

An
Bord
Pleanála

Board Direction
BD-012081-23
ABP-312918-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/05/2023.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. Given the layout and configuration of the first-floor apartment as part of the design, the proposed development would result in a substandard amenity space for the future occupants of this apartment as the balcony area is not directly accessible from the living room and would be fitted on all sides with high-level frosted glass screen, evidently proposed to protect adjoining residential amenity, resulting in a poor outdoor amenity area and also poor aspect from Bedroom No.2. The Board noted the proposals for additional private amenity space, further detailed at appeal stage, in the form of subdividing the existing rear garden associated with the existing house, into two plots, and noting that these spaces do not adjoin and do not provide a functional relationship with the main living areas of either of the apartments that they would serve, and would be removed from the first floor apartment by one level, concluded that the amenity space proposed at ground level could not be reasonably considered as good quality private open space to serve the apartment at first floor level in particular. The proposed development would therefore be contrary to the provisions with respect to private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020, that are

required to be met in accordance with Section 12.8.3.3(ii) (Private Open Space for Apartment Developments) of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028.


2. One of the drawings submitted [Applicants drawing reference (--)-02D] indicates that the proposed balcony at first floor level leads to a fire escape, though no details of any proposed fire escape structure are shown on the drawings as is required in Section 12.3.7.2 (Sub-Division of Dwellings) of the Development plan. The Board were unable to ensure that the proposed fire escape would not have a negative impact on visual or adjoining residential amenities. Furthermore, based on the level of detail on the drawings and documents submitted, including absence of landscape detail, the Board was not satisfied that the development would result in a Design and landscaping of a high standard for a quality visual environment as is also required for the sub-division of dwellings under Section 12.3.7.2 of the Development Plan.
3. The vehicular entrance is proposed to be widened from 2.8m to 6m along Ulverton Road. Two car spaces are proposed to be accommodated at the front, each measuring 3m x 5m and cars would reverse directly onto the road. The design of this element is not in accordance with the requirements for car parking and entrance layout required under Section 12.4.8 Vehicular Entrances and Hardstanding Areas (i) General Specifications of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028, which instead requires a vehicular entrance to be a maximum of 4m in width and each car space to have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary. Accordingly, the Board was not satisfied that the entrances and exits are designed to avoid traffic hazards for pedestrians and passing traffic.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not share the view of the inspector that subject to compliance with the

conditions outlined in the recommended grant of permission, the proposed development would provide an acceptable standard of residential amenity to future occupiers by reference to the private amenity space proposed could not be considered as good quality private open space to serve the apartment at first floor level and would not meet the private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020 or the provisions of Section 12.8.3.3(ii) (Private Open Space for Apartment Developments) of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028. In addition, the Board noted the lack of detail in respect of the indicated fire escape that appears to lead from the balcony and that of landscaping and was not satisfied that the proposed fire escape would not have a negative impact on visual or adjoining residential amenities or that the development would result in a Design and landscaping of a high standard for a quality visual environment as is also required for the sub-division of dwellings under Section 12.3.7.2 of the Development Plan. Furthermore, the Board was not satisfied that the vehicular entrance as widened and the car parking configuration were designed in accordance with the requirements for car parking and entrance layout required under Section 12.4.8 Vehicular Entrances and Hardstanding Areas (i) General Specifications of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028, and accordingly, did not share the view of the inspector that the proposed development would not lead to a traffic hazard.

Board Member


Patricia Calleary

Date: 05/05/2023

