

An  
Bord  
Pleanála

Board Order  
ABP-321732-25

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## Planning and Development Acts 2000 to 2022

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

**Planning Register Reference Number:** D24A/0853/WEB.

**Appeal** by Irene Kelly and Jonathan Newman of 4 Prince Arthur Terrace, Rathmines, Dublin against the decision made on the 16<sup>th</sup> day of December 2024 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

**Proposed Development:** New two storey flat-roof domestic extension to the north side of existing pavilion dwelling (comprising 3.5 square metres new floor area at ground floor level and 40 square metres at first floor level falling largely within existing footprint and volume) having a north elevation partly visible from Seapoint Avenue; repositioning of two number high level east boundary elevation windows; insertion of rooflights on existing and proposed structure; associated site and landscaping works, at Tara, Brighton Lane, Blackrock, County Dublin.

## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, its location in an area zoned A under the Dún Laoghaire-Rathdown County Development Plan 2022-2028 which aims to provide residential development and improve residential amenity while protecting the existing residential amenities, the height and massing of the proposed development relative to the Protected Structure at number 3 Brighton Terrace (also referred to as 3 Seapoint Avenue), the existing disposition of buildings in the area, and the proposed landscaping and other mitigation measures to minimise overlooking, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide acceptable residential amenity for future residents, would not unduly impact the residential amenities of adjoining premises, would not adversely impact on the Protected Structures on Brighton Terrace or on the character of the Monkstown Architectural Conservation Area (ACA), and would not give rise to a traffic or pedestrian hazard. Furthermore, the proposed development would accord with Policy Objective HER20 of the development plan which encourages the rehabilitation and suitable reuse of existing older buildings of vernacular and heritage interest. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the benefit of the development in protecting the architectural heritage of the existing dwelling, and the report of the planning authority's Conservation Officer who was largely supportive of the proposed development but who sought additional measures to reduce the visual impact on 3 Brighton Terrace. Having regard to the height and mass of the proposed development, relative to the scale and mass of the protected structure at 3 Brighton Terrace, and the revised design proposed by the applicant at appeal stage to reduce the scale of the building and to reconfigure elements of the proposed fenestration, the Board considered that

the proposed development would not be visually intrusive and would not overbear on the Protected Structure at 3 Brighton Terrace. The Board also concurred with the report of the Conservation Officer that the proposed development will not adversely or visually detract from the established character of the Monkstown ACA.

The Board agreed with the Inspector and planning authority that the proposed development would not give rise to overlooking of number 4 Brighton Terrace to any significant extent. The Board also agreed with the planning authority that no overlooking would occur from the high-level windows on the eastern pitch and that overlooking of Number 2 Brighton Terrace did not, therefore, arise and that it was not necessary to obscure these windows as recommended by the inspector in the event of a grant of permission. Having regard to the entirety of the information on file, including the drawings submitted with the appeal, the Board considered that the potential for overlooking of Number 3 Brighton Terrace was mitigated by the considered design of the development, the landscaping proposed and the additional mitigation measures proposed at appeal stage.

The Board noted the inspector's concerns regarding the impact of the proposed development on daylight, sunlight and overshadowing on 3 Brighton Terrace. However, having regard to the findings of the Daylight Availability and Sunlight Exposure Impact Report submitted with the appeal which concluded that while there will be some impact from the proposed development the results of the assessment largely comply with the BRE Guidance criteria, the Board considered that the impacts will be largely imperceptible and within an acceptable range in an urban location. In summary the Board therefore concluded that the proposed development would not cause serious injury to the residential amenity of 3 Brighton Terrace or to any of the other adjoining properties.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> day of January, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be constructed in accordance with the amended drawings received by An Bord Pleanála on the 21<sup>st</sup> day of January 2025.

**Reason:** In the interest of clarity and visual and residential amenity.

3. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, a detailed method statement covering all works proposed to be carried out, including:
- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
  - (b) the methodology for the recording and/or retention of concealed features or fabric exposed during the works,
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
  - (d) details of any features to be protected during the construction works,
  - (e) materials/features of architectural interest to be salvaged, and
  - (f) details of materials and features to be retained.

Details in this regard shall be accompanied by drawings of an appropriate scale of not less than [1:50].

**Reason:** In the interest of the protection of architectural heritage.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual amenity.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including traffic management, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

10. (a) The landscape mitigation measures detailed in the Landscape Report received by An Bord Pleanála on 21<sup>st</sup> day of January 2025 shall be implemented and maintained.
- (b) The remainder of the site shall be landscaped, using indigenous deciduous trees and hedging species, in accordance with details submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of

such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

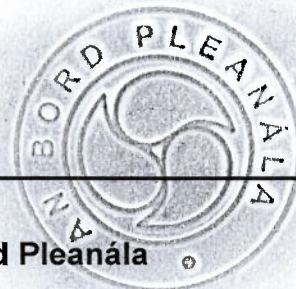
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Mary Gurrie*

**Mary Gurrie**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *14* day of *May* 2025.