



Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/1077

APPEAL by McGendco Limited care of Martin Noone Architect of 136 Lower George's Street, Dun Laoghaire, County Dublin against the decision made on the 4th day of February, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Redevelopment comprising: Conversion of the existing single occupancy dwelling to two, self-contained, own-door, two-bedroomed apartments. Re-alignment, extension and raising of existing first floor dormer accommodation to both sides. Removal of existing chimneys, fireplaces and general internal alterations throughout. New screened balcony at first floor level. Replastering exterior with selected, self-coloured, external insulation system. New and re-configured windows to all elevations at both floor levels. New oriel window to front, upper level. New flat and pitched rooflights at roof level. Demolition of sheds to side and provision of an extended accessible deck to the rear of the ground floor apartment. Demolition of existing garage, widening of existing vehicular entrance, provision of accessible lift, two in-curtilage parking spaces, cycle storage, bin and general storage and re-alignment of existing ramped side access. All ancillary services and drainage works as required, all at 17 Ulverton Road, Dalkey, County Dublin.

P.C.

Decision

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

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 Number two. 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.

P.C.

2. Drawing reference (--02D, submitted to the planning authority on the 8th day of December, 2021, 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 2.8 metres to 6 metres along Ulverton Road. Two car spaces are proposed to be accommodated at the front, each measuring three metres by five metres 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 four metres 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 three 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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 15th day of May 2023