



An
Bord
Pleanála

Inspector's Report

ABP-310859-21

Development	Sub-division of an existing site and the construction of a detached two storey house, connection to public foul sewer, utilisation of existing vehicular entrance and all associated site works.
Location	Rockbrook House, Blackglen Road, Sandyford, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0383
Applicant(s)	Maria Byrne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Maria Byrne
Observer(s)	None
Date of Site Inspection	19 th January 2022
Inspector	Margaret Commane

1.0 Site Location and Description

- 1.1. The area surrounding the subject site is a mature residential area featuring a mix of single storey and two storey dwellings in a variety of architectural styles. The subject site has an area of 2.224Ha and is located to the south of Blackglen Road in Sandyford. It comprises the western side garden of an existing two storey detached dwelling with hipped roof profile known as 'Rockbrook House'. There is a level difference across the site (south to north) of c. 4.8 metres. The site's front boundary features an existing stone clad wall with a vehicular access off Blackglen Road provided in the north-western corner. The improvement of Blackglen Road is a 6-year road objective under the current Development Plan (2016-2022).
- 1.2. To the immediate east and south-west of the site are a no. of detached dwellings. A greenfield site is located to the south-east. Lamb Doyle's Public House is located approximately 50 metres to the west and the car park serving this public house flanks the subject site's western boundary, however, construction of a 2 storey dwelling has been approved in the easternmost part of this car park, under Reg. Ref. D11A/0362 (subsequently extended).

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached 4 no. bedroom dwelling. The proposed dwelling has an area of 267 sq. metres and has a part single storey/part two storey design. The maximum height of the dwelling is 7.845 metres.
- 2.2. The dwelling has a contemporary design and materials/finishes comprise plaster finish, local stone and slate roof tiles. The single storey element has a metal clad roof. Access to the dwelling is via an existing entrance to be shared with the existing dwelling house featuring on the site. The development also provides for a new connection to the existing public foul sewer.

3.0 Planning Authority Decision

3.1. Decision

To Refuse Permission for the following 1 no. reason:

“Blackglen Road is deficient in both width and alignment, with no footpath to the front of the subject site. The improvement of Blackglen Road is a 6-year road objective under the Dún Laoghaire County Development Plan (2016-2022). The proposed development would generate additional traffic movements onto this substandard road and as a result, the proposed development is considered premature pending the upgrade of the Blackglen Road and would endanger public safety by reason of traffic hazard; setting an undesirable precedent for similar developments at this location. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Report

- It is considered that the development complies with the guidance set out in the Development Plan and the Quality Housing for Sustainable Communities: Design Guidelines 2007 regarding siting, internal accommodation and private open space.
- Having regard to the design and footprint of the proposed dwelling, the level difference across the site and the separation distance adopted from the rear site boundary, it is considered that the proposed development will not detract from the residential amenity of adjoining dwellings to the south. In the context of the dwelling approved immediately west, under Reg. Ref. D11A/0362 (subsequently extended), concerns were raised regarding potential impacts on residential amenity caused by the winter garden. It was recommended that additional information be requested in this regard.
- The development will result in the intensification of an existing entrance and this will create a road safety hazard due to deficiencies in the width and alignment of the Blackglen Road.

3.2.2. Other Technical Reports

Transportation Planning (10/06/2021): Recommends refusal on the basis that Blackglen Road is deficient in width and alignment and has no footpath to the front of the proposed development. Any additional traffic generated by the development at

both construction and operational stages will create a road safety hazard. This can only be remedied when the Blackglen Road Improvement Scheme has been put in place. The report notes that the improvement of Blackglen Road is a 6-year road objective under the current Development Plan (2016-2022).

Drainage Planning (3/06/2021): No objection, subject to conditions.

3.3. Prescribed Bodies

Irish Water (3/06/2021): No objection, subject to standard requirements.

3.4. Third Party Observations

1 no. third party observation was submitted to the Planning Authority. The main issues raised therein are as follows:

- The scale and height will be excessive and visually obtrusive;
- It is an un-neighbourly development in a rural area;
- The removal of granite to accommodate foundations will have a detrimental effect on Rockfield and surrounding properties;
- The proposal will have a negative impact on privacy as a result of overlooking from rear windows;
- The proposed development will block views from Rockfield;
- Negative impacts on their property value; and
- The proposal comprises overdevelopment.

4.0 Planning History

4.1. There has been 1 no. previous application pertaining to the subject site of relevance. In addition, there have been a number of other recent applications in the vicinity of the subject site that are pertinent to the current proposal. These are summarised overleaf.

4.2. Subject Site

PA Reg. Ref. D08A/0962

Permission refused on 16th October 2008 for the construction of two-storey detached house in garden at side of existing house, forming new site entrance to existing house and all associated site and drainage works, for the following reasons:

- 1. The proposed vehicular entrance accesses onto the Blackglen Road: It is an objective of the 2004 County Development Plan to upgrade this road as part of the Harold's Grange/ Blackglen Road Improvement Scheme. The proposals for the Blackglen Road / Harold's Grange Road improvement scheme have not been finalised. The proposed development is therefore premature pending the determination of the Road Authority of a road layout for the area.*
- 2. The proposed access onto the Blackglen Road has inadequate sightlines and no footpath outside the property. The proposed development would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

4.3. Adjacent Sites

PA Reference D17A/0511 (Appeal Reference PL06D.249074)

This application related to a proposal for an infill detached dwelling to the rear of an existing dwelling, known as 'Corrie', featuring on site which shared an existing vehicular access onto the Blackglen Road. The site is located immediately east of the current application.

The Board, concluding that the proposed development would be acceptable in terms of traffic safety and convenience, granted permission for this application in November 2017 noting that particular regard was had to the residential zoning objective for the site, the existing pattern of development in the vicinity of the site and the design and layout of the existing established access which incorporates provision for the proposed Blackglen Road Improvement Scheme.

PA References D11A/0352 (Appeal Reference PL06D.239686) and D11A/0362 (Appeal Reference PL06D.239687)

These applications relate to concurrent applications for two detached dwellings on a site that formed part of an existing surface car park that served the Lamb Doyle's Bar and Restaurant. The sites are located immediately west of the current application. The proposed site plans submitted with the applications indicated that the sites would have a temporary access shared with that serving the pub car park, and that separate vehicular entrances off the Blackglen Road would be provided when the road upgrade is complete.

The Board granted permission for both applications in April 2012 noting that particular regard was had to the residential zoning objective for the site, and the developments were acceptable in light of the transitional suburban character of the area and that adequate sightlines could be provided having regard to the 50 kph speed limit that applies in the area.

PA References D19A/0764 and D19A/0769

These applications relate to concurrent applications for the demolition of 2 no. dwellings known as 'Barroque' & 'The Nook' and construction of 2 no. two storey detached dwellings, alterations to front boundary treatment including vehicular entrance to Woodside Road and associated site works. The sites are located immediately south-west of the current application and the easternmost parcel flanks the subject site's western boundary for a short length.

Permission was granted by Dun Laoghaire Rathdown County Council in both instances in December 2019.

4.4. Vicinity of the Site

PA Reference D10A/0177 (Appeal Reference PL06D.236991)

This application related to a site further west of the application site. This application involved a proposal for a new detached dwelling served by a new vehicular access onto the Blackglen Road. Concerns were raised by the Inspector regarding the adequacy of sightlines and the development was refused in November 2010 for the following reason:

“The proposed development would create an additional vehicular entrance onto the busy Blackglen Road, which is substandard in terms of alignment and width. Notwithstanding the mitigation measures proposed, it is considered that the access proposals for the existing and proposed dwellings would fail to provide adequate sight distances for traffic using the site or to offer sufficient improvements over the existing arrangement to justify an intensification of traffic turning movements at this location. The proposed development would, therefore, endanger public safety by reason of traffic hazard.”

PA Reference D14A/0090 (Appeal Reference PL 06D.243375)

This application relates to a site further west of the application site. Permission was granted by the Board in September 2014 for the subdivision of a site and the construction of a 3 bed dormer bungalow, modifications to entrance gates and new footpath adjacent to Blackglen Road. Access to the site was via shared use of the entrance serving the existing dwelling. The Inspector in their deliberation of the proposal noted uncertainty over the timescale of completion of the necessary upgrade works to the Blackglen Road. A refusal was recommended on the basis of prematurity.

The Board, however, granted permission and had regard to the fact that the design and layout of the proposed access incorporated provision for the proposed Blackglen Road Improvement Scheme. It was also noted that the amendments to the access arrangements had overcome previous concerns raised in an earlier application pertaining to traffic safety. In this regard, it was considered that the development would be acceptable in terms of traffic safety.

PA Reference D16A/0493 (Appeal Reference 06D.247285)

This application relates to a site located approximately c. 130 metres to the east of the subject site. Permission was refused by the Board in December 2016 for a development comprising the provision of a new vehicular access including the provision of a 5 metre wide gate set back from the public road. The reason for refusal stated:

“The proposed development would be premature pending the upgrade of the Blackglen Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased construction traffic likely to result from the

proposed development. The proposed development would, therefore, endanger public safety by reason of a traffic hazard.”

It was indicated by the applicants that the lands do not have any vehicular access and permission was sought to access the lands for maintenance purposes. It was also noted that if the access was permitted, it could be modified and incorporated into the Part 8 Scheme.

The Inspector’s Report notes that there had been a number of previous applications on the site which had been refused, including a proposal for 180 residential units, refused in relation to traffic hazard.

The Inspector’s Report also noted that post construction traffic utilising the access would be minimal and would not constitute a traffic hazard. The primary concern related to the impacts of construction traffic.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2016-2022

5.1.1. Land Use Zoning

The site is zoned Objective ‘A’ in the Dun Laoghaire Rathdown County Development Plan 2016-2022 with a stated objective ‘*to protect and/or improve residential amenities.*’ The plan identifies a 6 year road proposal relating to the Blackglen Road.

5.1.2. Other Relevant Sections/ Policies

Section 2.1.3.4 Existing Housing Stock Densification:

“Encourage densification of the existing suburbs in order to help retain population levels – by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Section 2.2.10.1: Roads: Policy ST25: Roads:

“It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road

network – including improved pedestrian and cycle facilities". Table 2.2.5 lists Blackglenn Road as one of the Six-Year Road Objectives.

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (v) Corner/Side Garden Sites:

"Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters:

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- *Impact on the amenities of neighbouring residents.*
- *Accommodation standards for occupiers.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed where appropriate.*
- *Car parking for existing and proposed dwellings.*
- *Side/gable and rear access/maintenance space.*
- *Private open space for existing and proposed dwellings.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance."*

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas: (vii) Infill:

“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

Section 8.2.3.5: Residential Development – General Requirements

5.2. Natural Heritage Designations

5.2.1. None in the immediate vicinity of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and its location 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

The grounds of appeal can be summarised as follows:

- The scale and pattern of development in the area provides considerable planning precedent to permit the development.
- The proposed development will utilise an existing entrance, which is consistent with permitted applications for similar development in the surrounding area.
- As outlined in the Traffic Report, prepared by TPS M Moran & Associates, which accompanies the application, the proposal utilises an existing established vehicular entrance which has adequate sightlines.

- The road improvement works along Blackglen Road incorporate the existing vehicular entrance and no works are proposed to the existing entrance, therefore, permission can be granted.
- Development on site's zoned Objective A with an objective "*to protect and or improve residential amenity*", such as the subject site, has been accepted by the Planning Authority.
- In relation to application reference D11A/0352 (Appeal Reference PL06D.239686), which has subsequently been extended to 17th April 2022, the appellant indicates their willingness to remove the 'winter garden' should the Board be so minded.
- Adequate space exists to the front of the existing and proposed development to accommodate the no. of car parking spaces required to serve the development and existing dwelling.

6.2. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- Access and Traffic

- Principle of Development
- Overall Design and Layout / Visual Impact
- Residential Amenity
- Other Matters
- Appropriate Assessment

7.1. Access and Traffic

- 7.1.1. The principal objection of the Planning Authority to the proposed development is that it is premature pending the completion of the necessary upgrade works to the Blackglen Road. Part 8 approval for these works has been granted and it is stated in the Planning Authority Transportation Report that the improvement of this road is a 6-year road objective under the current County Development Plan (2016-2022). Following a recent site inspection, it would appear that the approved Part 8 works have commenced on the Blackglen Road.
- 7.1.2. It is detailed that the approved Part 8 works will consist of approximately 3 km of single carriageway road along the route of the proposed Road Improvement Scheme including cycle tracks, footpaths, boundary walls, retaining walls, entrances, re-graded driveways, railings, fences, bus stops, road marking, public lighting, road drainage outfalls with new attenuation areas, alterations to other services, signage, extensive landscaping, planting of new trees and hedges, and public realm improvements. I have reviewed the Part 8 drawings and I am satisfied that the design and layout of the road improvement works incorporates the existing access point currently serving the existing dwelling on site and proposed to serve the new dwelling for which planning permission is sought.
- 7.1.3. There have been a number of similar applications in the vicinity of the site for infill residential development with shared access via an existing vehicular entrance. Four of these applications, all relating to single dwelling houses, have been granted by the Board, namely appeal references PL06D.249074, PL06D.239686, PL06D.239687 and PL06D.243375. In all of these cases, the Board had particular regard to factors such as the zoning of the site, the character of the area and the fact that adequate sightlines

could be achieved. In the case of PL06D.249074, the fact that the approved Part 8 scheme for the Blackglen Road Improvement Scheme incorporates this existing access point in its design was also considered.

7.1.4. It is noted that the subject application site shares many characteristics of the aforementioned applications. The development is located on land that is zoned Objective A, with an objective '*to protect and/or improve residential amenity*'. It is served by an existing established access which provides adequate sightlines and the approved Part 8 for the Blackglen Road Improvement Scheme incorporates this existing access point in its design.

7.1.5. It is acknowledged that a previous planning application for the subject site under PA Reg. Ref. D08A/0962, involving the construction of a two-storey detached house in garden at side of existing house and provision of a new site entrance to existing house, was refused by the Planning Authority. It is considered, however, that this application is somewhat different to the subject case, in that it proposed a new access point and the proposals for the Blackglen Road Improvement Scheme had not been finalised at the time of consideration. The current application involves one dwelling served by an existing vehicular access, the principle of which has been previously accepted by the Planning Authority, and the proposals for the Blackglen Road Improvement Scheme have since been finalised. In fact, the Blackglen Road improvement works have commenced. Completion of these works are likely to be completed within a similar or shorter timeframe to the construction of the subject dwelling, if approved.

7.1.6. In relation to potential impacts during the construction phase, it is considered that the current existing access is adequate to deal with the limited volumes of construction traffic likely to be associated with a single dwelling. Furthermore, the hours of construction can be restricted by way of condition to limit construction traffic to outside of peak hour traffic periods. This will mitigate potential adverse impacts. Having regard to the character of the development, it is likely to have a very low impact in terms of traffic volumes during its operational phase.

7.1.7. In this regard, having regard to:

- the infill residential dwellings featuring in the vicinity of the site;

- the established nature of the existing access;
- the fact that the Part 8 works on Blackglen Road have commenced; and
- the planning history and zoning of the site,

it is considered that the proposed development will not have a material adverse traffic impact during the construction or operational phases and thus is in accordance with the proper planning and sustainable development of the area.

7.2. Principle of Development

- 7.2.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.3. Overall Design and Layout / Visual Impact

- 7.3.1. Section 2.1.3.4 of the Development Plan encourages densification of the existing suburbs through by infill housing. A balance is needed between the protection of amenities/privacy, the established character/visual amenity of the area and new infill residential development. The protection of amenities and privacy are considered in the subsequent section of this report. In the context of the established character and visual amenity of the area, the main planning consideration is whether the proposed development positively addresses its receiving context.
- 7.3.2. The subject proposal is a contemporary detached infill dwelling located within an established residential area. The immediately surrounding area features a no. of detached dwellings in a variety of styles and materials/finishes and there is no single prevailing building type or design. The overall style, appearance, scale and materiality of the proposed dwelling is comparable to the houses within its immediate receiving environment. This includes Rockbrook House, the existing house on the subject site, and the new dwelling approved under Appeal Reference PL06D.239687

(subsequently extended under Reg. Ref. D11A/0362/E), which adjoin the site to the east and west, respectfully.

- 7.3.3. The proposed dwelling has a pitched roof with an overall height of 7.845 metres. This is 0.7 metres lower than the ridge height of the hipped roof featuring at Rockbrook House immediately east. The dwelling approved under Appeal Reference PL06D.239687 to the west features a hipped roof with an overall height of 8.22 metres. Therefore, the pitch and finish of the proposed dwelling's roof is consistent with the existing pattern of residential development in the immediate area and the proposed dwelling will sit comfortably in the Blackglen Road streetscape.
- 7.3.4. With regards to the setback adopted from the street, the proposed dwelling is setback 9.7 metres from Blackglen Road. This is c. 4 metres forward of the building line of Rockbrook House and c. 3 metres forward of the building line associated with the dwelling approved under Appeal Reference PL06D.239687. The proposed projection beyond the building line associated with the dwellings to the immediate east and west, is considered appropriate in this instance having regard to the absence of a consistent established building line on this section of Blackglen Road. Immediately east of Rockbrook House, the dwelling known as Corrie is setback c. 7 metres from Blackglen Road, while Lamb Doyles Public House further west of the subject site adopts a c. 8.4 metre setback from Blackglen Road.
- 7.3.5. There is space for two off-street car parking spaces at the front of the proposed house accessed via the existing vehicular access featuring on site which is consistent with the existing car parking arrangements for dwellings along Blackglen Road.
- 7.3.6. I consider that the design and layout of the proposed development is appropriate and in keeping with its surrounding context and the proposed dwelling will not have a negative impact on the character or visual amenities of the surrounding area.

7.4. Residential Amenity

Proposed House

- 7.4.1. The proposed dwelling has a total floor area of 267sqm across the 2 floors. Having reviewed the proposed floor plans, I am satisfied that the house is suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents. It is noted that the side elevation (west), included on Drawing No. MB/PLN-003b submitted with the planning application, does not include the window to the ground floor home office detailed on the floor plans. To ensure sufficient daylight is provided to this room, it is recommended that the Board, if so minded to grant permission, include a condition requiring that the side elevation (west) be updated to reflect the inclusion of the window serving the proposed home office.
- 7.4.2. Section 8.2.8.4 of the Development Plan requires that 4 bedroom (or more) houses are provided with a minimum of 75sq.m private open space. The exact size of the private open space is not specified in the application material. However, upon review of the plans submitted, it would appear that the proposed dwelling will be served by c. 300sqm of private open space for the rear of the subject site. Although the proposed private open space area will be sloped, I consider there to be sufficient scope within the c. 300sqm provided to provide a sufficient amount of usable open space to serve residents of the proposed dwelling. The plans submitted with the application did not include any details in relation to boundary fencing proposed between the subject dwelling and Rockbrook House. It is considered that this information should be required by way of condition and it is recommended that the Board, if so minded to grant permission, include a condition requiring that details of boundary fencing proposed between the subject dwelling and Rockbrook House be submitted and agreed with the Planning Authority.

Existing House

- 7.4.3. The site layout drawing indicates that a large rear garden (c. 400sqm) would be retained to serve the existing dwelling on site. I consider the retained rear garden

would be adequate to serve the needs of the existing dwelling, should permission be granted.

7.4.4. The Planning Authority in their report stated that cars currently park to the rear of Rockbrook House and it is unclear how the parking arrangement for the existing dwelling will operate post-development. They indicated that additional information should be sought in this regard. Having visited the subject site, it would appear that ample space and hard surfacing features to the front of the subject site to accommodate car parking requirements of the existing dwelling. In addition to this, a 3 metre separation distance is proposed between the existing dwelling and the common boundary which is sufficient space to allow continued access to the rear car parking area.

7.4.5. With regards to potential overlooking, the first floor eastern façade of the proposed dwelling is devoid of habitable room windows, so there is no potential for overlooking from opposing first floor windows. Potential overlooking from ground floor habitable room windows featuring along the subject dwelling's eastern façade can be easily restricted by boundary fencing being introduced along the common boundary. As previously discussed, the plans submitted with the application did not include any details in relation to boundary fencing proposed between the subject dwelling and Rockbrook House. It is considered that this information should be required by way of condition and it is recommended that the Board, if so minded to grant permission, include a condition requiring that details of boundary fencing proposed between the subject dwelling and Rockbrook House be submitted and agreed with the Planning Authority.

7.4.6. With regards to potential overshadowing, due to the orientation of the subject site and the positioning of the rear amenity space serving the existing dwelling on site, no significant overshadowing issues arise from the subject proposal in the context of the existing dwelling.

7.4.7. Adjacent Houses

- 7.4.8. The site is adjoined to the south by a detached property known as Rockfield. There is a level difference across the subject site (south to north) of c. 4.8 metres. As a result of this slope and the topography of the immediate area, the proposed dwelling will sit below Rockfield. The owner of this property, in their observation to the Planning Authority, raised concerns about the excessive scale/height of the proposed dwelling and the negative impact on privacy resulting from overlooking from rear windows.
- 7.4.9. As illustrated in the site section, included on Drawing No. MB/PLN-003c submitted with the planning application, due to the level differences between the 2 no. properties, the proposed dwelling's first floor south facing habitable windows will sit opposite Rockfield's ground floor windows and rear amenity space. I do not consider the proposed development would result in any significant or undue overlooking impacts on this property due to the boundary fencing/vegetation currently featuring along the common boundary and the 22 metre separation distance provided between the proposed south facing first floor windows and the common boundary.
- 7.4.10. With regards to the potential overbearing impact on the dwelling to the south, it is not considered that the proposed dwelling will have an unreasonable overbearing impact due to the level difference that exists between the two sites, the design/layout of the proposed dwelling and the separation distance that exists between the proposed dwelling and the common boundary.
- 7.4.11. With regards to potential overshadowing, due to the orientation of the subject site to the north of Rockfield and the topography of the area, no significant overshadowing issues arise in the context of the neighbouring property to the south.
- 7.4.12. The site is currently adjoined to the west by a car parking area associated with Lamb Doyles Public House, therefore, there no potential for negative impacts on residential amenity to the west currently. A 4-bedroom two storey detached dwelling has been approved by the Board, under Appeal Reference PL06D.239687, on the easternmost part of this car parking area, immediately adjacent to the subject site. Consideration

of potential impacts on residential amenity of this approved dwelling is required in the context of the subject proposal.

7.4.13. The eastern façade of this neighbouring dwelling and the first floor western façade of the proposed dwelling are devoid of habitable room windows, so there is no potential for overlooking from opposing first floor windows (potential overlooking from the first floor covered winter balcony will be considered separately below). Potential overlooking from ground floor habitable room windows featuring along the subject dwelling's western façade will be restricted by boundary fencing currently featuring along the common boundary. The Planning Authority in their report raised some concerns about the potential of overlooking from the west-facing covered winter balcony featuring at first floor level and recommended that further information should be requested in this regard. Upon review of the plans approved under Appeal Reference PL06D.239687, it would appear that the covered winter balcony would overlook the rear amenity space serving this proposed dwelling. It is considered that such potential overlooking could be restricted by way of suitable screening and it is recommended that the Board, if so minded to grant permission, include a condition requiring that the covered winter balcony be appropriately screened.

7.4.14. With regards to potential overshadowing, due to the orientation of the subject site and the positioning of the rear amenity space serving this proposed dwelling to the west, no significant overshadowing issues arise in the context of this neighbouring property.

7.5. Other Matters

7.5.1. Development Contribution – I refer to the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2016-2020. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development (a single house within an established urban area), 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.

8.0 Recommendation

8.1. Having regard to the foregoing, it is recommended that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below.

9.0 Reasons and Considerations

9.1. Having regard to the zoning of the site as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, the existing pattern of development in the vicinity of the site and the design and layout of the existing established access which has been incorporated in to the Blackglen Road Improvement Scheme which is currently under construction, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety, would not seriously injure the character and visual amenities of the area and would not seriously injure the amenities of the adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
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	Reason:
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) The side elevation (west) included on Drawing No. MB/PLN-003b shall be updated to include the window serving the proposed home office. b) An obscure glass screen, or similar, to a height of 1.8 metres shall be added to the first floor covered winter balcony. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
4.	<p>A comprehensive landscape and boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-</p> <ul style="list-style-type: none"> a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development, b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and c) details of all proposed boundary treatments, including heights, materials and finishes. <p>The landscape and boundary treatment works shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual and residential amenity.</p>

5.	<p>The flat roofed area shall not be used or accessed as a roof garden/patio.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>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 noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>

10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>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.</p> <p>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</p>

Margaret Commane
 Planning Inspector

26th January 2022