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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3922/20**

**APPEAL** by Daniel and Mary O'Dea care of Foley and Crowley Architects of First Floor Studio, 41 Donnybrook Road, Donnybrook, Dublin against the decision made on the 15<sup>th</sup> day of February, 2021 by Dublin City Council to refuse permission.

**Proposed Development:** (A) The demolition of the existing shed fronting Orwell Mews to the rear of the main house, (B) The division of the site with a new boundary wall, (C) The construction of a 102 square metre two-storey, two bedroom mews dwelling in lieu of the existing shed, with a first-floor level internal private courtyard and separate recessed balcony overlooking Herzog Park. It will also include an on-site parking space accessed via a new vehicular entrance gate from Orwell Mews, bin storage, a pedestrian entrance gate fronting Orwell Mews and an additional private garden to the rear of the new dwelling and, (D) all associated works to the above on land at Orwell Mews, to the rear of 30 Orwell Road, Rathgar, Dublin.



## Decision

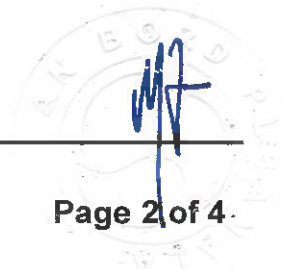
**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. The proposed development, by reason of its inadequate provision of private amenity space and its excessive site coverage, would represent an inappropriate residential development at this location that would contribute to overdevelopment of the site. The proposed development would, therefore, fail to provide adequate residential amenity for future occupiers of the house, would be contrary to the Development Standards as set out in sections 16.6 and 16.10.2 of the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that, by reason of its scale, bulk and depth, and its siting bounding the rear garden of Number 28 Orwell Road, the proposed development would be visually obtrusive and would have a significant overbearing effect on the private amenity space of Number 28. The proposal would, therefore, negatively detract from existing residential amenity and would be contrary to the proper planning and sustainable development of the area.



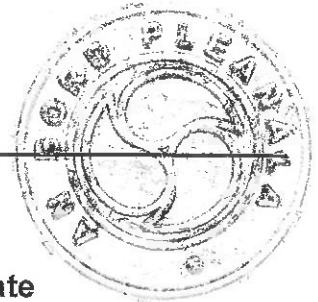
3. Based on the information submitted with the application and appeal, and having regard to the design, orientation, bulk and extent of the proposed development, and its proximity parallel to the private amenity space of neighbouring property it is considered that-
- The angle of visible sky to all habitable rooms in the proposed development would be restricted due to obstructions from proposed high walls, the impacts of overhanging roofs and deep room plans served by one wall of glazing. Furthermore, adequate daylight provision to each room has not been demonstrated.
  - The location, size and dimensions of acceptable private amenity space to the rear of the property and screened from the public, are surrounded by obstructions. The provision of at least two hours of sunlight to at least half of these areas on March 21<sup>st</sup> has not been demonstrated and is not considered likely.
  - The proposed development by reason of its scale, bulk, depth and siting would significantly overshadow the private rear garden of Number 28 Orwell Road.
  - The location of the first floor courtyard private amenity space has the potential to compromise the appropriate development of lands adjoining the site to the south of the application site and as a result the comprehensive development of the streetscape to Orwell Mews.

Therefore, the development as proposed would give rise to substandard residential amenity for future occupiers of the proposed development and would seriously injure the residential amenities and development potential of existing property in the area. The proposed development would be contrary to Section 16.10.2 of the Dublin City Development Plan 2016-22, BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and the proper planning and sustainable development of the area.



Michelle Fagan

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board



Dated this 19<sup>th</sup> day of November 2021