



An  
Bord  
Pleanála

## Inspector's Report ABP-311417-21

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<b>Development</b>	House with parking, new boundary walls, vehicular and pedestrian access, and associated site works.
<b>Location</b>	Rear of, 1A, Seapoint Avenue, Blackrock, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0612
<b>Applicant(s)</b>	Eamon Murtagh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Eamon Murtagh
<b>Observer(s)</b>	Timothy and Rosemary Foley
<b>Date of Site Inspection</b>	14 <sup>th</sup> January 2022
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site is located c. 450m to the south east of the village of Blackrock at a prominent corner at the junction of Seapoint Avenue and Newtown Avenue. The site has a stated area of 0.047 hectares.
- 1.2. The site is bounded to the east by a bungalow and to the south by a two storey residence. The existing house on the site is a detached two storey dwelling with a raised parapet and a low-pitched roof profile mostly behind the parapets. The house is served by off street parking from Newtown Avenue by way of two separate garages. There is pedestrian access only from Seapoint Avenue with no parking to the front.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Construction of one bedroom 3 storey dwelling with a stated area of 71.2m<sup>2</sup>
  - Demolition of existing boundary walls and internal garden wall

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Permission refused for 3 No. reasons relating to loss of residential and visual amenities and traffic safety having regard to the intensification of an existing entrance.

### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports
  - Planning report raised concerns in relation to impacts on the residential amenities of the parent dwelling on the site and adjacent dwellings to the east and south. Concerns were also raised in relation to the visual impact at a prominent location with Newtown Avenue and Seapoint Avenue together with

traffic safety issues arising from the intensification of use of an existing entrance on the N31.

3.2.2. Other Technical Reports

3.2.3. **Transport:** Refusal recommended on the basis of public safety as it would result in adverse effects on the use of the N31 as a result of the intensification of use of the proposed vehicular entrance.

3.2.4. **Drainage:** Further Information required.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. Two third party observations were submitted to the Planning Authority. The main concerns raised related to impact on residential and visual amenities. Concerns were also raised that the elevations did not correspond with the floor plans submitted.

4.0 **Planning History**

**PA Reg. Ref. D06A/0750/ PL06D.219173**

Permission refused by PA and by ABP on appeal for the raising of the parapet level of the main house by 2.7m to provide a 2<sup>nd</sup> floor extension, new concrete roof and roof garden at 1A Seapoint Avenue, Blackrock.

**PA Reg. Ref. D07B/0455**

Permission refused by PA for a new concrete deck and garden over existing parking bay and the raising of the garden wall at Newtown Avenue by 350mm.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

The site is zoned as objective A: To protect and/or improve residential amenity.

Relevant policies and objectives include the following:

**Section 8.2.3.4 (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 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.”

**Policy RES 3:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

**Policy RES 4:** It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

**Section 8.2.3.2** of the Plan sets out quantitative standards for residential development. **Section 8.2.4.5** provides car parking standards and **Section 8.2.8.4** provides standards for private open space.

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are the South Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay pNHA located c. 200m to the north of the site.

## 5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the 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:

- Image 1 of appeal illustrates that the proposed development is appropriate to the setting at this location.
- The development seeks to increase density on an underutilised site.
- Design strategies have been employed to reduce the perceived mass.
- Car parking for the existing and proposed dwelling has been retained in its original location with the proposed duplex unit above. There is no increase in car parking provision of potential vehicular movement.
- The proposed design is of very high quality and complies with Development Plan objectives in this regard.
- The design approach was to bring contemporary and modern elements to the street. A precedent for this has already been set at 30-34 Temple Park.
- There was an error in the drawings submitted which has now been rectified to show the windows indicated previously in elevation and also in plan format. These are included in Appendix C.

- The distances between the existing house No. 1A Seapoint Avenue and the adjacent property No. 1 Seapoint Avenue are considerably closer than that of the proposed new dwelling. Glazing to this rear (east) and side (south) elevations have been limited to prevent direct overlooking.
- The level of private open space is in line with requirements for a duplex unit. It is also envisaged that the occupier of the proposed dwelling and the owner of the existing dwelling would use the existing rear garden to No. 1 A as a communal garden, as they are family members.

## **6.2. Planning Authority Response**

6.2.1. The Planning Authority response can be summarised as follows:

- 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**

6.3.1. One observation has been submitted which can be summarised as follows:

- Strongly support reasons for refusal.
- The height is inappropriate at this location and may have been underestimated when proper allowance is made for roof structure, insulation etc.
- The design fails to response to the existing residential context.
- Concern regarding overlooking and that the flat roof at second floor level may be used as a roof garden.
- Proposed building line inappropriate.
- Private open space inadequate.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Design and Scale
- Impact on Residential Amenities
- Impact on Traffic Safety
- Other Matters
- Appropriate Assessment

### 7.2. Design and Scale

7.2.1. The subject site is located at a prominent location at the junction of Seapoint Avenue and Newtown Avenue. The proposed development comprises of a three storey one bedroom dwelling.

7.2.2. This is a constrained site in my view and the constrained nature of the site is demonstrated in the design submitted. I note that there is no setback from Newtown Avenue which is out of character with existing development at this location. This site is unforgiving having regard to the prominent location at the junction, the limited size of the site, and the absence of a setback from Newtown Avenue.

7.2.3. The area is a mature residential area with a wide variety of different styles and finishes. I am of the view that the location of the proposed development, c. 12m forward of the building line of 'Ard Muire' to the south would have negative impacts on the amenities of this property. I do not consider the development to be appropriately scaled infill development. I am of the view that the three storey height of the development is excessive at this location between 2 No. two storey residences. I consider that the design fails to respond to the existing residential context and would constitute a discordant feature in the streetscape at this location.

7.2.4. Whilst the design itself is attractive and of high quality in my view, I am not satisfied that the design approach proposed is appropriate for this restricted site and consider that it would fail to integrate or be compatible with the design and scale of existing

properties in the vicinity of the site. I note that the appeal response draws comparison to a site in the vicinity where permission was granted for 3 No. dwellings at Temple Park. I have examined the images submitted for this site together with the location of the site and I consider that the sites are not comparable, as the site at Temple Park is a substantially larger site than the current site.

- 7.2.5. In conclusion, I consider that the design and scale of the development proposed is not acceptable at this location. In my view, the proposed development is inappropriate infill development and would result in overdevelopment of a restricted site and poorly integrate with existing development at this location.

### **7.3. Impact on Residential Amenities**

- 7.3.1. Concerns are raised in relation to overlooking, overbearing impacts, and inadequate quality of private open space.
- 7.3.2. I consider that these issues are connected with what I consider to be the primary issue in this case, which is overdevelopment of a restricted site.
- 7.3.3. In relation to overlooking, I am of the view that the development has been carefully designed to address the issue of overlooking. There are no windows in the southern elevation and the windows in the eastern elevation serve non-habitable rooms/ areas including a toilet, stairs and hot press. I note that most of the main fenestration of the proposed dwelling is to the west overlooking a public road (Newtown Avenue). Concern is raised in the observation to the Board that the flat roof at second floor level could be used as a roof garden which could result in overlooking. I am of the view that if the Board is minded to grant permission, this matter could be addressed by condition. Nonetheless, I am satisfied that the proposed development would not unduly overlook any other property in the vicinity of the site.
- 7.3.4. I would share the concerns of the Planning Authority and the observer in relation to overbearing impacts. The planning report considers that having regard to the 'siting and design of the development proposed, together with the orientation of the site, the subject development would be visually overbearing, and may result in an undue degree of overshadowing of the amenity to the front of this property.' I concur with this view having regard to the proximity of both sites and the location and height of



the proposed development relative to Ard Muire. I would also have concerns in relation to the impact of the proposed development on the parent dwelling in terms of both inadequate separation distances and overbearing impacts which would injure residential amenities in my view.

- 7.3.5. In terms of private open space, the Development Plan requires that all houses should have an area of private open space behind the front building line. Section 8.2.8.4 requires a minimum of 48 square metres for a 1 bedroom house. The appeal response makes the case that the level of private open space is in line with the requirements for a duplex unit. It is also envisaged that the occupier of the proposed dwelling and the owner of the existing dwelling would use the existing rear garden of No. 1A as a communal garden as they are family members.
- 7.3.6. I do not consider that the standards for duplex units should be applied to the proposed dwelling. In my view, this is a detached dwelling in the garden of an existing dwelling and the appropriate policy for such development is set out in Section 8.2.8.4 in relation to the quality and quantity of private open space.
- 7.3.7. The only private open space proposed is a north facing first floor balcony of 7.5m<sup>2</sup>. In my view, this would lead to a poor level of amenity for the intended occupants. I share the view of the Planning Authority that the proposal to provide a communal private open space is unacceptable.
- 7.3.8. As such, the proposed development would provide for a poor quality of amenity for future occupants, and would be contrary to Section 8.2.3.4 of the current Dun Laoghaire- Rathdown County Development Plan in relation to additional accommodation in built up areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **7.4. Impact on Traffic Safety**

- 7.4.1. I note that two main issues were raised by the Planning Authority in relation to traffic safety in the reasons for refusal. The first issue related to intensification of use of an existing entrance and the second issue related to adverse impacts on a national road (N31) as a result of the intensification of use.

- 7.4.2. The appeal response makes the case that given the location of the proposed development to both city centre and public transport networks and the fact that the current application does not include a proposal for new car parking and instead uses the existing car parking spaces, it will not be adding to traffic congestion or increasing pressure on existing infrastructure or space.
- 7.4.3. The existing house has two garages located on Newtown Avenue used for parking purposes. I note that the new development provides for two car parking spaces at ground floor level with the dwelling above. It is stated in the appeal response that the two spaces will be shared between the proposed dwelling and the existing house at No. 1A Seapoint Avenue, occupied by the applicant's son and that this is no different to the existing arrangements.
- 7.4.4. Nevertheless, what is proposed, is an additional house in the garden of an existing dwelling. This constitutes an independent dwelling, notwithstanding the current proposals that both dwellings are intended for family members and there are no current proposals to subdivide the site. I am of the view that this is an independent detached house and as such, I concur with the Transportation Division view that it is intensification of development.
- 7.4.5. However, I note that the site is located in urban area in the 50 kph speed limit zone, the location is highly accessible c. 400m from the centre of Blackrock Village, c. 400m from Seapoint Dart Station and c. 650m from Blackrock Dart Station. The area is also very well served by bus routes. The site is located in close proximity to a signalised junction at Seapoint Avenue/ Newtown Avenue and in close proximity to a sharp corner which would limit the speed of traffic at this location. There are pedestrian traffic lights close to the site on Seapoint Avenue.
- 7.4.6. Having regard to the above, whilst the proposal would result in an intensification of development, having regard to the location of the site, the existing two garages serving the site and the location of the proposed vehicular entrance, I am satisfied that the proposed development would not result in the creation of a traffic hazard.

## **7.5. Other Matters**

- 7.5.1. I note that revised drawings have been submitted with the appeal response to correct an error in the drawings submitted with the application. The revised drawings indicate clerestory windows in both elevation and floor plans and are satisfactory in my view.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be refused for the proposed development as follows:

## **9.0 Reasons and Considerations**

1. Having regard to the zoning objective for the site, which seeks to protect residential amenity and to the pattern of development in the area, it is considered that the proposed development, by reason of its design, scale, and restricted site size, would result in an incongruous feature which would integrate poorly with existing development in the area, would be overly dominant and would result in an overdevelopment of the site. The proposed development would seriously injure the residential and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the excessive scale and proximity of development to existing residential properties including both the parent dwelling at 1A Seapoint Avenue and 'Ard Muire' to the south, it is considered that the proposed

development would result in an overbearing impact, would result in a reduced level of privacy and would seriously injure residential amenity. Furthermore, it is considered that the proposed development would result in a substandard form of development for future residents by reason of the substandard quality and quantity of private open space provision. The proposed development would be contrary to Section 8.2.3.4 of the current Dun Laoghaire Rathdown County Development Plan in relation to additional accommodation in built-up areas, would seriously injure residential amenity, and would set an undesirable precedent for similar such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

7<sup>th</sup> February 2022