



An
Bord
Pleanála

Board Direction
BD-018839-25
ABP-319755-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/02/2025.

The Board decided to make a split decision, to

- (1) grant permission for the reasons and considerations marked (1) under and subject to the conditions set out below for:
 - (a) Retention of 2.5sqm single storey porch to the main entrance located at the upper storey to the southwest and reduction of floor area at the upper floor (west side) by 1.5m to provide a rooflight to the lower ground en suite, provision of an additional 2.5sqm area to the lower level bedroom and en suite, and relocation of the entrance steps by 1.5m to the south.
 - (b) Permission for 1m x 1.5m canopy to front door and minor relocation of vehicular entrance piers and stepped landscaping feature to facilitate screen planting.
 - (c) New window to the upper floor on the west side.

and

- (2) refuse permission for the reasons and considerations marked (2) under for:
 - (a) Alterations to bedroom windows and provision of a recessed window arrangement providing lower floor lightwells including windows to the east and west side.

Reasons and Considerations (1)

Having regard to the location and character of the site and surrounding area in an Architectural Conservation Area and surrounded by protected structures, together with the planning history on the site and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including Policy Objectives HER 8 and HER 13, the 'A' zoning objective for the area and Specific Local Objective 130, it is considered that, subject to strict compliance with the conditions set out below, the scale and nature of the development is acceptable.

The development would comply with local design guidance and would not seriously injure the visual or residential amenity of the area or the character of the ACA and protected structures. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

The Board agrees with the Inspector that there are very limited opportunities for overlooking from the window on the western elevation and from the glazed front door. The Board noted some additional requirements in terms of the recommendation to fit opaque glazing to eastern elevation window but considered that as there is currently permission for a similar sized window in closer proximity to the east boundary, this condition is not warranted.

Conditions:

1. The development shall be retained and completed in strict 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. Apart from the departures authorised in this permission, the development shall otherwise comply with the terms and conditions attached to planning reg. ref. D16A/0732, PL06D.248079 and D22A/0095, PL06D.313426.

Reason: in the interest of clarity.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority within three months of this grant of planning permission. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include a plan to scale of not less than 1:200 showing
 - i. existing trees, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping
 - ii. The species, variety, number, size and locations of all proposed trees and shrubs
 - iii. Details of screen planting to the southern and eastern boundaries.

Reason: In the interest of visual and residential amenity.

Reasons and Considerations (2)

Having regard to Sections 12.3.1 and 12.3.4.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and to the national guidelines "Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustaining Communities", and to the totality of information on file, the Board considers it has not been satisfactorily demonstrated that the alterations to the lower bedroom windows, through the provision of recessed window arrangements and lower floor lightwells to the east and west, together with the as built arrangement of bedroom numbers 1 and 2 on the lower ground floor delivers an acceptable quality

of residential amenity with respect to floor width and adequate daylight. The retention of recessed window arrangements and lower floor lightwells to the east and west bedrooms 1 and 2 on the lower ground floor 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 retention permission for alterations to the lower-level bedrooms, the Board concurs with the Inspector's assessment that the internal residential amenity has been diminished but diverges with her view that it is not sufficiently negative to warrant a refusal. The Board considers that the as built layout constitutes poor design, adversely affects the residential amenity of existing and future residents and is sufficiently negative to require a refusal of permission in this instance.

Board Member:


Emer Maughan

Date: 10/02/2025

Notes

1. Section 34(13) of the Planning and Development Act, 2000, as amended states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'.
2. The Board also noted the limited means of egress in bedroom numbers 1 and 2 on the lower ground floor with respect the external ground level and its potential impact on the quality of residential amenity. However, the Board considered this to be a new issue, and in light of the substantive reasons for refusal, decided not to seek further information in this regard at this time.