



An  
Bord  
Pleanála

## Inspector's Report ABP-304302-19.

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<b>Development</b>	New dwelling within the grounds of a protected structure.
<b>Location</b>	Castle Mews/Albany Avenue, Monkstown, County Dublin.
<b>Planning Authority</b>	DLRCC.
<b>Planning Authority Reg. Ref.</b>	D18A/0841.
<b>Applicant</b>	Zoe McManus.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Michael & Tara McNally. James Horan & Patricia O'Callaghan
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> August 2019.
<b>Inspector</b>	Philip Davis.

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## 1.0 Introduction

This appeal is by a number of local residents against the decision of the planning authority to grant permission for the construction of a dwelling on a site in Albany Avenue, Monkstown. The site is within the former grounds of a protected structure. The grounds of appeal relate mostly to amenity, design, and streetscape issues.

## 2.0 Site Location and Description

### 2.1. Brighton Lane/Albany Avenue, Monkstown

Albany Avenue in Monkstown is a short (180 metres length) link road between Seapoint Avenue and the Monkstown Road. It is 250 metres west of Monkstown village and 300 metres west of Monkstown and Salthill Dart Station. The road appears to have been built as part of early to mid-19<sup>th</sup> Century suburban developments which took place after the construction of what is now the Dart Line along the coast linking Dublin to Dun Laoghaire. Only two dwellings directly front the avenue, the others front Seapoint Avenue or the Monkstown Road. A private lane serving what would have been the rears of houses fronting both main roads runs to the west from Albany Avenue, while Brighton Lane runs partly parallel to Albany Avenue to the east. The latter lane – privately owned – runs in a loop from Brighton Avenue providing access to the rears of dwellings both on Brighton Avenue and Seapoint Road.

The general area is characterised by a mix of large, elegant mid-19<sup>th</sup> Century homes, with a smaller number of large contemporary detached dwellings, along with a larger number of smaller mews type developments along the lanes or in former backlands and rear/side gardens. The closest shopping area is Monkstown Village, with Dun Laoghaire town centre about 1 km further west.

### 2.2. Appeal site

The appeal site, with a site area given on the site notice as 0.0338 hectares, is a rectangular shaped empty site located on the east side of Albany Avenue, bounding on Brighton Lane to the east. The site is flat and bounded to both roads with very substantial rubble granite walls from 2-3 metres in height. It appears to have been

part of the rear garden of a large detached house facing Monkstown Road, Albany Lodge.

To the **north** of the site is a small mews type dwelling facing Albany Avenue with a rear access to Brighton Lane. A similar structure is north of this, and then beyond this a large detached dwelling facing Seapoint Avenue. To the **east**, beyond the rubble stone wall is the narrow Brighton Lane, with a pair of mews dwellings and some rear garages across from it. To the **south** is part of the side garden of a large dwelling (Albany Lodge) fronting onto Monkstown Road. The **west** of the site bounds Albany Avenue – the boundary is a c.2 metre high stone wall. There are pay and display on street parking areas along the Avenue along with some mid-sized street trees. Oppose the site is a mews type house on the corner of a laneway serving the rears of dwellings on Seapoint Avenue and the Monkstown Road.

### 3.0 Proposed Development

The proposed development is described on the site notice as a single 2-storey contemporary style detached dwelling with 2 bedrooms, a first floor garden terrace and one new vehicular entrance, with ancillary works. It has a floorspace of approximately 230 m<sup>2</sup>.

The planning application was accompanied by plans and particulars, a Conservation Assessment, a Shadow Analysis study, and a Planning Report. Additional reports including one on drainage were submitted on foot of a request for further information.

### 4.0 Planning Authority Decision

#### 4.1. Decision

The planning authority decided to grant permission subject to 16 generally standard conditions, with one alteration (condition 2), to remove the 45 degree posts on the proposed balcony in addition to a number of minor alterations to the balcony.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

There are two planning reports on file, the second consequent to a further information request

- It is noted that it is south of a 2-storey detached dwelling (Castle Mews) and to the north of Albany Lodge, a Protected Structure (**RPS Ref: 631**).
- The site is within an area zoned Objective 'A' 'To protect and / or improve residential amenity', and also within the Monkstown ACA and within the curtilage of a protected structure, Albany Lodge.
- Notes a previous refusal for 2 no. dwellings on the site (**D18A/0298**) and a recent grant of permission for an extension to the adjoining protected structure.
- Notes four objections on file.
- Notes requests for further information from Transport Planning, Drainage Planning and the Conservation Officer.
- Outlines detailed policy provisions relevant to the proposed development (mostly chapter 8 of the DLRCC Development Plan).
- Requested seven no. items of additional information.

Second report:

- Notes the additional information submitted and notes objection by the Conservation Office, notwithstanding revised information submitted.
- It is considered that issue with the bulk and massing of the first floor balcony can be addressed by way of condition removing the 45 degree posts on the unenclosed part of the balcony.
- It is noted that Drainage accepts the revised submission for water run-off.
- It is noted that Transportation Section does not object to the revised details for access.
- Permission is recommended subject to conditions.

#### 4.2.2. Other Technical Reports

**Transportation Planning:** Requested further information and recommended a number of conditions. Following the request for further information, stated that it had no objection subject to 6 no. conditions.

**Conservation Officer.** Outlined strong concerns about the impact on the streetscape and the ACA – restated following the submission of further information, but recommended conditions if permission is to be granted.

#### 4.3. Prescribed Bodies

**Irish Water:** Notes an agreement on connections must be made.

#### 4.4. Third Party Observations

Four detailed objections were submitted during the application phase.

### 5.0 Planning History

**D18A/0298** – permission for two dwellings on the site was refused for three reasons – scale, bulk and massing; substandard private open space; and impact on the protected structure and ACA.

**D18/0481** - Permission was recently granted for the demolition of a site extension and construction of a new 2-storey flat roofed glazed extension to the side of Albany Lodge, Albany Avenue (the adjoining protected structure). The works on this scheme were underway at the time of my site visit.

### 6.0 Policy Context

#### 6.1. Development Plan

The proposed development is in an area zoned Objective A '*to protect and/or improve residential amenity*'. It is also within the Monkstown Architectural Conservation Area and within the curtilage of a Protected Structure. Relevant extracts from the Development Plan are attached in the appendix to this report.

## 6.2. Natural Heritage Designations

The site is not within a designated habitat. It is approximately 200 metres from the coast, which is designated as SAC and SPA – the South Dublin Bay SAC site code 000210 and the South Dublin Bay and River Tolka SPA, site code 004024.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

#### Michael and Tara McNally of Albany Lodge

- It is argued that the three reasons for refusal for the previous application for 3 dwellings should still stand as there has been no substantive change in impacts on the neighbourhood and the ACA.
- It is argued that the dwelling is too large for the plot – it is noted that there is insufficient room for soakaway drainage.
- It is argued that it would be overbearing and intrusive on Albany Lodge and its garden.
- It is argued that the existing rubble granite walls are an integral part of the importance of Albany Avenue.
- It is argued the overall design and finish of the proposed dwelling is unsuitable for the context.
- It is argued that the upper floor balcony would overlook Albany Lodge to an unacceptable extent.
- A visualisation is submitted to indicate the overall impact of the proposed dwelling on the garden of Albany Lodge.
- It is submitted that the private open space proposed for the site is inadequate and the proposed development represents an overdevelopment of the site.

James Horan and Patricia O'Callaghan, Aulden, Brighton Lane

- It is argued in some detail that the application description and the plans submitted do not adequately reflect the nature of the proposed development and the level of detail is insufficient for a protected structure (policy AR2).
- It is argued that the three reasons for refusal for the previous proposal on the site have not been adequately addressed. Although it is reduced to a single dwelling, it is argued that the bulk and massing are similar.
- It is noted that the Conservation Officer strongly objected to elements of the design.
- The roof terrace is highlighted as an incongruous element.
- It is argued that the stone wall between the site and Albany Lodge is an unauthorised development.
- It is argued in detail that the subject site was always a functional element of Albany Lodge and not (as is argued in the applicants submission), a historically distinct element.
- It is argued that the 'unauthorised' wall possibly caused the loss of mature trees on the boundary.
- It is submitted that there is no proper assessment as to the extent of the 'curtilage' of the protected structure.
- It is argued that the proposed development is significantly higher than the existing mews developments around it and will be visually dominant over Albany Lodge.
- It is argued that the proposed loss of the existing street tree will have a significant impact on the streetscape.
- It is argued that insufficient weight was given to ACA policy in the decision.
- It is argued that there is a material adverse impact on the residential amenity on the appellants property.
- It is submitted that there will be a direct loss of daylight and sunlight to the appellants property.



- It is argued that the scale of the dwelling is inappropriate for the site.
- It is argued that it sets an adverse precedent for similar development of the laneway next to the site.

#### Derval White of Brighton Lane

- It is argued that the proposed development would have the most significant impact on Brighton Lane, not Albany Avenue.
- It is argued that the bulk and mass and general impact is similar to that of the previously refused application.
- It is noted that the applicants do not own the boundary wall to Brighton Lane.
- The proposed development is noted as being significantly larger than the existing mews houses on Brighton Lane, which are generally around 100 m<sup>2</sup>.
- It is argued that the planning authority did not fully address the visual impact on Brighton Lane.
- It is argued that the reduction in roof height from the previously refused application is minimal.
- It is argued that the internal boundary wall with the Albany Lodge site may not have planning permission.
- Concerns are expressed at the loss of two mature trees.

#### **7.2. Applicant Response**

- It is noted that the site is in an area very well served by public transport and amenities.
- Revised plans are submitted as part of the response and in response to the conditions set by the planning authority. Garden space is increased by way of removing one parking space.
- It is noted that an ACA is intended to guide and manage change to ensure developments are sympathetic to the special character of the ACA, not prevent new development. It is argued that the contemporary style extension is appropriate in this context.

- A plan (figure 6 in the response submission) indicates the design with the posts removed as required by condition 2 set by the planning authority.
- It is argued that Policy AR1 allows for development when appropriate within the curtilage of protected structures. A number of precedents for such developments are set out in (illustrated with photos).
- It is argued in some detail that the proposed design is fully in accordance with the development standards set out in the DLRCC Plan, and notes Policy UD1 with regard to design quality. It is argued that it is fully in conformity with parking, internal amenity and open space standards (note alterations to the layout, Figure 30).
- It is submitted that the revisions in line with Condition 2 ensure there is no overlooking or loss of privacy for adjoining properties.
- It is noted that it is policy (RES4) to improve and conserve housing stock within existing developed areas.
- It is argued that it is fully in compliance with policy on corner/side gardens (section 8.2.3.4 (v) of the Plan).
- It is denied (section 4.5 of the response) that there were any inadequacies in the application information or the site notice.
- With regard to the stone wall dividing the site from Albany Lodge, it is argued that the site was originally part of the kitchen garden for the lodge, not an integral part of the curtilage – it is noted that a wall or barrier is indicated in older OS plans.

### **7.3. Planning Authority Response**

The planning authority state that there are no issues raised in the submissions that would justify a change of attitude to the proposed development.

### **7.4. Further Responses**

The appellants to the appeal in separate letters responded agreeing and supporting with each the others points.

In response to the applicants letter they restated their previous points that:

- The site is within the curtilage of a protected structure and the proposed design is out of scale and proportion with the Lodge.
- It is argued that the 'line' on the older OS maps represents the current division between the site and Albany Lodge.
- It would be significantly damaging on the streetscape of Albany Avenue and the ACA.
- It is denied that the change of one car space to open space represents a material change with regard to inadequate private garden space.
- The examples given of similar developments are, it is argued, on significantly larger sites without the same issues of proximity to existing dwellings and protected structures.
- It is argued that the applicants submission (figure 26) exaggerates the size of the site as it includes the entire width of Brighton Lane.
- It is argued that the visual impact statement submitted does not adequately address the impacts on Brighton Lane.
- It is argued that the planning notice is misleading as it implies a smaller dwelling than that proposed.
- It is argued that the 'comparison' applications/permissions submitted by the applicant as precedents for such developments in the DLRCC area are not similar situations.
- It is emphasised that the site has no legal access to Brighton Lane, nor has 'Castle Mews', one of the adjoining dwellings to the north.

## 8.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings.

- Preliminary issues
- Principle of development (planning policy and precedent)

- Protected structure/ACA
- Residential amenity
- Streetscape, trees and visual amenity
- Traffic/parking impacts
- Drainage/flooding
- AA and EIA
- Other issues

### 8.1. Preliminary issues

The appellants have argued that the planning application notice is inaccurate with regard to the overall description and its relationship to the protected structure. I note that the planning authority were satisfied that the notice and advertisement were in accordance with the Regulations and I do not consider that the notice is in any substantive element misleading or inaccurate.

The status of the wall between the site and Albany Lodge to the south was raised by two of the appellants as it was apparently constructed without planning permission. The planning authority do not appear to have considered its status problematic. It is unclear as to when it was built or if it is of sufficient size to require planning permission (it does not adjoin a public highway). As it is included in the plans and particulars it would be deemed part of the overall development if it is permitted – it may have an ambiguous status if the Board decides to refuse permission, but that is an enforcement issue for the planning authority. I will address the relevance of this boundary with regard to the issue of the protected structure in the relevant section (8.3) below.

I further note the comment by one appellant that a number of trees were removed and they may not have had felling licenses. As these trees are not subject to TPO's I do not consider this to be a relevant consideration for the appeal to hand. I do note that the two prominent mature trees overlooking the site are not within the landholding, but quite likely have root spread going under the appeal site so any works could potentially impact upon them.

It was also argued that some plans imply a larger site as they incorporate parts of the wall at Brighton Lane – it is not unusual that land ownership extends over private right so of ways, but functionally it is clear that the site does not include this large wall.

## **8.2. Principle of development (planning policy and precedent)**

The appeal site is within a residentially zoned area and within the Monkstown Architectural Conservation Area. It is within the former garden area of a protected structure, Albany Lodge.

There is a general presumption in national and regional policy towards increasing the sustainable usage of urban areas, and as an established urban area in very close proximity to a range of public transport and other facilities, the site would be considered appropriate for further urban development. This is reflected in Policy RES4 of the DLRCC development plan. Due to its small size, I would not consider that applying the density requirements set out in the Sustainable Urban Planning Guidelines to be appropriate, although I would note that if they were, to achieve a target of averaging over 50 per hectare then the site would be considered appropriate for 2 to 3 dwellings.

The site has apparently been unused for some time (it is laid out as a garden, although seemingly uncultivated in recent years) – it is unclear as to when it was separated from Albany Lodge as a distinct property unit. I would consider that in policy terms it should be considered an infill and/or corner/side garden site, policy for which is set out in subsections 8.2.3.4(v) and (vii) of the development plan. The design generally follows the quantitative guidelines set out in Chapter 8 (Development Standards), although there is an issue with private open space and parking, which I will address further in the relevant sections below.

A previous application for a pair of dwellings was refused by the planning authority for reasons relating to design and residential amenity, not specific policy grounds.

Policy provisions for ACA's are set out in Policy AR12 of the development plan. This generally seeks to protect the character and interest of such areas and to promote high quality design. It does not specifically prohibit or restrict any type of development.

I would conclude that in policy terms the construction of a dwelling on the site should be viewed favourably, subject to a high quality of sensitive and appropriate design for an ACA/protected structure context, subject to the standards set out in Chapter 8 of the development plan and the relevant requirements for protecting local amenities and public safety.

### 8.3. **Protected structure/ACA**

The site is within the Monkstown ACA, details of which can be found online with an assessment in the document 'Monkstown Architectural Area – Character Appraisal and Recommendations'. The DLRCC Development Plan refers to such supporting documents, but it does not have specific recommendations that apply specifically to this area.

The site is in Albany Avenue, which despite its name is more of a link road between Seapoint Road and Monkstown Road – only one major dwelling presents its front facade the Avenue, otherwise it features mostly side walls of gardens or mews houses – almost all attractive rubble granite walls from the 19<sup>th</sup> Century or modern replications. The ACA character appraisal has little to say about Albany Avenue, so it cannot be considered a key streetscape of the area. Its character derives mostly from the high quality of walls and the mature street trees and the one period dwelling, St. Albans, that presents a front to the avenue. There is no clear horizontal or vertical building line on either side of the road or an identifiable roof pattern. From the Seapoint Road direction there is a 19<sup>th</sup> Century villa on one side and a large contemporary dwelling on the other, with detached 19<sup>th</sup> Century buildings on either side of the junction with the Monkstown Road. I would therefore consider that there is no specific style or pattern of development to be followed - the overall policy aim should be to maintain the streetscape qualities and to match as far as possible the use of natural stone finishes and simple forms while minimising impacts on mature vegetation.

On the eastern side of the site, Brighton Lane is a private rear access lane (although it is un gated), with a number of very attractive and well designed and maintained mews dwellings. The granite boundary wall at this point is very substantial and an attractive feature of the lane.

The key impact on the overall conservation area would be by way of the removal of part of the wall to Albany Avenue for access, along with the removal of a key street

tree, in addition to the visible upper elements of the proposed development above the boundary wall. From Brighton Lane, the key impact is the visible elements of the proposed dwelling above the wall level – it is not proposed to open up any element of this wall for access.

The visible element should not be in principle considered obtrusive when viewed from public areas – this is, after all, an urban area and buildings are normal. The key question is whether the bulk and form and design is consistent with the development plan objective for high quality design and enhancement of the ACA. The planning authority and the DLRCC Conservation Officer had significant reservations about the impact, in particular the vertical architectural elements extending beyond the terrace, which were deleted through condition – the applicant has accepted this and submitted revised drawings showing these changes. On balance, I consider that when viewed from public areas on Albany Avenue and Brighton Lane the impact of the revised design is generally neutral on the Architectural Conservation Area (I will address specifically the loss of street trees below), so I do not consider that the plans as revised would be contrary to policy on ACA's.

The building directly south of the site – Albany Lodge – is a protected structure. It is an attractive early 19<sup>th</sup> Century 'Regency' styled house typical of the period, although its location behind the established building line indicates that it may predate the other fine houses along this stretch of Monkstown Road. An extension is currently under way to the side of the house – it was granted permission under D18A/0481. No inventory has yet been published by the NIAH for houses in this part of DLRCC, including this dwelling.

The various parties have disputed the relationship of the site to the main house with regard to whether it should be considered part of the curtilage. There are no indications on the older maps that the house had a demesne – it was always a fine residential dwelling with a small gate lodge, 'pleasure gardens' to the front and side, with the appeal site being part of the landholding at least in its earlier incarnations. As stated in the Conservation Report submitted with the application, it is likely that it is what would have been considered a kitchen garden or similar associated with the main house. At some time (no clear information in the application documents) in the past it became separated from the main site. Some older OS plans, including that

from 1864, indicate a boundary of some type close to the existing boundary. The site itself is laid out as a garden, although appears not to have been used as such for some time. The boundary wall facing Albany Avenue along both Albany Lodge and the appeal site seem to be contemporary and probably built at the same time, although most of the wall has been substantially altered in different ways over the years.

Many such houses in the area would have had larger gardens or associated grounds originally, which over the years have been subdivided and redeveloped. Unless there is a clear functional connection I do not consider that in these cases all former lands can be considered part of the 'curtilage' of the main house. So while I therefore consider that the overall impact on the setting of the protected structure is important, it should not be considered to be part of the curtilage. The dividing wall between the two sites is of a stone construction similar to the other walls in the area and of a high quality, notwithstanding any question of a dispute between the parties about this walls status.

I note that due to high walls and mature trees there are not many clear views of the protected structure from Albany Avenue or Monkstown Road. The proposed structure will be visible in its background when viewed from public areas on Monkstown Road, but I would not consider it to be particularly intrusive and I do not consider that it has an unacceptable impact on its overall setting or appearance.

#### **8.4. Residential amenity**

The site is within a long established residential area with a generally very high quality of amenity for all local residents. Existing houses are either large - generally well maintained period dwellings, small but generally very well designed mews houses, and a smaller number of larger contemporary dwellings. The site is within walking distance of a very wide range of urban amenities including parks, sea swimming areas, Dart Station, bus links, schools and shops.

The appeal site is somewhat unusual for an urban area as it is a distinct plot which was not used previously as a mews structure or lodge, but is not quite infill either as there is no clear pattern of development on either side. The proposed development is large for such a development, at around 230 square metres on two storeys. The site is bounded by high (2-3 metre) stone walls and so does not allow for a conventional detached house design unless it was very small. The design is



contemporary and is of a high quality, although I note that it is deficient in private open space with regard to development plan guideline limits. The applicant submitted revised plans deleting one car space to meet the guidelines for both parking and open space provisions, although in reality it would seem likely that the future occupier will rearrange the small front yard according to their greenery/parking requirements.

A key question with regards to its impact is whether the proposed development is simply too large for the site resulting in a substandard level of development. While I would be concerned at the principle of permitting such a high level of site coverage, the overall design is of high quality and I don't think it likely that future residents will consider themselves deficient in internal amenities.

The site adjoins two mews type dwellings to the north, and Albany Lodge to the south. There is an attractive mews development immediately opposite the site on Brighton Lane, just a few metres from the building edge. Having regard to the urban context and the relative orientation of the buildings, I do not consider that there would be an unacceptable impact in terms of direct or indirect light loss. The upper floor, and in particular the roof terrace, has the potential for overlooking and loss of privacy. There are minor windows to a corridor facing Brighton Lane and the mews/rear gardens of dwellings there, but I do not consider these problematic having regard to their nature and that they face a private thoroughfare. The roof garden has greater potential for overlooking the mews dwellings to the north, but I consider that the proposed level of screening would reduce this to an extent acceptable for an urban context.

I would therefore conclude that the proposed development would be acceptable in terms of internal design and amenity, and would not seriously injure the amenities of adjoining properties.

#### **8.5. Streetscape, trees and visual amenity**

As I outlined above, the site is within an attractive streetscape, albeit one lacking any obvious vertical or horizontal building lines or architectural continuity. There are precedents on the street for both early 19<sup>th</sup> Century villa architecture, exposed stone mews type developments and contemporary designs. The primary unifying element is exposed rough cut stone and mature trees.

The proposed development is 2 storeys in height, which is consistent with most buildings in the vicinity, although its unusual roof profile would draw the eye. The planning authority altered a number of elements by condition, which I consider to be reasonable, and the applicant has accepted these, submitting revisions with their response to the appeal. I would consider the revised plan to be acceptable and would not be intrusive when viewed either from Albany Avenue or from Brighton Lane.

The new access to the site will require the removal of a mature street tree. This is a mature birch – a very striking and attractive feature on the street. However, this tree is not a long lived species and I would consider it to be nearing the end of its safe lifespan as an urban tree, so while its removal is regrettable, I consider that it will not be an unacceptable impact so long as the overall works to provide a new entrance are of a high quality and at least one new tree is planted to replace it.

There are two prominent mature trees in the rear of Albany Lodge very close to the appeal site boundary that appear to have been damaged by works including the new stone wall. The proposed works have the potential to do further root damage if they extend into the appeal site – however, I consider it likely that any roots that are vulnerable will have already been destroyed by the works for the boundary wall. These trees are not subject to Tree Preservation Orders.

In general terms, I consider that having regard to the urban context the proposed development is acceptable in terms of visual impacts, subject to conditions ensuring a good standard of finish and development.

#### **8.6. Traffic impacts**

The proposed development would be served by a new access to Albany Avenue – no access is proposed to Brighton Lane. The applicant in revised plans has reduced the number of curtilage parking spaces to one, although realistically there is potential for a second space in the front yard. Albany Avenue is a quiet link road with some on-street parking. One pay and display on street parking space would be removed to facilitate the new entrance so there is no net increase in parking. I do not consider that there is any potential for additional traffic congestion or hazard by creating a new private access at this point.

The applicant has not proposed specific bike parking, but having regard to the layout there is no potential problem with safe storage and access to the road via the proposed access.

#### **8.7. Drainage/flooding**

The proposed level of site coverage has reduced the capacity of the site to address run-off through a conventional soakaway. The applicant has submitted revised details in accordance with SUDS criteria which has satisfied the planning authority in this regard. It could be argued that this is a result of overdevelopment of the site, but as it appears that the issue can be satisfactorily addressed, I do not consider that there is a basis for considering that the site would cause flooding issues. The site is otherwise served by public water and sewage provision and there are no indications from available information that the site or general area is subject to flooding or likely to be so in the future as it is significantly above sea level and there are no historic watercourses in the vicinity.

#### **8.8. AA and EIA**

The site is within an area urbanised since the 19<sup>th</sup> Century, although it is very close to two designated coastal littoral/marine habitats, the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and River Tolka SPA (site code 004024). The site is fully served with water and sewerage and there are no watercourses nearby and therefore no pathways for pollution during construction or following occupation of the house. The existing use of the site – essentially unused garden space – does not provide any obvious habitat for the birds listed under the conservation objectives of the SPA. There are no other functional linkages between the site and the coastal habitats and therefore no potential for an impact on these designated habitats.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 8.9. **Other issues**

The site would be subject to a normal Development Contribution Scheme and a special development contribution would be required to address the necessary street works outside the site boundary. No other development contribution would be required.

There is no evidence of any historic remains on or close to the site so I do not consider that an archaeological monitoring scheme would be necessary.

#### 9.0 **Recommendation**

I recommend that, subject to the conditions set out below, the proposed dwelling be granted planning permission for the following reasons and considerations.

#### 10.0 **Reasons and Considerations**

Having regard to the design and layout of the proposed dwelling within an established urban area on a site zoned for the protection of residential amenities, it is considered that the proposed development would be in accordance with policies to protect and enhance the Monkstown Architectural Conservation Area, and would not detract from the setting of a Protected Structure, or otherwise seriously injure the residential and visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### 11.0 **Conditions**

1. The 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 25th day

of May, 2019, 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. Prior to the commencement of development, the developer shall agree with the planning authority all details for the removal and replacement of the street tree, utility pole, pay and display parking space, and all details for the construction of the new entrance and dished footpath.

**Reason:** In the interest of orderly development.

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

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

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. The applicant or developer shall enter into water and/or waste water connection agreement with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

6. The dwelling shall be occupied as a single residential unit.

**Reason:** To restrict the use of the extension in the interest of residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of the mature trees to the south of the site within the grounds of Albany Lodge, shall be carried out under the supervision of a specialist arborist, a manner that will ensure that all major roots are protected and all branches are retained.

**Reason:** To ensure that the trees are not damaged or otherwise adversely affected by building operations.

9. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of infrastructure facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2) (h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

10. The developer shall pay the sum of €500.00 (five hundred euro) (updated

at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of providing a new street tree on Albany Avenue. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

. **Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Philip Davis  
Planning Inspector

6<sup>th</sup> September 2019