



An
Bord
Pleanála

Inspector's Report ABP-308566-20

Development

Extension to side, dormer to east aspect of the roof, widening of an existing vehicular entrance onto Leinster Lawn together with all associated site works & services.

Location

No. 24 Leinster Lawn, Clonskeagh, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D20A/0360.

Applicants

James Healy & Cathie Sweetman Healy.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant

Anna Power.

Observer(s)

None.

Date of Site Inspection

17th day of June, 2021.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. No. 24 Leinster Lawns, the appeal site has a stated site area of 0.058ha, and it contains a detached gable fronted and rear dwelling house that forms part of a group of originally matching dwellings that date to c1970s. The subject dwelling appears to have been extended to the rear by way of a later single storey extension.
- 1.2. The group of originally matching detached dwellings it forms part of are setback from the northern roadside edge of Leinster Lawns by way of a pedestrian footpath and a grass margin. The semi-private front garden area that also accommodates an area for off-street car parking accessed by a dropped kerb at the roadside entrance and a vehicle entrance positioned on the eastern side of the roadside boundary.
- 1.3. At the time of my site inspection the roadside and the front eastern and western side boundaries were demarcated by tall hoardings. There was no works on-going at this time and the dwelling house did not appear to be recently occupied. The original vehicle entrance and its associated flanking boundaries had been removed and there was a recently constructed single storey extension on the eastern side of the dwelling. With this appearing to overhang passed the centre point of the boundary shared with No. 23 Leinster Lawns.
- 1.4. The site is located c151m to the west of Leinster Lawns junction with the heavily trafficked Clonskeagh Road, in the Dublin city suburb of Clonskeagh, which is situated c7km to the south of Dublin's city centre.
- 1.5. The site setting has a mature residential character with a mixture of residential building typologies including but not limited to the apartment complex of 'Roebuck Court' and the two storey dwellings opposite.

2.0 Proposed Development

- 2.1. Planning Permission is sought for 6m² single storey extension to the side, a dormer window on the east aspect of the roof, the widening of an existing vehicular entrance onto Leinster Lawns to 3.5m together with all associated site works and services. The proposed development, if permitted in the form proposed would give rise to a total gross floor space of 161m².

2.2. On the 11th day of September, 2020, the applicant submitted their further information response. This response essentially clarified discrepancies present in the sections and elevational drawings provided.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority granted permission for the proposed development set out in Section 2.1 subject to 8 no. mainly standard conditions. Of note are:

Condition No. 2: Requires the first-floor east side elevation window to be fitted permanently with frosted or opaque glass in the interests of residential amenities.

Condition No. 3: Requires the proposed side extension to be set off the shared boundary line with No. 23 Leinster Lawn. The stated reasons are in the interest of residential and visual amenities.

Condition No. 6: Restricts the width of the vehicular entrance to 3.5m.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **final Planning Authority's Planning Officer's** report having considered the further information and all the documentation on file recommended that permission be granted subject to 8 No. conditions. I note that the notification of decision to grant permission issued by DLRCC reflects this recommendation.

The **initial Planning Authority's Planning Officer's** report concluded with a recommendation for **further information**.

Item No. 1: Annotated and dated photographs of the site requested.

Item No. 2: Clarity on drawing discrepancies requested.

Item No. 3: Shadow Assessment.

Item No. 4: Concerns raised in relation of the proposed development to overshadow and overbear No. 23 Leinster Lawn.

3.2.2. Other Technical Reports

Transportation: No objection subject to recommended conditions.

Drainage: No objection subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. During the course of the Planning Authority's determination of this application it received 2 no. 3rd Party submissions generally objecting to the proposed development on visual and residential amenity impact grounds. In addition, procedural as well as concerns with regards to the proposed extension impacting on the boundary between No. 24 Leinster Lawns and the adjoining property to the east No. 23 Leinster Lawns were raised.

4.0 Planning History

4.1. Site

4.1.1. None.

4.2. Vicinity

4.2.1. **P.A. Ref. No. D17B/0222:** Planning permission was **granted** subject to conditions for a development consisting of single and two storey extensions to existing dwelling to consist of ground floor extension to side and rear of existing house (34m²) and first floor dormer extension to eastern side of existing roof (29m²), all internal and external modifications to existing structure to facilitate proposed development and all associated site and development works, at No. 26 Leinster Lawn, Clonskeagh, D14.

4.2.2. **P.A. Ref. No. D11B/0132:** Planning permission was **granted** for: (1) a single storey extension with hipped roof incorporating 3 No. Velux, forming a living/family room to the rear of the dwelling, (2) Modifications to existing garage, living and utility rooms,

with an extension to the side (south east) with flat roof, 1 No. Velux roof light and parapet to the front, creating two en-suite bedrooms, (3) modification to existing entrance and bedrooms with an extension to the side (north west) with flat roof, 2 No. Velux roof lights and parapet to the front, forming an en-suite bedroom and dining room, (4) the re-arranging of the internal spaces and stairway, (5) the construction of a new ridge roof lighting to existing pitched roof, (6) modifications to the front elevation including the construction of a bay window and (7) the retention of the widened vehicular entrance, together with all internal and external works, at No. 22 Leinster Lawn, Clonskeagh, D14.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan, 2016 to 2022. The site is zoned Objective 'A' which has the following stated land use objective: "*to protect and/or improve residential amenities*".
- 5.1.2. The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(i) relates to extensions to dwellings.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site. I note that the nearest such site is the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located c2.6km at its nearest point to the east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the modest, nature, scale, and extent of the proposed development in a serviced urban area 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party appeal against the Council's decision was submitted by Anna Power of No. 23 Leinster Lawn, which adjoins the appeal site on its eastern side. The grounds of appeal can be summarised as follows:

- This development would be inappropriate as it would result in a significant loss of residential amenity to the adjoining property of No. 23.
- The proposed development is contrary to local planning provisions due to the residential and visual amenity impacts it would give rise to.
- The dormer extension would be visually overbearing as viewed from the appellants property and as such would its visual amenities. It would also be visually out of character with its setting.
- The entrance serving No. 23 is located along its western elevation. The proposed development will result in overshadowing, overburdening as well as overlooking. This is not deemed to be acceptable.
- The adjoining 3.25m of the proposed ground floor extension is considered too high for a boundary wall in this type of context, particularly having regard to the limited lateral separation.
- The shadows cast by the proposed development would diminish the residential amenity for occupants of No. 23.
- There is significant difference between the proposed development and that permitted at No. 26.
- The Board is requested to refuse planning permission.

6.2. Applicant's Response

6.2.1. The First Party's response can be summarised as follows:

- It is generally questioned who the appellant is and whether they have sufficient interest to make an appeal.

- Some of the sections of the ‘Daylight Analysis and Overshadowing’ document contains incorrect information.
- The overshadowing that would arise would be limited and has been incorrectly described as being more excessive in the appellants appeal submission.
- This response is accompanied by Land Registry Details for No. 23 Leinster Lawn; Sections; and Meteorological Data of solar angles.

6.3. Planning Authority’s Response

6.3.1. The Planning Authority’s response can be summarised as follows:

- The Board is referred to the Planning Officer’s report.
- The grounds of appeal raise no new issues that would justify a change in decision.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. Having inspected the site and its setting, having had regard to the information presented by the parties to this appeal and in the course of the planning application, I consider the key planning issues relating to the assessment of this appeal case can be considered under the following general headings:

- Principle of the Proposed Development
- Visual Amenity Impact
- Residential Amenity Impact

7.1.2. In addition, the matter of ‘Appropriate Assessment’ requires examination. This I propose to deal with under a separate heading at the end of my assessment below.

7.1.3. Notwithstanding the above I raise a substantive concern in relation to having inspected the site that I observed two components of the development for which ‘planning permission’ is sought have essentially been already carried out.

7.1.4. Firstly, I observed that the proposed ground floor side extension is completed in terms of its exterior envelope and roof over with this unfortunately appearing to oversail and

encroach onto the boundary between the subject site and the appellants property. With the roof structure also containing no evident rain water capturing goods.

- 7.1.5. Secondly, I observed that the vehicle entrance serving the subject property has been already widened above the 3.5m extent shown in the submitted drawings though the final works of this component of the development are yet to be completed.
- 7.1.6. Yet, the applicant by way of this application seeks planning permission for these works and not retrospective permission including the completion works that would be associated with the now modified entrance onto Leinster Lawns serving the subject property. Further, there is no consent provided for any encroachment onto shared boundaries or demonstratable proof that the applicant has sufficient interest to have completed the eastern elevation of the ground floor extension in the manner that they have.
- 7.1.7. It would therefore appear to me that the only works that are to be carried for which planning permission is sought under this application is the dormer extension to the eastern aspect of the roof structure. Yet, as set out above and under Section 2.1 of my report above there are three distinctive in their own right components to the development proposed under this application. That is to say firstly the ground floor side extension, secondly the dormer extension and thirdly, the widening of the vehicle entrance onto the public domain of Leinster Lawn. All of these components the applicant seeks planning permission for with this being evident also in the public notices accompanying this application.
- 7.1.8. The works that I observed that have been recently carried out on site require the benefit of planning permission as they do not fall under the scope of exempted development. With the works that have been carried out to the vehicle entrance requiring permission for retention and completion. Therefore, they are in their present state unauthorised development works.
- 7.1.9. Whilst I am cognisant that enforcement matters relating to unauthorised development fall under the remit of the Planning Authority, there is a requirement on an applicant to provide a brief description of that reflects the actual nature, scale through to extent of the development they seek permission for. It is quite clear that the public notices indicate that the three components sought under this planning application relate to

planning permission for and do not include any reference of retention permission or indeed retention and completion of.

- 7.1.10. As the public notices provided with this application clearly do not indicate that permission is sought for the retention of the first-floor extension and the widening and completion of works to the now modified entrance and front boundaries of the subject site it is my view that the public notices accompanying this application put forward inaccurate description of the actual development works for which permission is sought.
- 7.1.11. Moreover, as said the applicants have not demonstrated they had the necessary consent to have carried out works in the manner which they have in relation to the boundary between the site and No. 23 Leinster Lawn.
- 7.1.12. In the absence of revised public notices, a grant of planning permission for the development sought under this application would effectively facilitate the consolidation and arguably the intensification of the unauthorised structures and their unauthorised use. Accordingly, I consider that it would be inappropriate for the Board to consider any grant of permission for the single storey extension and the widening of the entrance onto Leinster Lawn in the absence of first seeking revised public notices that address this substantive concern and revised drawings that correctly set out the nature of the development actually sought.
- 7.1.13. For clarity, in relation to my assessment below I note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered “as with any other application”. This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development has already taken place. Further, the current Development Plan indicates where a development is neither listed as being ‘*permitted in principle*’ or ‘*not permitted*’ it should be assessed in terms of its contribution towards the achievement of the applicable zoning objective, the vision for the zoning objective and its compliance as well as consistency with the policies and objectives that are relevant to such a development, particularly those set out under the local planning provisions.

- 7.1.14. Accordingly, my assessment below is based that would apply if the development were proposed. Moreover, it is based on the revisions made by the applicant in their further information response submitted to the Planning Authority on the 11th day of September, 2020. This information, in particular, resolves the discrepancies in the sections and elevations submitted with the initial application to the Planning Authority. In addition, a shadow and daylighting analysis has now been provided assessing impact of the proposed development on its setting.
- 7.1.15. Prior to commencing my assessment, I also note that the First Party raises concerns in terms of whether or not the Third Party has sufficient interest to make this appeal. They also raise question marks on whether or not they are an actual real person and the like. In terms of the evidence provided by the First Party on this matter it is clear that the appellant name appears on the title deed as landowner of No. 23 Leinster Lawn, the adjoining property to the east of the appeal site. It was also evident at the time of inspection that this property is rented out and not her place of resident with the said appellant being indicated to be the landlord.
- 7.1.16. I consider that there is no evidenced provided to suggest or support that the Third Party is not a real person or that would discount the named Third Party as not having a legal interest in the adjoining property to the east. It is not unreasonable for a landowner to seek to protect their legal property interests by participating in the planning process when developments are proposed that could have positive or negative impact on the amenities of their property.
- 7.1.17. In the current instance, I consider that it is not necessary or appropriate for the Board to investigate the bone fides of the Third Party as it would appear that they have from the information provided on file sufficient interest to have made a third party submission to the Planning Authority during their determination of this planning application and by virtue to make their appeal to the Board which essentially seeks that permission be refused for the development sought on the basis of their contended serious residential and visual amenity impact it would have on their property as well as the area.

7.2. Principle of the Proposed Development

- 7.2.1. By way of this application permission is sought for a single storey extension with a given 6m² to the eastern side of an existing dwelling as well as the provision of a new

dormer window on the eastern aspect of the gable shaped roof and the widening of an existing vehicular entrance to 3.5m in width.

- 7.2.2. The site forms part of a larger parcel of land zoned 'A' under the applicable Development Plan. The land use objective for such lands is: "*to protect and/or improve residential amenity*". The Third-Party Appellants consider on visual and residential amenity grounds that the proposed development would be contrary to this land use zoning. These matters are looked at in more detail in the following sections of my assessment below. Notwithstanding, I consider that the proposed alterations and additions sought to the subject property are generally deemed to be acceptable on 'A' zoned land, subject to safeguards.
- 7.2.3. Furthermore, I concur with the Planning Authority that the principle of widening an existing 2.5m road entrance to 3.5m in order to facilitate safer access onto and egress from the public domain as well as to off-street car parking provided within the semi-private domain of the front garden area of No. 24 is acceptable as it gives rise to no substantive road safety and/or traffic inconvenience subject to standard in nature safeguards recommended by the Planning Authority's Transportation section being imposed as part of any grant of permission.
- 7.2.4. Based on the above I am satisfied that that the principle of the development of proposed development is acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Visual Amenity Impact

- 7.3.1. The proposed alterations and additions to the subject dwelling arguably would update this gable fronted dormer style 1970s dwelling house, particularly by way of introducing a more contemporary palette of materials, finishes and treatments for the proposed single storey extension and dormer extension proposed. The approach taken in terms of the palette of materials are similar to those used in the recent alterations and additions to No. 26 Leinster Lawn which are now completed, and I note were permitted subject to conditions by the Council under P.A. Ref. No. D17B/0222.
- 7.3.2. The set piece that No. 24 Leinster Lawn forms part of, in terms of its streetscape scene, is just one of the residential building typologies that are present and that provide a mixed architectural character and built form to the streetscape scene it forms part

of. With typologies ranging from gable fronted dormers, two storey dwellings, through to the more visually imposing period architecture of Roebuck House.

7.3.3. In addition to this overtime many of the existing buildings along this streetscape scene have since their completion been subject to a variety of alterations and additions. Outside of Roebuck House there is no specific protection given to Leinster Lawns streetscape scene through to the front gabled dormer detached dwelling set piece that the subject property and the appellants property (No. 23 Leinster Lawn) forms part of. The streetscape scene is not afforded any protection either as a conservation area or indeed could it be a streetscape scene that could be described as being characterised as being highly coherent in its overall aesthetics, its building heights, built forms and the like despite it being coherent in its residential land use function.

7.3.4. Moreover, there are also a variety of roadside boundaries and entrances present along Leinster Lawn and the minor increase in width of the existing entrance serving No. 24 would in my view only result in a limited and negligible localised impact on its varied streetscape scene that also shows variety in entrance to boundary relationships serving the residential buildings it contains.

7.3.5. Whilst I accept that the proposed alterations and additions proposed, in particular the proposed dormer extension, would add further change to this streetscape scene as appreciated from the public domain and as appreciated from the appellants property I am generally satisfied that the contemporary architectural resolution, the nature, scale and extent of the additions would not overwhelm or would it overly dominate the original built form of No. 24. It would also in my view be clearly legible as a new building layer of the parent building with the single storey extension to the side as well as the dormer window displaying a level of visual synergy with other examples of ground, first floor and dormer type extensions within No. 24's streetscape scene.

7.3.6. I also do not consider that it will have a significant negative impact on adjoining properties, including No. 23, which I acknowledge in terms of context is the most vulnerable to alterations and additions to No. 24 in this case, and subject to appropriate mitigation measures to reduce the potential for actual and perception of overlooking from the windows on the eastern elevation of the proposed dormer. Further, it is not unusual for lateral separation distance between the sides properties in suburban

contexts to be extended as part of providing additional habitable space and there are precedents for this within the streetscape scene of the subject property.

7.3.7. I am generally satisfied that the scale and design of the alterations and additions proposed do not dominate the original form or appearance of the parent building and set piece of similar dormer dwellings it forms part of. In saying that I do concur with the Planning Authority that the eastern elevation of the ground floor extension has a poor relationship with the boundary between the subject site and No. 23 Leinster Lawn and as said previously I raise concern that it has been constructed with a level of oversailing of what appears to be a shared boundary for which no consent has been provided for. The setting back of the eastern elevation including its roof structure more meaningfully away from this boundary as provided for by the Planning Authority in its suite of conditions would lessen the visual amenity impact of this new built insertion as appreciated from No. 23.

7.3.8. I also do not consider that the proposed alterations and additions, including the dormer insertion to the eastern side of the existing roof would have a significant impact on the established character or visual amenities of Leinster Lawn's overall streetscape and properties in the vicinity subject to the use of a high quality palette of material that harmonises with the host dwelling in a sympathetic and light-weight manner.

7.4. Residential Amenity Impact – Occupants of No. 24 and Impact on Property in its Vicinity

7.4.1. The appellant considers that the proposed ground and first floor extension would give rise to serious injury of the residential amenity of their property. In particular by way of overshadowing, visual overbearance which has already been discussed, through to loss of privacy. Overall, this would diminish adversely the residential amenity of their property for its occupants should permission be granted for the proposed development and should it be implemented in the form proposed.

7.4.2. As set out previously this is a proposal for a new residential extension where such a development is considered a permissible use at this location and where it is reasonable to expect that developments of this kind would normally be located. Particularly in a location where there are examples of side and first floor extensions amongst the small set piece of dormer dwellings the subject property forms part of as

well as within the wider streetscape setting where 2-storey dwellings are the more dominant built form.

- 7.4.3. Therefore, the proposed development could not be considered to be a bad neighbour or a visually overbearing through to out-of-character development having regard to the pattern of residential development in this predominantly residential context that has been subject to a variety of change in the form of alterations, additions through to new built insertions.
- 7.4.4. The appellant raises particular concern in terms of overshadowing impact on the western side elevation of their dwelling which also contains the principal entrance serving No. 23. This arrangement appears to be a legacy of the original design and overtime the set piece of dwellings it forms part of include alterations that have repositioned the principal entrance serving these dwelling units to the elevation facing onto the public domain. Irrespective of any additions or alterations to the separating boundary between No.s 23 and 24, the space between the said boundary and the western side elevation of No. 23, including its roof structure over based on both party's shadow and daylight analysis assessment is in its current form highly overshadowed and receives limited daylighting.
- 7.4.5. In addition, both sets of analysis show throughout most of the year no significant changes would arise were the ground and dormer extensions in the built form proposed, with this also being the case for No. 23's rear garden area.
- 7.4.6. Indeed, both overshadowing and daylighting assessments show that minor increases of overshadowing would occur for a limited duration during the year. The level of overshadowing and daylighting having regard to the orientation of the properties through to the lateral separation distance between built structures is not out of context with this suburban setting and based on either assessment could not be considered as material given that the adjoining property internal and sunlight levels when compared in terms of the existing context and if the development sought under this application were permitted context. With both the appellants and applicants investigation of these matters clearly showing very marginal increase in actual overshadowing on properties in the vicinity, in particular in relation to impact on No. 23 Leinster Lawn.

- 7.4.7. Similarly, the rear amenity space of the appellants property existing context and if the development sought under this application were permitted context is not materially changed with the level of sunlight exceeding the BRE Guidelines for such areas, i.e., at least half of it should received at least two hours of sunlight on March 21st.
- 7.4.8. Having regard to the assessment provided by both the First and Third Party on the matter of overshadowing and daylighting both support that in relation to other properties adjoining and surrounding the development sought under this application (i.e., to the east, west and north), the proposed development has no potential to adversely impact their residential amenity in terms of the level of overshadowing and/or loss of daylighting.
- 7.4.9. Having regard to the recommended standards and guidance on such matters (BRE 209 and BS 2008), I am satisfied that the applicants have carried out sufficient analysis in respect of those properties where a potential impact may arise by reason of obstruction of sunlight or overshadowing, and that these tests demonstrate that these existing dwellings are unlikely to be significantly affected as a result of the proposed development. I am therefore satisfied that there would be a negligible impact on the surrounding residential properties by reason of overshadowing.
- 7.4.10. On the matter of overlooking, whilst actual overlooking can be addressed by measures like those set out under Condition No. 2 of the Planning Authority's notification to grant permission, I accept that there would still be a perception of overlooking.
- 7.4.11. Notwithstanding, the location of the subject property is in a built-up suburban area of Clonskeagh with properties to the east, west and north having a first-floor element. It is a residential area that is predominated by two storey built forms with a pattern of development that has generally limited lateral side separation between properties. It is generally understood in suburban settings like this built-up residential area that overlooking, where properties effectively back and side on to one another that overlooking is often a common and unavoidable feature. This is an inherent reality that cannot be discounted in terms of accessing overlooking and what is or is not acceptable in such areas.
- 7.4.12. I therefore consider that the mitigation measures proposed under Condition No. 2 would provide a satisfactory level of protection of privacy between the first-floor level of the proposed dormer extension and the appellants dwelling.

7.4.13. I am generally satisfied, having regard to the proposed development sought together with the nature, scale, and extent of residential development in the vicinity, will not result any significant loss of amenity to adjoining properties. I am also satisfied that the scale, design, and layout of the proposed ground and first floor dormer will contribute to the modernising of the host dwelling. Alongside providing additional qualitative habitable space for its occupants in a manner that would be acceptable in terms of impact on existing residential amenity of the host dwelling as well as properties in its vicinity and would be in accordance with the proper planning and sustainable development of the area.

7.5. **Other Matters Arising**

7.5.1. Should the Board be minded to grant permission for the proposed development sought under this application I recommend that Condition No.s 3 and 6 of the Planning Authority notification to grant permission should be included in the interests of the residential and visual amenity of the adjoining property to the east, i.e., No. 23 Leinster Lawn, in the interests of ensuring no encroachment onto No. 23 Leinster Lawn and in the interests of road safety of the adjoining public domain of Leinster Lawn. In relation to the latter, I note that the modified entrance opens directly onto a pedestrian footpath. Moreover, any grant of permission should in my view be accompanied by an 'Advisory Note' setting out Section 34(13) of the Planning & Development Act, 2000, as revised. For clarity I note that this states that: "*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*".

8.0 **Appropriate Assessment**

8.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1. Based on the information provided, in particular, the issues raised in relation to the public notices accompanying this planning application, I recommend that planning permission be **refused**. The Board may consider this a **new issue**.
- 9.2. Outside of this issue, having had regard to the provisions of the Dún Laoghaire Rathdown County Development Plan, 2016 to 2022, and the site as well as setting's residential land use zoning, the location of the site in an established residential area and to the nature, form, scale and design of the development sought, that, subject to compliance with safeguards similar to those imposed by the Planning Authority in their notification to grant permission, that this development not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Reasons and Considerations

1. On the basis of the information provided, including the public notices that accompany this planning application, it appears to the Board that the proposed development relates to a site where unauthorised development has occurred with this unauthorised development also forming part of the proposed development for which planning permission is sought and a development which is incorrectly set out in the public notices. To permit the proposed development would in these circumstances facilitate the unauthorised development that has occurred. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a planning permission for the proposed development in such circumstances.

Patricia-Marie Young
Planning Inspector - 19th day of June, 2021.