

An  
Bord  
Pleanála

**Board Direction**  
**BD-014738-23**  
**ABP-314653-22**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/11/2023.

The Board decided to make a split decision, to

- (1) grant permission (subject to conditions) for the refurbishment of Blackrock House

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for the erection of Blocks A and B

for the reasons and considerations marked (2) under.

### **Reasons and Considerations (1)**

Having regard to the existing residential use of Blackrock House and the need to upgrade and refurbish the building to improve residential health and safety, it is considered that, subject to compliance with the conditions set out below, the refurbishment of the building and the creation of an additional four apartments within it, would not impact negatively on the amenities of the area, would not be prejudicial to public health, would not constitute a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 particulars.

**Reason:** In the interest of clarity.

2. This permission relates solely to the refurbishment of Blackrock House and specifically excludes development of Blocks A & B – which areas shall remain as communal open space for the use of residents of Blackrock House.

**Reason:** In the interest of clarity and having regard to the absence of private open space for any apartment within the proposed refurbished Blackrock House.

3. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, additional/revised details and drawings for windows, clearly indicating which are to be retained and which replaced. The submission shall include details of replacement windows, and, in particular, shall make provision for new windows for apartments numbers 8 and 9 in the east wing, to reflect the original fenestration before the mezzanine floor level was introduced.

**Reason:** In the interests of the conservation of this Protected Structure and the visual amenities of the area.

4. The original basement staircase, within apartment number 12, shall remain in situ, although unused. Any alterations required to the layout of this apartment to facilitate retention of the staircase, shall be submitted for the written agreement of the planning authority prior to commencement of development on the site.

**Reason:** To retain original fabric within this Protected Structure in the interest of the proper planning and sustainable development of the area.

5. All repair works to the Protected Structure shall be carried out in accordance with best conservation practice and the Department of Culture, Heritage and the Gaeltacht's 'Architectural Heritage Protection Guidelines for Planning Authorities', 2004 (revised 2011). All works to the Protected Structure are to be carried out under the professional supervision of an appropriately-qualified Conservation Architect/Surveyor or equivalent with specialised conservation expertise, who shall manage, monitor and implement the works on the site and certify, upon completion, that the specified works have been carried out in accordance with best conservation practice.

**Reason:** To ensure adequate protection of retained and historic fabric.

6. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Friday inclusive, between the hours of 0800 to 1400 on Saturdays, 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, proposals for safe bicycle parking for residents and bin storage area for Blackrock House.

**Reason:** In the interests of traffic safety and residential amenity.

8. Prior to commencement of any development on site, the two blue metal storage containers in front of Blackrock House shall be removed permanently from the site.

**Reason:** In the interest of the visual amenities of this Protected Structure.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the provision and satisfactory completion of footpaths and drains, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory completion or maintenance of any works on Newtown Avenue or Maretimo Gardens East. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of works on the public road, in the interest of traffic and pedestrian safety.


## **Reasons and Considerations (2)**

1. It is considered that the positioning and height of proposed Blocks A and B on the site, would have an overbearing impact on the setting of Blackrock House (a Protected Structure), and would contravene Policy Objective HER8 of the current Development Plan for the area, in relation to development within the curtilage of such Protected Structures. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. Having regard to the 'A' land use zoning where objective applies - 'To provide residential development and improve residential amenity while protecting the existing residential amenities', in the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, it is considered that the proximity of Block A to Blackrock Lodge would result in a serious diminution of daylight and sunlight levels to certain rooms within the adjoining building, and would seriously injure the residential amenities of some residents of this adjacent apartment scheme. Furthermore, the proximity of Block B to Blackrock House would result in overlooking between opposing apartments and overshadowing of the communal open space which would seriously injure the residential amenities of future residents of both buildings. The proposed development would, therefore, be contrary to the proper planning and development of the area.

**[Note:**

The Board noted that the applicant has not demonstrated that the existing public watermain and sewerage network has sufficient capacity to service additional apartments within Blocks A and B and could not, therefore, be satisfied that the proposed development would not be prejudicial to public health. It was also noted that no details of bin storage area or secure and weatherproof bicycle storage facilities for future residents have been provided. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, the Board decided not to include these matters as reasons for refusal in the context of the substantive reasons above.]

**Board Member:**

  
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Stephen Bohan

**Date:** 29/11/2023