



An
Bord
Pleanála

Inspector's Report ABP 312308-21

Development	Demolition of single-storey structures and sheds, the subdivision of the site to the rear of the dwelling, the construction of 2 houses, and associated site development works.
Location	34, Tanglewood, Silchester Road, Glenageary, Co Dublin.
Planning Authority	Dún Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0876
Applicant(s)	Elton Primus Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Elton Primus Limited
Observer(s)	Hugh Maguire and Sue Maguire, Cian McKenna,

Professor Jennifer Ryan and
Professor Tomás Ryan,
Brian Mahony and Caroline Gunn,
Helen Brickley and Ronan Hardiman.

Date of Site Inspection

14th October 2022

Inspector

Brendan Coyne.

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1.0 Site Location and Description

- 1.1.1. The site has a stated area of 0.16 ha and is located on the north-eastern side of Silchester Road in Glenageary, Co. Dublin. The site contains a semi-detached two-storey over a raised basement Victorian-style house called 'Tanglewood'. The house and a portion of the rear garden are located within the Silchester Road Architectural Conservation Area (ACA) Conservation Area. The front elevation of the house consists of a red brick finish. Features on its front elevation include a double-height bay window, a fanlight over the main entrance door and granite steps leading up to the door. A secondary entrance is located under these stairs at ground level. A single-storey flat roof extension is located to the side of the dwelling, with outbuilding sheds opposite along the side boundary. The house is set back from the road and is served by vehicular access and off-street car parking to the front. The front garden is enclosed by an original masonry wall with red brick capping and red brick gate piers. The dwelling has a long garden to the rear, with an overall depth of c.85m. Stone walls enclose the rear side boundaries, with very tall coniferous trees planted along the rear boundaries. The rear northern boundary adjoins a wooded area of amenity space to the rear of the apartment development 'Traverslea', located off Glenageary Road Lower. The south-eastern rear/side boundary adjoins the back gardens of residential dwellings situated along the cul-de-sac Silchester Downs. The neighbouring dwellings to either side of Tanglewood along Silchester Road are similar semi-detached two-storey over raised basement Victorian-style houses. The adjoining dwelling to the north-west is named 'Athassel', and the neighbouring dwelling to the south-east is named 'Lady Cross'. A two-way cycle track runs along the roadside boundary of the site. The surrounding area's character is mainly residential, with houses of various styles dating from different periods.

2.0 Proposed Development

- 2.1. **Application as lodged to the Planning Authority on the 06th October 2021.**
- 2.1.1. Permission sought for the following;
- Subdivision of the site to the rear of the existing dwelling 'Tanglewood'.

- Construction of 2 no. two-storey 3-bedroom detached dwellings with 2 no. off-street car parking spaces for both houses, to the rear of 'Tanglewood'.
- Construction of a new access avenue along the eastern boundary.
- Modifications to Tanglewood to accommodate the proposed new houses and access, including the following;
 - Modifications to the front boundary to create a separate vehicular and pedestrian access from Silchester Road to serve the 2 no. proposed dwellings,
 - The relocation and modification to the existing vehicular entrance to serve Tanglewood House.
 - Demolition of single-storey side structures to the side of Tanglewood and removal of external sheds (c.53 sq.m.).
 - Addition of a new door in the side façade of Tanglewood at ground floor level.
 - Landscaping works to the rear garden, including a new separating wall between Tanglewood and the proposed new houses and avenue.
- Associated landscaping, services, and site works.

2.1.2. Revised proposal as submitted on appeal to An Bord Pleanála on the 22nd December 2021.

The revised proposal, as submitted on appeal to An Bord Pleanála, comprises the following:

- Both House Nos. 1 and 2 narrowed by c. 0.5m.
- Replacement of gable-end roof profiles of both dwellings to a hip-end roof profile.
- Modifications to the garden layout and kitchen window ope of House No. 1.
- Provision of vertical fins with opaque glazing to the window ope of the master bedrooms and horizontal fins to the window ope of bedroom no.3, of both dwellings.
- Provision of deep metal surrounds to several windows.

- Revised drainage details, including a rainwater harvesting tank in the rear garden and a below-ground attenuation tank, for both houses.
- Increased landscaping along the northern boundary.
- The proposed entrance is reduced from 4.8m to 4.0m.

Documentation submitted includes;

- First Party Appeal Response
- Architectural Drawings
- Engineering Drawings

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council REFUSED permission for the proposed development. The reason for refusal was as follows;

1. *The proposed dwellings, by reason of their proximity to site boundaries, massing, relationship to existing adjacent properties and overall design, would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing appearance. The proposed development would detract from the existing amenities of the area, would depreciate the value of property in the vicinity, and would not accord with the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas (vi) Backland Development and (vii) Infill. The proposed development would therefore be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.3. Planning Report

3.3.1. The key considerations of the Planning Report are summarised under the headings below.

3.3.1.1. Principle of Development

- The site is subject to zoning objective A, which seeks 'to protect and/or improve residential amenity', under which residential development is permitted in principle.
- The proposed development involves the subdivision of the curtilage of the existing property 'Tanglewood'.
- The proposed dwellings would be located in the rear garden area of the existing dwelling, with a new access arrangement proposed.
- The proposed new dwellings are situated outside the Silchester Road Architectural Conservation Area (ACA) boundary.
- There is a concurrent application on the site under P.A. Ref. D21A/0878 providing for modifications to the existing dwelling Tanglewood and the subdivision of the subject site to provide 1 no. backland dwelling with new vehicular laneway access, 2 no. off-street car parking spaces, revised boundary to Silchester Road, new internal site boundaries, and associated site works.
- The submitted Planning Report states that the concurrent application is submitted *"to enable the option of a phased construction of the houses if required. Both applications include the access avenue works and demolitions to side structures to Tanglewood House which are necessary"*.

3.3.1.2. Internal Areas

- The 190 sq.m. three-bedroom detached dwellings overall and internal areas accord with the provisions of the Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) for three-bedroom, two-story dwelling house unit types.

3.3.1.3. Private Amenity Space

- The proposed two-storey, three-bedroom dwellings (House Nos. 1 and 2) would have 85 sqm and 70 sq.m. of private amenity space.
- The quantum of private amenity space areas to serve proposed House Nos. 1 and 2 would exceed the minimum of 60 sq.m. private amenity space for a house with three bedrooms as required under Section 8.2.8.4(i) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 regarding Private Open Space for houses, and would accord with the provisions of Section 8.2.3.4(vi) regarding private amenity space provision for Backland Development.
- Under Section 8.2.3.4(vi) of the Development Plan regarding Backland Development, minimum rear garden depths of 7m and 11m, respectively, are required to serve single-storey and two-storey backland development.
- Proposed House No.1, located to the northeast of the existing dwelling Tanglewood, would be served by an L-shaped garden area to the rear (west and south-west) of this dwelling as per the 'front' orientation of same.
- The rear garden area serving proposed House no.1 would have a maximum width dimension of c. 12.2m (measured south-east to north-west), a maximum depth dimension of 9m and a minimum depth dimension of approx. 3.8m (measured north-east to south-west).
- Proposed House No.2, located to the northeast of Proposed House no. 1, would be served by a roughly rectangular-shaped rear garden area to the dwelling's rear (west and south-west) as per the 'front' orientation of same.
- The rear garden area serving proposed House No. 2 would have a maximum width dimension of c. 6.8m (measured south-east to north-west), and a maximum depth dimension of 11.7m (measured north-east to south-west).
- Notwithstanding the quantum of open space proposed to serve proposed Houses No.1 and 2, the 9m maximum depth dimension of private amenity space to serve proposed House no.1 would not accord with the provisions of Section 8.2.3.4(vi) of the Dun Laoghaire Rathdown County Development Plan 2016-2022, with regard to Backland Development, which requires, inter alia 'Proposed two storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres'.

- The submitted Planning Report states that a private rear garden area of 242sqm would be retained to serve the property of Tanglewood, Silchester Road. This is acceptable.

3.3.1.4. Infill Development

- Under Section 8.2.3.4(vii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022, new infill development should respect the height and massing of existing residential units.
- The streetscape of Silchester Road is characterised by detached and semi-detached, two and three-storey dwellings of varying form and appearance.
- There is established backland development to the rear of neighbouring properties, including a backland dwelling on an extensive site to the north-west of the subject site (Corrymeela, Silchester Road to the rear of Langdale, Silchester Road) and two-storey properties located within the cul-de-sac development of Silchester Downs to the south-east.
- The principle of two-storey backland development may be considered in the subject area subject to their design, massing and siting, not resulting in undesirable effects on the amenities of existing adjacent properties.

3.3.1.5. Separation Distances

- Under Section 8.2.8.4(ii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022, a minimum separation distance of 22m is generally required between directly opposing rear first-floor windows.
- A separation distance of approximately 24m would be provided between opposing elevations of proposed House no.1 and the existing house Tanglewood.
- Section 8.2.8.4(ii) of the Plan notes that in all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.
- '3D Model - Shadow Analysis' illustrations submitted demonstrate shadow cast images of the existing and proposed subject site layout on 31st March at 09.00 am, 12.00 pm and 03.00 pm.

- The proposed development would not result in undue overshadowing of existing adjacent properties on the 31st March.
- Proposed House No. 1 would be located a minimum of 0.87m from the north-west boundary of the subject site shared with Athassel, Silchester Road. Proposed House No. 2 would be located within 1.4m of this boundary.
- Proposed House No.1 would be served by a first-floor level window (serving a master bedroom area) on the rear (south-west) elevation of the dwelling with a glazed area c. 1.8m x 2.2m in area, located within approx. 3.2m of the north-west site boundary shared with Athassel, Silchester Road. Proposed House No. 2 would be served by a first-floor level window of the same dimension and orientation, located within approximately 3.7m of this boundary
- Notwithstanding the design rationale of the proposed L-shaped dwellings and overall site layout as detailed in particulars submitted, having regard to the proximity of the two-storey dwellings proposed to the north-west boundary of the subject site and upper-level fenestration serving the same, the proposed development has the potential to result in overlooking of private amenity space areas serving the semi-detached neighbouring property Athassel, Silchester Road to the north-west.
- Notwithstanding boundary treatments proposed between proposed House no.1 and Tanglewood, having regard to the siting of proposed House no.1 within 4m of this boundary, concern is raised in relation to the potential overlooking of the rear garden area to be retained to serve the property of Tanglewood from proposed House no.1.
- In the event that a grant of permission was to be considered for the proposed development, further consideration of the first-floor level fenestration of the proposed dwelling is advised in this regard.
- A separation distance of 7.8m would be provided between two-storey elevations and opposing first-floor level bedroom windows of proposed House no.1 and proposed House no.2.
- The potential level of overlooking and poor internal amenity value and outlook of these rooms for the future occupants of the same is noted.

- This relative siting of proposed House no.1 and House no. 2 may be indicative of the overdevelopment of the site.

3.3.1.6. Residential Amenity

- Having regard to the nature and extent of modifications proposed development to the existing dwelling Tanglewood and the front boundary treatment of same onto Silchester Road, these elements of the proposal would not adversely impact the amenities of existing adjacent properties by reason of overlooking, overshadowing or overbearing appearance.
- A minimum separation distance of 4.7m would be provided between proposed House Nos. 1 and 2 and the south-eastern site boundary shared with Lady Cross, Silchester Road and the rear gardens of Silchester Downs residential properties.
- The proposed dwellings, by reason of their design and fenestration layout, would not result in undue overlooking of said properties or amenity spaces serving same.
- Due to the fenestration arrangement of the proposed dwellings at the first-floor level, concern is noted in relation to the potential level of overlooking from proposed House no.1 and House no.2 of the existing adjacent property of Athassel, Silchester Road to the north-west, and amenity space serving same.
- The visual impact of the proposed development as viewed from the south-east may be mitigated to a degree by reason of the relative position of the proposed dwelling to Lady Cross, Silchester Road, and the existing built form of adjacent Silchester Downs properties.
- Existing trees to be retained along the south-eastern site boundary are noted.
- Having regard to the two-storey nature of proposed House Nos.1 and 2, and proximity of same to the north-west subject site boundary shared with Athassel, the Planning Authority is not satisfied that the design of the proposed development would mitigate the visual impact of the proposed dwellings and cumulative view of same, as viewed from the existing adjacent property to the north-west of the site, and its attendant amenity space.
- Concern noted in relation to the potential overlooking of the rear garden area to be retained to serve the property of Tanglewood from proposed House No.1 and the visual impact of the proposed boundary treatment between Tanglewood and

proposed House no.1, which would comprise a 2m high random stone wall topped with a 1m high timber trellis to an overall height of 3m.

- The proposed development by reason of its siting, layout and design, would adversely impact the amenities of existing adjacent properties to the north-west of the subject site by reason of overlooking and overbearing appearance and, if permitted, would set an undesirable precedent for any potential development in the immediate vicinity of the subject site.

3.3.1.7. Visual Impact

- With regard to modifications proposed to the existing dwelling of Tanglewood, Silchester Road, the Conservation Officer report outlines no objections to the proposed development, stating the proposed works "will not negatively detract from the character and appearance of the ACA".
- The principle of the proposed works would integrate satisfactorily with the existing dwelling and would not detract from the subject streetscape of Silchester Road and the Architectural Conservation Area (ACA) in which it is located.
- Regarding the modifications proposed to the front site boundary along Silchester Road, the Conservation Officer report states that there is a precedent for altered boundary treatment within the Silchester Road Architectural Conservation Area.
- The Conservation Officer states the proposed development would have only a slight visual impact on the ACA and expresses no major heritage concerns regarding this element of the proposed development.
- The Conservation Officer report recommends that the existing site vehicular access gates be used in the new/relocated vehicular entrance serving Tanglewood (in lieu of the new gates proposed, as per plans submitted) in the interests of protecting the streetscape character of the ACA. If a grant of permission was to be considered for the proposed development, this item could be confirmed by way of condition.
- The principle of the proposed modifications to the boundaries of the subject site is generally acceptable with regard to the streetscape and ACA.
- House No.1 would be set back more than c. 58m from the front site boundary along Silchester Road.

- The Conservation Officer report notes that the site of the proposed dwellings is not located within the Silchester Road Architectural Conservation Area and expresses no built heritage objections to the principle of same.
- While the proposed backland dwellings would not detract from the existing streetscape of Silchester Road due to their relative position to same, the proposed infill dwellings would, by reason of their massing and proximity to subject site boundaries, be visually incongruous when viewed from adjacent properties to the north-west.
- The Planning Authority, therefore, consider that the proposed development is unacceptable with regard to the visual amenities of the area.

3.3.1.8. Access, Parking and Transport

- The proposed development includes modifications to the access arrangements of the subject site, including the widening of the existing 2.8m wide vehicular site access at the southern corner of the site to provide for a 4.8m wide site access to serve proposed House Nos. 1 and 2; creation of a new 2.8m wide vehicular site access at the western corner of the site (including reuse/relocation of the existing vehicular access piers); and the provision of a vehicular access laneway along the side (south-east) boundary of the site.
- Gates, recessed in excess of 20m from the roadway of Silchester Road, would be provided on the proposed vehicular access laneway to serve the backland dwelling proposed on site.
- A pedestrian access serving Tanglewood, located within a new boundary treatment between same and the new access laneway, is proposed.
- There is a concurrent application at the overall property of Tanglewood under P.A. Ref. D21A/0878 for modifications to the existing dwelling Tanglewood, and subdivision of the subject site to accommodate 1 no. backland dwelling with new vehicular laneway access, two off-street car parking spaces, revised boundary to Silchester Road, new internal site boundaries, and associated site works
- The site access arrangement and layout of the access laneway proposed along the south-east boundary of the existing Tanglewood property, as detailed under the subject application, is repeated on the plans and particulars pertaining to the

application for the proposed backland dwelling to the rear of Tanglewood under P.A. Ref. D21A/0878.

- There is a degree of 'overlap' between the subject site areas identified in red on the layout plans pertaining to House Nos. 1 and 2 proposed under the subject application and those submitted under P.A. Ref. D21A/0878 relating to a single backland dwelling.
- As per the layout plans submitted under this application (including Proposed Site Plan/Roof Plan, Drawing 2113 POL1.1 0002) the layout at the northeast extent of the proposed access laneway would provide access to the "2 no. car spaces" to serve proposed House No.2 (located to the immediate north of this proposed dwelling) and "hardstanding area for emergency vehicles to turn". This hardstanding area appears to include the area identified for car parking spaces to serve proposed House no.3 subject to planning application D21A/0878, as per the Proposed Site Plan/Roof Plan drawing submitted under D21A/0878 (Drawing 2113 P01.2 0002).
- The Transportation Planning report states that clarity is required with regard to a number of issues pertaining to parking and access arrangements at the subject site, including;
 - The requirement for revised plans demonstrating the widened vehicular site access onto Silchester Road to a maximum width of 4m in accordance with Section 8.2.4.9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 re. Vehicular Entrances and Hardstanding Areas.
 - Revised plans demonstrating the provision of car parking spaces to serve the proposed development in accordance with Section 8.2.4.9(i) General Specifications of the Dun Laoghaire Rathdown County Development Plan 2016-2022, with reference to the overlap of the subject site red line boundaries under this application and the concurrent application under D21A/0878;
 - Revised swept path analysis drawings demonstrating fire tender movements, with reference to the potential conflict of same with landscaping proposals and layout of development proposed under D21A/0878;

- The requirement for a detailed construction management plan for the proposed development.
- The Transportation Planning report includes a specification for the footpath in front of the widened and new vehicular accesses to the subject site along Silchester Road, to be conditioned in the event that a grant of permission was to be considered for the proposed development.
- In the event of a grant of permission, it is recommended that issues identified in the Transportation Planning report be addressed in full.
- While the Conservation Division report acknowledges the precedent for altered boundary treatment within the subject ACA and states no objection to the revised vehicular access to the subject property, it recommends that the existing vehicular gates be used in the new/relocated vehicular entrance serving Tanglewood (in lieu of new gates proposed, as per plans submitted) in the interests of protecting the streetscape character of the ACA.
- In the event of a grant of permission, this issue should be dealt with by way of condition.

3.3.1.9. Drainage

- As per the Drainage Planning report, clarity is required regarding surface water management at the subject site, including details of the attenuation system proposed, the flow control strategy of the proposed attenuation tank system; and surface water management to serve the existing dwelling Tanglewood on site.
- The Drainage Planning notes the concurrent application at the overall property of Tanglewood, Silchester Road under P.A. Ref. D21A/0878 and identifies an overlap regarding the subject site areas identified in red and lands within the ownership of the Applicant identified in blue, relating to this application and that pertaining to D21A/0878 on CORA Consulting Engineers Site Location drawings submitted.
- In the event that a grant of permission was to be considered for the proposed development, the issues identified in the Drainage Planning report of 29/10/2021 should be addressed in full.
- The Irish Water report outlines no objection to the proposed development subject to compliance with stated conditions.

3.3.1.10. Appropriate Assessment

- An Appropriate Assessment Screening Report is submitted.
- There is no requirement to proceed to Stage 2 of the Appropriate Assessment process, and the preparation of a Natura Impact Statement (NIS) is not required.

3.4. **Other Departmental Reports**

3.4.1.1. ***Conservation Officer Report***

- Tanglewood is not a designated Protected Structure but is contained within the Silchester Road ACA.
- The site of the proposed development is not contained within the boundary of the ACA.
- The Conservation Division has reviewed the proposed works and has no built heritage objections.
- The works will not negatively detract from the character and appearance of the ACA.
- The revised vehicular entrance, which restores, retains and relocates the existing red-brick entrance piers, will not significantly erode the character of the boundary treatment.
- There is precedent for altered boundary treatment within the ACA, with many examples of widened vehicular entrances associated with new houses on rear plots.
- The proposed development will have only a slight visual impact on the ACA and is of no major heritage concern.
- A condition should be imposed requiring that the existing vehicular gate be retained in the proposed relocated entrance to protect the streetscape character of the ACA.

3.4.1.2. ***Drainage Planning Report***

- Further Information is required.
- The Applicant has proposed a communal surface water pump station but has not detailed future maintenance/access arrangements.

- As the pump station would serve multiple dwellings, a management company would be required to manage the pump station to avoid any ambiguity about future maintenance responsibilities between the homeowners. The Applicant is requested to provide further comment/details of the future maintenance arrangement/responsibilities.
- The Applicant has stated that soakaway systems have been discounted for the site. However, the proposed attenuation system consists of crushed stone wrapped in a permeable geotextile membrane which would act as a soakaway. The Applicant is requested to clarify the attenuation system proposed and should note that a lined/tanked attenuation system would be required if located within 5m of building foundations. In addition, alternative SuDS measures for reusing surface water run-off (such as rainwater harvesting) may warrant consideration.
- The Applicant has shown a section through the attenuation tank system with a flow control manhole at the downstream end. However, this is not reflected on the plan drawings. The Applicant is requested to clarify the flow control strategy, noting that each individual dwelling should be serviced separately. The discharge rate for each site must be limited to QBAR or 2l/s/ha, whichever is greater, subject to the orifice size of the flow control device not being less than 50mm in diameter.
- The Applicant has proposed a communal surface water pump station but has not detailed future maintenance/access arrangements. As the pump station would be serving multiple dwellings, a management company would be required to manage the pump station to avoid any ambiguity about future maintenance responsibilities between the homeowners. The Applicant is requested to provide further comment/details of the future maintenance arrangement/responsibilities.
- There is potential to provide a soakaway to the existing dwelling Tanglewood to remove surface water run-off from the public combined network, provided No. 34 currently drains its surface water run-off to the public combined sewer, which may result in a reduction in the sizing/SuDS for the proposed dwelling. Any reduction would need to be adequately calculated to demonstrate an overall reduction in surface water run-off from the site.

- The application has been submitted in conjunction with concurrent application D21A/0878. There is ambiguity around the areas relating to each application as the red line/blue line boundaries shown on CORA Consulting Engineers Site Location drawings overlap one another.

3.4.1.3. ***Transportation Planning Report***

Re. Vehicular Entrances & Access

- The proposed development includes creating a new vehicular entrance to serve the existing dwelling house and widening the existing vehicular entrance to serve the proposed dwelling house, resulting in an additional vehicular entrance to the entire site from Silchester Road.
- The proposed access lane to the backland site complies with the width requirements in Section 8.2.3.4 of the Development Plan re. 'Additional Accommodation in Existing Built-up Areas (vi) Backland Development' which states that 'Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders/emergency vehicles'.
- The proposed vehicular entrance should be a maximum of 4m in width, in accordance with Section 8.2.4.9 of the current Dún Laoghaire-Rathdown County Council Development Plan 2016-2022, regarding Vehicular Entrances and Hardstanding Areas.

Car Parking

- The proposal provides 2 no. car parking spaces to serve each proposed dwelling.
- A further 2 no. spaces have been shown on the submitted drawing, where the redline boundary overlaps with the concurrent application submitted under P.A. Ref. D21A/0878).
- The Applicant should be requested to demonstrate that the dimensions of all proposed car parking spaces are in accordance with the requirements laid out in Section 8.2.4.9 of the Development Plan re. Vehicular Entrances and Hardstanding Areas (i) General Specifications i.e., demonstrate the provision of 2 no. car parking spaces with a minimum length of 5.5m depth and a minimum width of 3m to allow clearance from nearby boundary treatments and emergency vehicle movements.

Vehicle Movements

- The submitted drawing, 'Sightline & Autotrack General Arrangement – Sheet 0' by CORA Consulting Engineers, demonstrates swept path analysis for fire tender movements at the site.
- The swept path demonstrates conflicts with the landscaping arrangements adjacent to "House 3".
- The Applicant should be requested to amend the proposed layout to ensure that there are no potential conflicts for fire tender movements at the proposed development.

Construction Management Plan

- The Applicant should be requested to submit a detailed Construction Management Plan.

3.5. Prescribed Bodies

3.5.1.1. *EHO Report*

- No comment to make on the proposal

3.5.1.2. *Irish Water*

- No object subject to standard Conditions.

4.0 Planning History

4.1.1.1. Concurrent Application on Subject Site

PA Ref. D21A/0878 and ABP Ref. 312307-21 Permission REFUSED by the Planning Authority on the 26th November 2021 for the demolition of the existing single-storey side structures and external sheds (c.53sq.m) and the addition of a new side entrance at ground floor to serve the existing dwelling 'Tanglewood'. The subdivision of the site to the rear of the existing dwelling and the construction of 1 no. two-storey 3 bedroom + study detached dwelling with 2 no. proposed off-street car parking spaces. The development will include modifications to the front boundary to create a separate

vehicular and pedestrian access from Silchester road to serve the proposed dwelling and the relocation and modification to the existing vehicular entrance to serve Tanglewood House, together with site boundary upgrades, associated site works, landscaping and services. The reason for refusal was as follows;

- 1. The proposed dwelling, by reason of its proximity to site boundaries, massing, relationship to existing adjacent properties and overall design, would adversely impact on the residential amenity of adjacent properties by reason of overlooking and overbearing appearance. The proposed development would detract from the existing amenities of the area, would depreciate the value of property in the vicinity, and would not accord with the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas (vi) Backland Development and (vii) Infill. The proposed development would therefore be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

This application has been appealed concurrently with the subject application/appeal to An Bord Pleanála.

4.1.1.2. Adjacent properties along the north-western side of Silchester Road

P.A. Ref. D21A/0660 - 'Athassel', No. 35 Silchester Road (adjoining site to the north-west) - Permission GRANTED by the Planning Authority for a new single-storey house of 230 sq.m. gross floor area and maximum height 3.9m and associated garden shed of 12m³ gross floor area in the back garden of the main house. The proposed development includes the demolition of the existing garden shed to the rear of the main house and a 1m reduction in width and 105m extension in length (13m² net reduction in floor area) of the existing 2003 side extension to provide better access to

the back garden. A new single-storey extension of 12m² gross floor area to the rear of the main house is also proposed along with a new garden shed of 10m² gross floor area located to the east of the new access way to the proposed new house 'At Hassel' and part of the application boundary are located within the Silchester Road Architectural Conservation Area boundary but the proposed new house to the rear is outside this area.

P.A. Ref. D21A/0457 - Ashdoonan, 32 Silchester Road - Permission GRANTED by the Planning Authority for a proposed single-storey, rear extension at lower ground floor level - to the side of the existing return of the house, proposed refurbishments to the lower ground floor level, including the addition of 1 no. new window to the side of the house, and ancillary site works.

4.1.1.3. Adjacent Properties on the south-western side of Silchester Road

P.A. Ref. D18A/0965 / ABP Ref. PL06D.303391 - Rear of Fareham, Silchester Road (south-east of the appeal site) - Permission refused by the Planning Authority and GRANTED ON APPEAL for the construction of a two-storey domestic dwelling (with a gross floor area of 364 sqm and a maximum height of 10m) and associated services and facilities to the rear of Fareham. The development includes the demolition of the existing garage to the east of Fareham and partial demolition of the property boundary wall at Silchester Road to facilitate the creation of independent access to the property from Silchester Road and relocation of existing entrance to the front of Fareham. Fareham and part of the application boundary are located within the Silchester Road Architectural Conservation Area.

P.A. Ref. D13A/0427 - 'Montrose', Silchester Road - Permission GRANTED by the Planning Authority for development consisting of the construction of a two-storey domestic dwelling (with a gross floor area of 306 sqm and a maximum height of 7.5 m) garage and all associated services and facilities, to the rear of 'Montrose', Silchester Road. The development includes the demolition of the existing garage to the east of 'Montrose' and partial demolition of the property boundary wall at Silchester Road to facilitate the creation of access to the property from Silchester Road.

'Montrose' and part of the application boundary are located within the Silchester Road Architectural Conservation Area boundary.

5.0 Policy and Context

5.1. Development Plan

The **Dún Laoghaire Rathdown County Council County Development Plan 2022-2028** is the statutory plan for the area.

Land Use Zoning: The site is zoned 'A' with the objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities'.

Architectural Conservation Area: The site is located within the Silchester Road Architectural Conservation Area.

Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Section 12.3.7.6 Backland Development

Section 12.3.7.7 Infill

Section 12.3.4 Residential Development – General Requirements

Section 12.3.4.1 Road and Footpath Requirements

Section 12.4.8 Vehicular Entrances and Hardstanding Areas

Section 12.4.8.2 Visual and Physical Impacts

Section 12.4.8.1 General Specifications

Section 12.4.8.2 Visual and Physical Impacts

Section 12.4.8.3 Driveways/Hardstanding Areas

Section 12.4.8.4 ACAs/Protected Structures

Section 12.4.8.5 Financial Contribution

Section 12.8.7.2 Boundaries

Appendix 5 Building Height Strategy

Silchester Road Architectural Conservation Area Character Appraisal and Recommendations (2011).

5.2. Other Relevant Government Policy / Guidelines

National Planning Framework – Project Ireland 2040.

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approx. 2.1km to the north-west of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 2.1 km to the north-west of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 first-party appeal was received from Brock McClure Planning and Development Consultants, representing the Applicant Elton Primus Ltd., against the decision made by the Planning Authority to refuse permission for the proposed development. A revised proposal was submitted with the appeal, as summarised in Section 2.1.2 above. The Applicant states that an alternative proposal was submitted to address the Planning Authority's reason for refusal, for the consideration of the Board. The grounds of appeal and proposed alternative option submitted with the appeal are summarised under the headings below.

6.1.1.1. Proximity to site boundaries

- Due to the significant separation distances and layout of the proposed dwelling, the proposal will not lead to any significant overlooking or overshadowing of adjoining dwellings.

Alternative Option:

- The Applicant has put forward an alternative proposal to address the reason for refusal for the consideration of the Board. Revisions include the following;

House No. 1

- The minimum separation distances have been increased from 870mm to 1,370mm.

- The maximum separation distances have been increased from 1,025mm to 1,525mm.

House No. 2

- The minimum separation distances have been increased from 1,435mm to 1,935mm.
 - The maximum separation distances have been increased from 1,510mm to 2,010mm.
- The increase in set-back distance and reduction of the floor plate of the dwellings will allow additional planting along the existing boundaries.

6.1.1.2. **Scale, Form and Massing of the Proposal**

- The scale, form and massing of the building have progressed during the design evolution stage to ensure that an appropriate design is brought forward for the planning application.
- The design ethos of the proposal protects established levels of adjoining residential amenities but also provides for an increase in residential density on a key infill site.
- The proposed development, two storeys in height, complies with the Development Plan Building Height Strategy for the County.

Alternative Option:

- The roof profiles of the proposed dwellings are modified from pitched roofs to hipped roofs.
- Precedent is established in the area for this scale of development to the rear of existing dwellings.
- Map submitted indicating the locations of precedent backland development within 500 meters of the appeal site.
- Appendix attached detailing the list of precedent backlands developments.

6.1.1.3. **Impact on Adjoining Residential Amenity**

- The proposed 2 no. houses have been designed in such a way as to ensure that no first-floor windows face towards the neighbouring gardens along the east or western boundaries.
- All first-floor windows face north or south, ensuring that any windows from the bedrooms of the new houses are directed inwards into the site.
- Several windows have been detailed with deep metal surrounds, which have been provided partly to mitigate sideways viewing into neighbouring property by providing additional screening.

Alternative Option:

- Vertical privacy fins have been added to the windows of the master bedrooms of House Nos. 1 and 2 with opaque glazing to mitigate overlooking and increase the privacy of adjoining properties.

6.1.1.4. **Compliance with Development Plan policy re. Backland and Infill Development**

- The proposed dwellings are two storeys in height, with the upper floor designed as a dormer to minimise the impact on neighbouring properties.
- A single-storey dwelling is not required, given the lack of impact on existing residential amenities.
- A new 4.8m wide entrance was proposed to serve the proposed dwellings, which fully complies with the 3.7m lane width to allow easy passage of large vehicles.
- The avenue opens to a wider section at the end, allowing for easy turning of cars and emergency vehicles such as fire engines or ambulances.
- A vehicle auto track exercise was carried out by CORA Engineers, which demonstrated the ability of a fire engine to turn and exit the site in forward gear, along with the adequacy of the proposed car parking.
- Private open space is proposed to the rear of the proposed detached dwellings in the form of rear gardens measuring 80 sq.m. and 75 sq.m. respectively, which is above the requirements of the Development Plan 2016-2022.
- The existing dwelling 'Tanglewood' will retain a 242 sq.m. garden to the rear of the house.

- The gardens of House Nos. 1 and 2 are south-west facing, enjoying direct sunlight access for most of the day and evening throughout the year.
- The gardens will be landscaped with indigenous plants, shrubs and trees, along with formal lawns and terraces.
- Direct access is proposed from the dining area of both houses to the terraced/patio seating area, which provides a private outdoor seating/dining area from the houses.
- Sufficient distance is provided between Tanglewood and House No. 1 to ensure no overlooking into private open space.
- A distance of 24m is provided to the near gable, while a distance of 29m is provided between Tanglewood and the 1st floor dormer window.

Alternative Option:

- The revised proposal includes a reduction of the entrance from 4.8 meters to 4.0 metres, as requested by the Planning Authority.
- The garden of House No. 1 has been designed to relocate the terrace to allow for a larger, more usable garden space.
- Modifications have been made to the kitchen window of House No. 1 to create new rear access directly to the proposed dining terrace.
- Both the rear gardens for House Nos. 1 and 2 measure 78 sq.m. which exceeds the Development Plan requirement of 48 sq.m.
- There are precedents of two-storey dwellings located to the rear of existing dwellings in the area.

6.1.1.5. Revised Design Option

- The appellant submits that the scheme, as lodged with the Planning Authority at the application stage, is appropriate and requests the Board to consider this scheme in the first instance against the reasons for refusal.
- A revised design option has been prepared to address the reasons for refusal as provided by the Planning Authority if the Board were so minded to grant permission for an amended scheme.

- The Appellants consider a modified scheme as part of this appeal a compromise and more favourable than reverting to the Planning Authority for a new application.
- The revised proposal, submitted with the appeal, comprises the following;
 - Replacement of gable-end roof profiles of both dwellings to a hip-end roof profile.
 - Provision of landscaping along the northern boundary lane along the proposed dwellings.
 - Overall width of the proposed houses reduced by 500m, resulting in a greater separation distance from both houses to the northern boundary.
 - The dimensions of the 2 no. parking spaces of proposed house Nos. 1 and 2 are shown on all relevant drawings. The proposed car parking spaces measure 3.0m x 5.5m which is more than adequate to accommodate 2 no. cars.
 - Privacy fenestration fins are proposed to mitigate the potential overlooking of neighbouring dwellings.
 - Vertical fins with opaque glazing are proposed for the master bedrooms and horizontal fins for bedroom no.3.
 - 3D models submitted showing proposed fenestration detail.
- By modifying the roof profile and reducing the overall width of the proposed dwellings by 500m, the Appellants have addressed the planner's concerns regarding overbearing impact on neighbouring properties.
- Revised drawings submitted showing the reduction in the width of the overall scale and massing of the proposed development.
- Re. Drainage – a management company will be established by the developer of the scheme who will own, maintain and service the common lands of the avenue, gates, landscaping and pumping station.
- The Applicants confirm that rainwater harvesting for each house is proposed. The rainwater harvesting tank has been introduced to each house's rear garden, and rainwater from the roofs of the houses is directed into this tank.

- There is an overflow from this tank to the below-ground attenuation tank, where it then discharges at a restricted rate to the surface water pumping station, where it is pumped to the public sewer.
- Dwg No. C0010 has been corrected to indicate an impermeable membrane surrounding the crushed stone to create the attenuation volume required.
- Dwg No. C0002 has been corrected to indicate the flow control device on the plan drawing with a discharge rate limited to 2l/s. Refer to the Cora Consulting Engineers report, which sets out the overall calculation of surface water run-off for the proposed houses.
- It is not proposed to undertake any external works or alterations to the underground drainage pipes at the original dwelling.
- Several existing outbuildings are to be demolished, reducing the quantity of surface water discharged into the public sewer.
- Dwg No. 2113.P02 0002A confirms proposed changes to the existing entrance onto Silchester Road.
- The proposed entrance has been reduced from 4.8m to 4.0m, as recommended by the Transportation Dept.
- Preliminary construction management plan submitted.
- The contractor employed to construct the proposed development will develop a detailed Construction Management Plan.

6.2. Planning Authority Response

The Planning Authority confirms 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. Observations were received from the following parties;

- Hugh Maguire and Sue Maguire of 'Lady Cross', No. 33 Silchester Road.

- Cian McKenna of No. 5 Silchester Downs, Silchester Road.
- Professor Jennifer Ryan and Professor Tomás Ryan of No. 1 Silchester Downs.
- Brian Mahony and Caroline Gunn of “Athassel”, No. 35 Silchester Road.
- Helen Brickley and Ronan Hardiman of Stratford, Silchester Road.

6.3.2. Issues raised are summarised as follows;

- The proposal is not in keeping with the character of the Silchester Architectural Conservation Area.
- The proposal would result in overlooking neighbouring property, particularly from first-floor bedroom windows.
- The proposal does not comply with Development Plan policy regarding backland development.
- Neighbouring permitted single-storey dwelling development complied with Development Plan policy regarding backland development.
- The quoted precedents in the grounds of appeal are not comparable. Most are for single-storey houses, and most predate the current County Development Plan.
- The proposed new vehicular entrance would compromise the privacy of neighbouring property located opposite and affect the symmetry of the vehicular entrances, which form part of the character of Silchester Road.
- The proposal would injure neighbouring properties' amenities with regard noise, overlooking, overshadowing, overbearing impact, overdevelopment, drainage issues and traffic.
- Foul and surface water drainage issues raised.
- The development of a single-storey dwelling to the rear of Tanglewood may be acceptable.

6.4. Further Responses

None

7.0 Assessment

7.1.1. I have reviewed the proposed development submitted to the Planning Authority, the revised proposal submitted with the appeal, and all correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal as cited by the Planning Authority. These can be addressed under the following headings;

- Overlooking,
- Overbearing Impact,
- Screening for Appropriate Assessment.

I am satisfied those issues raised by the Council's Transportation Dept. have been adequately addressed by the Applicant in the appeal submission i.e., the width of the proposed vehicular entrance being reduced to 4m, adequate car parking dimensions, improved fire tender turning movement and construction management details. I am also satisfied that the Applicant has adequately addressed issues raised by the Council's Drainage Division in the appeal submission. The private amenity space and overall floor area/ internal room size of the proposed dwellings comply with relevant Development Plan residential standards. It is my view that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issues for consideration are addressed below.

7.1.2. **Overlooking**

7.1.3. The Planning Authority refused permission for the proposed dwelling on the grounds that it would adversely impact the residential amenity of adjacent properties by way of overlooking. In addition, the Planning Authority reasoned that such development would not accord with Dún Laoghaire-Rathdown County Development Plan 2016-2022 policies regarding backland and infill development. The Applicant's grounds of appeal regarding this reason for refusal are detailed in Section 6.1 above. Several

observations were received in response to the appeal expressing concerns about the proposed dwelling's potential to overlook neighbouring property.

7.1.4. The proposed development consists of the subdivision of the site to the rear of the existing dwelling 'Tanglewood', and the construction of 2 no. two-storey, 3-bedroom detached dwellings with 2 no. off-street car parking spaces serving both dwellings and the construction of a new access avenue along the eastern boundary. The proposed dwellings are referred to by the Applicant as House Nos. 1 and 2, with House No. 1 located closest to Tanglewood and House No. 2 located to its rear/north-east.

7.1.5. The Board is advised of the concurrent application and appeal on the adjoining lands to the rear of 'Tanglewood', as submitted under P.A. Ref. D21A/0878 and ABP Ref. 312307-21, whereby the Planning Authority refused permission for the subdivision of the site to the rear of the existing dwelling and the construction of 1 no. two-storey 4 bedroom detached dwelling. The reason for refusal is detailed in Section 4.1.1.1 above. In the interest of clarity, the proposed development under the subject appeal will be assessed on its own merits having regard to its existing site context and the aforementioned concurrent application, which is located on adjoining lands to the rear/north-east of proposed House No. 2. Both applications propose the same vehicular access and avenue serving each proposed development respectively.

7.1.5.1. Overlooking Impact between proposed House No. 1 and Tanglewood.

7.1.6. As detailed above, the proposed dwelling, House No. 1, is located to the rear/north-east of the existing dwelling 'Tanglewood', with proposed House No. 2 located to the rear/ north-east of proposed House No.1. A separation distance of c. 24.3m would be maintained between the south-west elevation of House No. 1 and the rear elevation of Tanglewood. This complies with the requirements of Section 12.3.7.6 of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028, which refers to 'Backland Development' and requires that "*proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other*".

7.1.6.1. Overlooking Impact on Existing and Permitted Neighbouring Dwellings.

7.1.7. House No.1 would maintain a separation distance of 4.7m from the side/south-eastern boundary and c. 10.2m at an oblique angle from the rear south-western corner

elevation of neighbouring dwelling No. 5 Silchester Downs, which is a 1.5 storey dormer dwelling. House No.1 would maintain a separation distance of c. 19.5m at an oblique angle from the rear elevation of neighbouring dwelling No. 33 Silchester Road, at its closest point. There are no window openings serving habitable rooms on the side/south-eastern elevation of the proposed dwelling House No.1 at first-floor level. As such, overlooking of these dwellings from House No. 1 would not occur.

7.1.8. House No. 2 would maintain a separation distance of 4.8m from the side/south-eastern boundary and c. 9.7m from the rear elevation of neighbouring dwelling No. 5 Silchester Downs. No window openings serve habitable rooms on the side/south-eastern elevation of proposed House No.2 at first-floor level. As such, overlooking of No. 5 Silchester Downs from House No. 2 would not occur.

7.1.9. There are no window openings on the north-western side elevations of the proposed dwellings. As such direct overlooking of neighbouring property to the north-west would not occur.

7.1.9.1. Overlooking Impact between Proposed House Nos. 1 and 2.

7.1.10. A separation distance of c. 7.8m would be maintained between the north-east elevation of House No. 1 and the south-west elevation of House No. 2 at its closest point, increasing to c. 13m from the northern wing of House No.2.

7.1.11. The revised proposal submitted with the appeal provides the following modifications to the south-west facing first-floor elevation of House No. 2, as follows;

- Horizontal privacy fins to Bedroom No. 3.
- Vertical fins to the north-western half of the window serving the master bedroom and opaque glazing to the bottom half of the window (1.1m high).

7.1.12. Drawings submitted show the provision of a 1.8m high boundary wall between House No.1 and 2 and the planting of trees along the common boundary wall in the 'rear lawn' garden of House No. 2.

7.1.13. Having reviewed the drawings, it is evident that the proposal does not strictly comply with Section 12.3.7.6 of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028, which requires a 22m separation distance between directly opposing first-floor windows. Notwithstanding this, in consideration of (i) the height of the

proposed common boundary wall between both dwellings, (ii) the proposed tree planting measures along the common boundary between both dwellings which would provide screening, and (iii) the proposed privacy screening measures to the first-floor window opes of House No. 2 on its south-east facing elevation, it is my view that overlooking between both proposed dwellings would not occur. House No. 1 does not have a window ope on its northern wing, north-east facing elevation at first-floor level, and therefore would not directly overlook the rear lawn/private amenity space of House No. 2.

7.1.14. Impact on the proposed development of the concurrent application (House No. 3)

7.1.15. The concurrent application submitted under P.A. Ref. D21A/0878 and appealed ABP Ref. 312307-21 provides 1 no. dwelling located to the rear/north-east of the proposed development. A separation distance of 14.3m would be maintained between the rear elevation/north-east elevation of proposed House No. 2 and the front/south-west elevation of House No. 3 of the concurrent application, at its closest point.

7.1.16. The drawings submitted under the subject application fail to detail the window treatment/positioning of proposed dwelling submitted under P.A. Ref. D21A/0878. Notwithstanding this, having regard to drawings submitted under P.A. Ref. D21A/0878 and revised drawings submitted on appeal under ABP Ref. 312307-21, I note that House No 1, incorporates a window ope serving a bedroom (No.3) on its south-west elevation at first-floor level and a large window ope serving a Master bedroom on the same south-west elevation at first-floor level. The revised proposal submitted with the appeal under ABP Ref. 312308-21 provides the following modifications to the south-west facing first-floor elevation of House No. 3, as follows;

- Horizontal privacy fins to Bedroom No. 3.
- Vertical fins to the north-western half of the window serving the master bedroom and opaque glazing to the bottom half of the window (1.1m high).

7.1.17. Drawings submitted show the provision of a 1.8m high boundary wall between House No. 2 under the subject appeal and House No. 3 on the concurrent application and the planting of trees along the common boundary wall in the 'rear lawn' garden of House No. 3 along the common boundary shared with House No. 2.

7.1.18. Having reviewed the drawings, it is evident that the proposal does not strictly comply with Section 12.3.7.6 of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028, which requires a 22m separation distance between directly opposing first-floor windows. Notwithstanding this, in consideration of (i) the height of the proposed common boundary wall between both dwellings, (ii) the proposed tree planting measures along the common boundary between both dwellings, and (iii) the proposed privacy screening measures to the first-floor window opes of House No. 3 on its south-west facing elevation, it is my view that overlooking between both proposed dwellings would not occur. House No. 2 does not have a window ope on its north-east facing elevation of its north-western wing and, therefore, would not directly overlook the 'rear lawn' of House No. 3.

7.1.19. Having regard to the foregoing, I do not consider the proposed development, as revised on appeal to An Bord Pleanála, would adversely impact the residential amenity of existing and permitted neighbouring dwellings by way of overlooking. Furthermore, I consider the layout and design of the proposed development, as revised on appeal, would not result in overlooking between both proposed dwellings, House Nos.1 and 2 and would not adversely impact the residential amenity of the proposed dwelling of the concurrent application/appeal on adjoining lands to the rear of Tanglewood, as submitted under P.A. Ref. D21A/0878 and ABP Ref. 312307-21. Therefore, I conclude that the proposed development should not be refused permission on the grounds of overlooking neighbouring property.

7.1.20. **Overbearing Impact**

The Planning Authority refused permission for the proposed development on the grounds that the proposed dwelling, by reason of its proximity to site boundaries, massing, relationship to existing adjacent properties and overall design, would adversely impact the residential amenity of adjacent properties by reason of overbearing impact.

7.1.21. The Applicant's grounds of appeal regarding this reason for refusal are detailed in Section 6.2 above. In summary, the Applicant contends that due to the significant separation distances and layout of the proposed dwellings, the proposal would not adversely impact the residential amenity of neighbouring property by way of overshadowing or overbearing impact.

7.1.22. The proposed development, as submitted on appeal, would maintain a separation distance of 4.7m- 4.9m from the side/south-eastern boundary. The eave height of both dwellings is c. 4.8m, rising to a roof ridge height of c 7.4m. The roof profile of the dwellings is hipped, with a gable roof end presenting to the south-west. House No. 1 would maintain a separation distance of c. 10.2m at an oblique angle from the rear south-western corner elevation of neighbouring dwelling No. 5 Silchester Downs, a 1.5-storey dormer dwelling. House No. 2 would maintain a separation distance of c. 9.7m from the rear elevation of neighbouring dwelling No. 5 Silchester Downs.

7.1.23. The north-west elevation of the House No. 1 would maintain a separation distance of c. 1.5m from the side/north-western boundary and House No. 2 would maintain a separation distance of c. 2m from same. Both dwellings present a hip-end roof profile to the north-west with an eave height of 4.8m and a width of c. 6.2m.

7.1.24. The Shadow Casting Analysis submitted demonstrates the proposal would not overshadow the neighbouring property in Silchester Downs or neighbouring property to the north-west. Having regard to (i) the position of the proposed dwellings to the north-west of existing neighbouring property in Silchester Downs, (ii) the roof profile and ridge height of the proposed dwellings and (iii) the separation distances provided, it is my view that the proposed dwellings would not adversely impact the residential amenity of neighbouring property in Silchester Downs and neighbouring property to the north-west by way of overshadowing, overbearing impact or loss of outlook.

7.1.25. On this basis, I conclude that the proposed development should not be refused permission on the grounds of overbearing impact, as stated in the reason for refusal by the Planning Authority.

7.1.26. **Screening for Appropriate Assessment**

7.1.27. A Screening Report for Appropriate Assessment was submitted with the application, prepared by Enviroguide Consulting. The Screening Report concludes that, based on the best scientific knowledge available, the possibility of any significant effects on any European Sites, whether caused by the project itself or in combination with other plans and projects, can be excluded. On this basis, the Screening Report concludes that there is no need to proceed to Stage 2 of the Appropriate Assessment process and the preparation of a Natura Impact Statement (NIS) is not required.

7.1.28. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered 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 granted, subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028, the residential land use zoning of the site, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development as amended by the further plans and particulars submitted with the appeal, would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on 22 nd day of December, 2021, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Prior to the commencement of development, 1 detailed drawings of the first-floor window openings with privacy fins and opaque glazing shall be submitted for the Planning Authority's written approval.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>(i) Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority foul and surface water drainage plans for the proposed development showing the location of all drains, manholes, Ajs, etc., located within the site boundary. The information shall include pipe sizes and gradients of pipes.</p> <p>(ii) The water supply and drainage infrastructure, including the disposal of surface water, shall comply with the technical requirements of the Planning Authority.</p> <p>(iii) There shall be complete separation of the foul and surface water drainage systems.</p> <p>(iv) All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from http://environment.southdublin.ie (click-publications then specifications).</p> <p>Reason: In the interests of public health and in order to ensure adequate drainage provision.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p>

	Reason: In the interest of public health.
6.	<p>No part of the development, including fascia board, gutters, drainpipes or other rainwater goods, shall overhang or encroach onto the neighbouring property.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<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:</p> <p>(a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p>

	<p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains or Dublin Bay .</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
8.	<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>
9.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing -</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species</p>

	<p>such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(iii) Details of roadside/street planting which shall not include prunus species.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation .</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
11.	<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</p>

	<p>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>
12.	<p>Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features or alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
14.	<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</p>

<p>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>

Brendan Coyne
Planning Inspector

18th October, 2022