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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0469**

**Appeal** by Forgebell Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 24<sup>th</sup> day of August, 2022 by Dún Laoghaire-Rathdown County Council in relation to an application for permission for (a) the modification, refurbishment and reconfiguration of Blackrock House, a protected structure, to provide for a total 21 apartments within Blackrock House, including the proposed repair and restoration works to the existing Blackrock House to provide for an additional four apartments providing 21 in total (an increase from 17 number existing) to comprise three number four bedroom, nine number two bedroom and nine number one bedroom units, (b) the construction of two number new residential blocks on site comprising (Block A) a three-storey over lower ground floor block to the west of Blackrock House (consisting of eight number two bedroom apartment units), and a two storey block (Block B) located to the north of the Blackrock House, (consisting of 12 number one bedroom apartment units and one number two bedroom unit and accessed from Maretimo Gardens East, with associated car parking (13 number spaces), to provide for a total for 42 number units on the overall subject site, (c) the works to Blackrock House include an improved layout with the insertion of a new door on the western elevation at ground floor, reinstatement of traditional windows, removal of 1980's concrete bridge connecting to the front of the façade, replacement of utility services and fire upgrade works (to include removal of internal walls

(modern and historic) to facilitate new internal apartment arrangement and (d) the proposed development includes landscaped open space, widened footpath on Maretimo Gardens East, all associated services, including connection to existing drainage, green roofs to Blocks A and B, 54 number cycle parking spaces, reconfiguration of the parking area for 13 number car parking spaces accessed from Newtown Avenue, one number car sharing space which is accessed from Maretimo Gardens East and bin storage, all at Blackrock House (a protected structure RPS Number 234), 28 Newtown Avenue, Blackrock, County Dublin and also at Maretimo Gardens East. The application site includes the protected structures of 'Blackrock House' and the 'Entrance Gates', both Protected Structures under RPS Reference Number 234 in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the modification, refurbishment and reconfiguration of Blackrock House, a protected structure, to provide for a total of 21 number apartments within Blackrock House and the works to Blackrock House include an improved layout with the insertion of new door on the western elevation at ground floor, reinstatement of traditional windows, removal of 1980's concrete bridge connecting to the front of the façade, replacement of utility services and fire upgrade works (to include removal of internal walls (modern and historic) to facilitate new internal apartment arrangement and to refuse permission for the proposed construction of two number new residential blocks on site, and the proposed development includes landscaped open space, widened footpath on Maretimo Gardens East, all associated services, including connection to existing drainage, green roofs to Blocks A and B, 54 number cycle parking spaces, reconfiguration of the parking area for 13 number car parking spaces accessed from Newtown Avenue, one number car sharing space which is accessed from Maretimo Gardens East and bin storage).

## **Decision**

**GRANT permission for the refurbishment of Blackrock House in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the erection of Blocks A and B based on 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 and 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 interests 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 sustainable 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 Dún 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.

  
  
**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 11<sup>th</sup> day of January 2024.