design with excessive height (miscalculated by council planner) causing overlooking and visual impacts
- Contrary to national legal and policy framework
- Precedents cited are irrelevant

Kristen Dehn

- The appellants lack respect for architecture, their neighbours, and the planning authorities, purchasing a habitable mid-century house with the intention of demolishing it

- Demolition has not been justified, with the submitted reports noting that the building is habitable and appears to be in satisfactory condition
- No adequate independent and impartial survey from a Chartered Structural Engineering firm has been submitted
- It has not been shown that the site is suitable for excavation
- The proposal is a poor-quality design lacking in visual harmony with the street, significantly taller than the surrounding split-level houses, shoehorned into a narrow site
- Balconies and high windows would cause excessive overlooking
- An Bord Pleanála has determined that Knocknacree has distinct houses. Should the appellants not appreciate the house, they could buy elsewhere.

Sylvia Teskey

- Strong justification for demolition not provided
- Several houses in the estate have been successfully retrofitted and refurbished, demolition is unwarranted and would be a poor precedent
- Design and size of replacement dwelling is not sensitive to its surroundings, with adverse impacts
- Knocknacree Park is unique, and worthy of attention, proposal would permanently damage the integrity of its mid-century California-style character – no 29 is a poor precedent.
- Front elevation would be 4 metres taller, excessively obtrusive and overbearing structure with an abrupt change to the established and unique pattern of development

Mark Taylor

- My house (no 7) referred to by DLRCC planner as having eroded the uniform nature of the street. My house was not demolished, but extended and renovated. Planner's assertion is incorrect
- No evidence presented that the house is structurally unsound or uninhabitable

- The height increase of 4 metres would cause an abrupt change, destroying visual harmony and established pattern of development
- Massive disruption from excavation and demolition on a sensitive site
- Houses are distinct and have architectural merit and character as determined by An Bord Pleanála
- Proposal has already been refused on this site
- Development would not support climate action or the housing crisis

Paul Engel

- Repeated application does not address previous refusal
- Any defects in the property are due to neglect, easily remedied, and demolition is not justified.
- The acknowledged architectural value of the road would be severely damaged by the proposed eyesore
- Increased height would also cause undue overlooking
- Months of noise and dust pollution from massive energy intensive excavation

Lisa Gaughran & Garrett Whelan

- Refurbishment and retrofitting preferable and possible
- Estate has established benchmark height of 1-2 storeys (notwithstanding poor precedent of no 29)
- Concerns regarding construction impacts not addressed
- Height will cause undue overlooking, overshadowing, and depreciation of house prices

Markus Grimmeisen

- No justification for demolition
- Three-storey replacement building excessively high, detrimental to residential amenity and would depreciate property value.
- Houses are distinct and have architectural merit

- Demolition and excavation would cause disruption

Brian McCabe & Niamh Ryder 35 Knocknacree Park

- Proposed design has excessive front massing
- No substantive changes to overcome previous reason for refusal
- Proposal does not comply with policy CA6 or PHP19
- The house requires typical refurbishment, and can achieve high A-B rating (like neighbouring houses). Sustainability reports misrepresent benefits of demolition and reconstruction. Proposed spa and sauna facilities have a high energy use intensity.
- No evidence presented that house is structurally unsound or uninhabitable.
- Excessive height, bulk, and mass, leading to overshadowing, overbearing impacts, and overlooking
- No consent given for proposed underpinning
- Risks and impacts of excavation to property and health are significant and not properly assessed
- Lack of clarity in application, including retention and upgrading of existing garden shed (cabin)

Joanna Michalec & Robert Byrne

- Knocknacree Park is a unique streetscape, a regular route for tourists, and all works should be sympathetic to its architectural character
- While improvements in energy efficiency are necessary, these works should be sympathetic and respect the original architectural heritage and the topology.
- As owners of 26 Knocknacree Park, we did not implement permission D19A/0125, for fear of losing mid-century character, and reapplied for D23A/0672.

Niall Bourke

- Proposed design has too much mass at the front, out of character with the estate, which has a distinct architectural style

- Recommendation to demolish based on unsubstantiated assertions
- Surveyors report and Structural Engineer's report are contradictory

Andrew Walsh & Ilana Hastings

- The architect of Knocknacree Park was influenced by the 'Case Study Movement' in the US, and the estate has a coherent architectural style. The appellant has a lack of appreciation or understanding of the asset value of the building. The architect's lack of membership of the RIAI in the 1960s is a moot point. The conservation report was not prepared by a Grade 2 or Grade 1 conservation architect.
- The proposed development is excessive in height and massing, particularly to the front.
- No 29 is a poor precedent, and other cited precedents are irrelevant
- The appeal misrepresents the environmental and financial benefits of carrying out substantial excavations and demolishing a substantial house and replacing it with a house of twice the size which has energy-intensive spa facilities, compared with availing of the government subsidised retrofit scheme
- The condition survey notes the existing dwelling appears to be in a satisfactory condition structurally, listing only minor issues.

6.4. Further Responses

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The principle of demolition
- Impacts on neighbouring residential amenity

- Impacts on visual amenity

7.1. The principle of demolition

- 7.1.1. The appellant puts the case that the demolition of the house is warranted on a number of grounds: the house is of no particular architectural merit; it is in poor condition; the house is of poor design and layout; and there are energy benefits to the demolition of an F-rated house and its replacement with an A-rated new home.
- 7.1.2. Policy Objective CA6: Retrofit and Reuse of Buildings is to require the retrofitting and reuse of existing buildings, rather than their demolition and reconstruction '*where possible*'. Section 12.3.9 provides further guidance, reiterating the preference for deep retro-fit, and noting that in applications for one-for-one replacement, the planning authority will assess each application on a case by case basis '*and may only permit such developments, where the existing dwelling is uninhabitable*'.
- 7.1.3. The appellant points out (p. 77 of their appeal) that the use of the word 'may' rather than 'will' implies that it is not a definite requirement that a house be uninhabitable, but that proposals for one-for-one replacement will be considered on their merits and on the strength of justification provided. This was the interpretation of the planning inspector in ABP-319835-24 (D23A0819); however, the Board in that case considered it to have a conditional meaning; if a dwelling is found to be uninhabitable, then the planning authority may permit a replacement dwelling.
- 7.1.4. I consider Section 12.3.9 to be an ambiguous piece of text. However, Policy Objective CA6 is quite clear that retrofitting and reuse of an existing building is required, where possible, rather than demolition and reconstruction. As such, I consider that a high threshold is set for demolition of a house. Should retrofit and reuse be possible, that is the path that is required by the Development Plan.
- 7.1.5. The appellant has submitted a number of reports in support of their proposal, enumerated above. None of these reports state that retrofit and reuse is not possible. All but one of these reports (the condition survey report) recommend demolition of the house.
- 7.1.6. The Sustainability Report and the BER Addendum Report compare the existing house with the proposed new-build house for which plans have been submitted

- 7.1.7. There is a discrepancy between the floor area as per the application form and drawings (371 sqm) compared with that for the proposed new house in the BER Addendum report, which is stated at 404 sqm. It is possible that this was arrived at by erroneously including the upper floor terraces as internal areas in the calculations, as this would give a figure of 404 sqm. The proposed extended and retrofitted house is of the same floor area (404 sqm). This latter proposal achieves a B2 BER. I note no drawings of the proposed (substantial, first-floor) extension are provided.
- 7.1.8. The BER report for the refurbished and extended house shows an improved U value for walls, roofs, and windows. It makes no apparent change to the existing solar panels, the existing copper hot water cylinder with a loose jacket, or the existing boiler (which the condition survey noted are each nearing the end of their life expectancy, at c. 25 years, c. 25 years, and c. 15 years old respectively, and recommended replacing or reviewing). The BER report for the refurbished and extended house also retains the existing 48 incandescent light bulbs, rather than replacing them with more efficient LED or CFL bulbs, which would be a typical energy saving measure. Nonetheless, it achieves a B2 BER.
- 7.1.9. I note the appellant's premise that the construction of a new A1 rated dwelling would (in the medium term) be more sustainable than the refurbishment and extension of the existing dwelling. The Life Cycle Assessment (LCA) notes that the embodied carbon of the proposed house would be nearly 3 times the embodied carbon of the refurbished and extended house. It notes that the operational carbon of the proposed house is less than a tenth of the refurbished and extended house, leading to ongoing savings.
- 7.1.10. I note again that both the BER assessment and the LCA report theorise a considerable extension to bring the existing house up to the 404 sqm floor area of the proposed house. While it is understandable that the appellant wants to make a like for like comparison, I do not accept the premise that the available options are either the construction of a c. 400 sqm house, or the extension of the existing house to match that figure; while this may be the preferred house size of the appellant, it is not a figure of particular relevance having regard to the assessment of the proposal against Policy Objective CA6. The substantial extension would make a large contribution to the embodied carbon of the refurbishment and extension option; it

would also require additional energy to run, and emit additional operational carbon in operation.

- 7.1.11. The Architectural Design Statement sets out that the existing house has design deficiencies, with a lack of connectivity between the living space and the private amenity space; a balcony exposed to public view; bedrooms internalised by the conservatory; unsafe pedestrian access (shared with the vehicular access) up a steep incline, with steps to the side of the house; and a substandard floor to ceiling height in the basement (formerly the garage), precluding the location of a part M-compliant access.
- 7.1.12. I do not consider the design of the house to be so substandard or unconventional as to merit its demolition. Access to the rear garden from the main entrance (set in the side elevation of the house) is provided by a series of shallow steps, while a door from the kitchen leads up a stepped side passageway to the rear garden. While direct access from living rooms to outdoor amenity areas is expected in the design of new dwellings (and it is a policy requirement for apartments, set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020*) a more convoluted route is not unheard of in houses that predate modern design standards. Furthermore, the living area has direct access to the balcony.
- 7.1.13. The front balcony does not provide visual privacy, but given the south-facing rear garden, this is less of an issue than it otherwise would be. The conservatory (a later addition) runs the full width of the rear elevation. As a fully-glazed structure, it does not interfere unduly with daylight to the south-facing bedrooms, which remain well lit. In any case, it could be dismantled or reduced in size without demolition of the house as a whole. Similarly, the separate pedestrian gate could be inserted in the front boundary without requiring the demolition of the house, although I do not consider a shared vehicular/pedestrian gate to a single house to be inherently unsafe.
- 7.1.14. The applicant states that the proposed new house has additional benefits over the existing, as the proposed house will provide a part-M compliant access, while the existing house has a front door accessed via a steep driveway, and then a flight of steps. I note the proposed front door gives level access to the spa level only; the living accommodation is accessed via a full flight of stairs (or a steeper external

staircase). As such, while the proposed house complies with the letter of part M, providing step-free access to the house, it appears to provide negligible benefits in terms of accessibility to living accommodation, as there is not step-free access to the living areas.

- 7.1.15. The basement is not internally connected to the living accommodation, and the entrances to the living accommodation (the hall door and kitchen door) are accessed via shallow (though irregular) flights of external steps. The low floor to ceiling height in the basement does not appear to preclude the provision of an internal staircase, should that be required.
- 7.1.16. Regarding the low floor to ceiling height of the basement area (c. 1.84 metres in the architect's drawings, 2.13 metres in the BER addendum report), given the generous floor to ceiling heights of the main living areas, I do not consider this to be a significant issue from the perspective of residential amenity or access. Low floor to ceiling heights are not unusual in basements of older houses.
- 7.1.17. On the whole, while the house has unusual aspects in its layout and design, the applicant has not demonstrated that it is so idiosyncratic or deficient that demolition is warranted. I do not consider the layout and design of the existing house to constitute a strong justification for its demolition.
- 7.1.18. Regarding the structural integrity and habitability of the house, the Structural Assessment notes a large number of 'observed defects' and recommends further investigations on a number of issues: excessive deflection in the lintel over the converted basement opening; potentially undersized columns to the front canopy; excessive bounce and noise of the floor joists, possibly caused by end rot or undersized joists; identification of the cause of internal cracking, which may be caused by 'differential settlement due to variable geotechnical conditions across the sloped site'. A geotechnical investigation is advised.
- 7.1.19. The internal ceiling cracking is attributed both to the possible structural issues requiring further investigation, and to 'a noticeable dip in the roof' which may require removal and replacement of the roof. The Condition Survey Report attributed ceiling cracks to 'some slight movement in the roof' during stormy weather, and estimated the roof membranes to be 30 years old, and recommended stripping and fully recovering in the short-term future. That report noted 'no sagging or deflections

evident in any of the roof planes' and noted that they appeared to be structurally sound, the author having walked across them.

- 7.1.20. In the absence of certainty regarding the cause of the internal cracking, and in the absence of further geotechnical investigations as recommended, the recommendation for demolition in the Structural Report is not based on the contents of the report.
- 7.1.21. The Condition Survey Report recommends that serious consideration should be given to a complete demolition and rebuild of the property, due to the extensive nature of refurbishment required, the inadequacies and shortcomings of the existing building, and the requirement of the owners for more space; however, it does conclude that the property appears to be in a satisfactory condition from a structural perspective. As noted above, I do not consider the shortcomings in layout and design to be fatal flaws, nor do I consider the appellant's requirement for significantly more accommodation to be relevant to the issue of demolition.
- 7.1.22. I note the appellant has put forward a number of cases as precedent for a grant; there are also a number of precedents for refusal, and each case must be assessed on its merits. Having regard to the information on file, and having regard to Policy Objective CA6 and Section 12.3.9, it has not been demonstrated that retrofitting and reuse of the house is not possible, and no strong justification is given for its demolition. As such, I find a refusal is in order.

7.2. Impacts on neighbouring residential amenity

- 7.2.1. A number of observers (neighbouring residents) have expressed concerns regarding overlooking, overshadowing, and overbearing impacts. The previous proposal was refused for being overbearing and for excessively overlooking adjoining properties.
- 7.2.2. The planner's report considered that as the proposed dwelling was lower than the previous proposed dwelling, it had overcome that reason for refusal. I note however, that while the maximum height is lower than in the previous proposal, the form is different, with a greater increase in volume towards the front of the dwelling. I note that the submitted section drawing 24-04-FH-00-ZZ-SH-A- shows the profile of the previous proposals (as refused, and the revised proposal submitted to the Board).

However, the drawing does not show the profile of the existing house, nor do any plans superimpose the footprint of the proposed house on the existing.

- 7.2.3. Having regard to overlooking impacts, I note that there is an existing degree of mutual overlooking in this suburban environment, with houses having views of those properties downhill, as well as having typical views of private open space on either side. The front balcony at the upper floor level would create increased overlooking impacts over the houses to the north, relative to the existing environment, due to its increased height. Given the distances (over 40 metres front-to-front) and the street-facing nature of the windows and gardens, I do not consider that these impacts would be significant.
- 7.2.4. Regarding the houses on either side, given the high level windows to the flank walls, and the orientation of each house with their main living space and large windows to the front and rear of their site, I do not have undue concerns about overlooking from the proposed new windows. Due to the level changes and proposed excavations, the proposed top floor terrace to the rear would be just two metres (approximately) higher than the existing rear terrace. Given the sloping nature of the rear gardens, the impacts on neighbouring gardens on either side would not be oppressive, as the neighbouring gardens would be looking down on the terrace (where not obscured by boundary treatments).
- 7.2.5. Regarding impacts on daylight and sunlight, I have considered the submitted *Daylight Analysis and Overshadowing* document submitted with the application, and the third party observations. There would be some additional overshadowing of adjoining properties. However, this overshadowing would be transient, and within acceptable limits, and the neighbouring properties would continue to enjoy good sunlight, with well over 50% of the gardens having 2 hours of sunlight on 21st March, in line with the BRE Guidelines.
- 7.2.6. Regarding impacts on daylight to neighbouring windows, the daylight assessment submitted shows that daylight would increase to all 4 windows tested, in the neighbouring flank walls. This appears unlikely, given that there is an increase in height of the proposed house in the midsection of the site, and the distance from the boundary appears similar. It appears that the columns ('existing' and 'proposed') have been transposed in Table 12 in the Daylight and Sunlight report. It has not

been demonstrated that impacts on daylight would be acceptable. This issue (the discrepancy in the table, which shows daylight levels increasing to each of the four neighbouring windows) could be considered a new issue, as it has not been addressed in the submissions. However, given the substantive reason for refusal, I do not recommend that the Board pursue the matter further.

7.2.7. Regarding overbearing impacts, the proposed house has a greater height increase in the centre and towards the front. Excavation of the site is proposed to create a lower rear garden, and the rear elevation of the proposed building does not project behind the existing rear building line (which the previous proposal did). Given the layout of no 35 Knocknacree Park, which has a garage on the boundary, and a largely blank gable facing the site, I do not consider that there would be any undue overbearing impacts on that property. The impacts on 32 Knocknacree Park would be greater, due to the greater proximity to that boundary, and due to the orientation and layout of 32 Knocknacree Park. The 'front door' to this property is located in this side elevation, as is the kitchen window. I note that the front door is recessed between the two volumes of the house, and currently has constrained views between these flanking walls. Given the existing outlook I do not consider the impacts to be so deleterious as to merit (in themselves) a refusal on the neighbouring site. However, I note that the combined impacts on the entrance, the kitchen window, and the front bedroom window in particular, appear considerable. The upper floor, which is c. 4 metres higher than the existing front block, projects c. 9 metres beyond the neighbouring bedroom window. Should the Board consider a grant, an amending condition to set the upper floor back would be appropriate, to mitigate overbearing impacts on no 32.

7.3. Regarding impacts from construction, excavation, and demolition, these could be addressed with a Construction and Environmental Management Plan. I noted existing construction and demolition taking place both within the estate and on adjoining sites on Ardburgh Road on the date of the site visit.

7.4. Impacts on Visual Amenity

7.4.1. There are a number of protected views and prospects in Dalkey in the Development Plan. There is a protected view from Ardburgh Road towards Dalkey Harbour,

directly above the subject site. Due to the steep topography, and the boundary treatment at this point, this protected view would be unaffected by the proposed development.

- 7.4.2. The proposal would block views of Ardburgh House (a protected structure) from within the estate. While this is an attractive heritage structure, which contributes to the visual amenity and character of the area, these are not protected views, but incidental views.
- 7.4.3. Regarding localised impacts on visual amenity, a number of observers state that the house occupies a prominent position. Due to the layout of the estate, and the planting to front gardens, it does not feature prominently in long views along the spine road. Similarly, due to planting on the green, it is partly shielded from views from the entrance. Visual impacts would be localised. The photomontages submitted do not include a view from the green itself, or from the road to the west, but do show visual impacts immediately in front of the site. There is significant variety in materials, roof profiles and built form in the estate, and as such there is flexibility in what might fit in on this site. However, I do not consider the proposed design to be an appropriate design for the site, given the significant increase in height to the front part of the building. This would create an incongruous effect, and be visually obtrusive and eye-catching, located between two buildings of considerably lower character.
- 7.4.4. Having regard to the assessment above, the impact on visual amenity in general, and the overbearing impacts on no 32, I recommend a refusal.

7.5. Other Issues

- 7.5.1. I note that Policy Objective CA6 applies to all existing buildings, and is in addition to Policy Objectives to encourage the retention of buildings of heritage interest. I note that the planning authority did not refuse permission for contravention of policies relating to buildings of interest or exemplar buildings (Policy Objective HER20 and Policy Objective HER21), while a large number of observers consider it a distinct house with architectural merit.
- 7.5.2. I note however that the wording of these Policy Objectives is to encourage retention of such buildings, rather than to require their retention. As such I do not find the

architectural merits or otherwise of the building to be of salient interest in the consideration of this appeal. The onus is on the Local Authority to encourage retention; rather than on the owner to retain such buildings.

8.0 AA Screening

- 8.1.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The proposed development includes the demolition of an existing habitable house and the construction of a replacement dwelling, which would be inconsistent with Policy Objective CA6: Retrofit and Reuse of Buildings or Policy Objective PHP19: Existing Housing Stock - Adaptation, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in that a strong justification has not been provided for the demolition of the existing dwelling on site, nor has it been demonstrated that the existing dwelling has fallen into such a state of disrepair to render it uninhabitable. Furthermore, the proposed development, if permitted, would set an undesirable precedent for the demolition of existing dwellings and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The application site is zoned Objective A - 'To provide residential development and improve residential amenity while protecting the existing

residential amenities' - in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Having regard to the proximity of the proposed dwelling to the boundary with no 32 it would, by reason of its height, design, and massing, have overbearing impacts on that property. The proposed development would be visually dominant when viewed from its immediate surroundings, would seriously injure the visual and residential amenities of the area and of property in the vicinity of the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Natalie de Róiste
Planning Inspector

12 February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321283-24		
Proposed Development Summary	Demolition of existing dwelling for the construction of a new dwelling and all associated site works		
Development Address	Coolkeel, 33 Knocknacree Park, Dalkey, Co. Dublin, A96 V250		
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	☒	Class 10(b)(i) Construction of more than 500 dwelling units	Proceed to Q3.
No	☐		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	☐		EIA Mandatory EIAR required
No	☒	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	☒	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold	Preliminary examination required (Form 2)

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

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321283-24
Proposed Development Summary	Demolition of existing dwelling for the construction of a new dwelling and all associated site works
Development Address	Coolkeel, 33 Knocknacree Park, Dalkey, Co. Dublin, A96 V250
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Demolition of one house, to facilitate construction of another, all associated site works. The size is not exceptional. The development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The location is a suburban environment, built up area. The development would not have the potential to significantly impact on an ecologically sensitive site or location.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no likely significant effects on the environment.
Conclusion	
There is no real likelihood of significant effects on the environment. EIA is not required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)