



An
Bord
Pleanála

Inspector's Report 313130-22

Development	Permission for development of new two-storey 2-bedroome mews dwelling with all associated site works
Location	Rear of 30 Sandycove Road, Sandycove
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0004
Applicant(s)	Dr. Brendan and Dr. Elizabeth Bastible
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Dr. Brendan and Dr. Elizabeth Bastible
Observer(s)	Marie O'Hagan, Ardenza
Date of Site Inspection	2 nd May 2022
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on a private laneway off Sandycove Road which is slightly to the west of the junction with Elton Park. Sandycove Road links the village of Glasthule and Dun Laoghaire with Dalkey to the east. The character of the street is one of mixed uses with period houses and commercial premises fronting onto the street. Elton Park is primarily a residential street although Sandycove Tennis & Squash Club is located on the western side. The commercial uses in Sandycove village are primarily located further to the west. The properties on the opposite (northern) side of Sandycove Road are mainly residential and beyond the Elton Park junction to the east, the character of the road changes to one of predominantly residential properties. Parking is available on the northern side of the street, but the southern side has double yellow lines.
- 1.2.** The entrance to the laneway is bounded to the east by a part-commercial 2-storey premises, No. 30 Sandycove Road, the front elevation of which abuts the public footpath, and to the west by a pair of semi-detached houses which are set back from the public road by means of shallow enclosed gardens. Both of these residential properties have pedestrian only entrances, which is generally consistent with the residential properties fronting Sandycove Road in the vicinity of the site. Immediately to the west of these houses is a further commercial premises (formerly Buckley's Auctioneers) which extends to the public footpath, and also has access to the lane.
- 1.3.** The site area is given as 0.0103.16m². No. 30 Sandycove Road is part 2-storey and part 3-storey building with a single-storey rear extension and a conservatory to the rear. At the southern end of the property, there is a single-storey detached garage. The front of the premises is in use as a retail unit beautician's salon, with apartments in the 3-storey section to the rear, including a small, former dental surgery. The laneway, which is 3.0m wide at the front, runs parallel to the site's western boundary. The lane also provides access for several other properties including the former Buckley's premises (now in use as a café) and some informal parking, as well as pedestrian access to No. 38A Elton Park ('Ardenza').

2.0 Proposed Development

- 2.1.** It is proposed to demolish the existing garage (51.7m² with a max. height of 5.6m) and to construct a 2-storey mews dwelling (80.11m² with a max height of 5.79m). The proposed dwelling would have two bedrooms and private open space to the north (33.7m²) and a small courtyard to the south (14.4m²), with 2 no. bicycle parking spaces. The proposal includes 3 rooflights on the east side of the pitched roof.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for two reasons which principally related to inadequate access by reason of the substandard nature of the lane and overdevelopment of the site. The reasons for refusal read as follows:

1. Having regard to the location and layout of the site of the proposal, it is considered that the proposed development would lead to endangerment of public safety due to the substandard nature of the existing laneway. Therefore, the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the restricted nature of the subject site, the proposed site layout, the inadequate private amenity space provision to serve the proposed dwelling house, and the lack of on-site car parking, the proposed development would represent over-development of the site. The proposed development would not, therefore, be in accordance with Section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, Additional Accommodation in Existing Built-up Areas (vii) Infill. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report noted the planning history on the site including a permission granted on appeal (249330) for demolition of the conservatory, a change of use of the dental surgery at first floor level and incorporation of this space into an enlarged apartment, and a change of use of the garage at the rear to form an enlarged dental surgery with a first floor extension (floor area 74.5m² and overall height of 5.5m). However, it was noted that this permission was not implemented. It was further noted that the Board had required the omission of the proposed 3 no. parking spaces on the lane, which was to be replaced by open space. The planning history of other sites was also referenced. These included a refusal for a 2-storey house behind 22-26 Sandycove Road (D16A0780/ PL06D.247858), which would have been accessed from the same lane, and D21A/0459 (former Buckley's 27/28 Sandycove Road) both of which were refused by the P.A. on the grounds of overdevelopment/impact on residential amenity and on inadequate access by reason of the substandard nature of the lane. The former was also refused by the Board (247858) and the latter is currently under appeal to the Board (311091).

The planning report identified concerns regarding the access to the site and considered that the proposed development would result in overdevelopment and impact on residential amenities of adjoining properties. It was decided to assess it as 'infill development' rather than 'mews dwelling'. The private amenity space was considered to be substandard at 33.7m² as the southern amenity area was merely a narrow strip, 1 metre wide. It was further noted that the amenity space and access to it seemed to be contingent on the removal of a masonry shed to the north, part of which is outside the red-line boundary. There was also a lack of clarity regarding other matters established by the previous permission.

Concerns were raised regarding the impacts on residential amenity given the very small separation distances (1-3.6m) to the adjoining property (Ardenza). Impacts identified included overlooking from the openable 3 no. roof lights on the eastern slope of the proposed roof, as well as overbearing and overshadowing effects. However, it was acknowledged that in terms of overall bulk and scale, there would not be any undue impact on adjoining properties and that the overlooking issue could

be addressed by FI or condition. Notwithstanding this, it was considered that the proposal would represent overdevelopment of a restricted site in a built-up area and an intensification of the use of the site having regard to the existing uses on the site and on the lane. Inadequacy of access due to the substandard nature of the lane was also of concern.

Refusal was, therefore, recommended on the above grounds.

3.2.2. Other Technical Reports

Transport - Planning - (28/02/22) recommended refusal on the grounds of endangerment of public safety due to substandard nature of the existing laneway which would result in traffic hazard or obstruction of road users. It was noted that the lane is very narrow with restricted visibility for pedestrians on the footpath and for exiting vehicles onto Sandycove Road. It would, therefore, endanger public safety by reason of traffic hazard or obstruction of road users during both construction and operational phases.

Drainage – Planning – stated no objection subject to the implementation of SuDS measures and all new hardstanding areas not to be discharged to the sewer but to be infiltrated locally via gravel or with a specifically designed permeable stone system.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third party observations

3.4.1. There were four observations from neighbouring residents. The main concerns are summarised in the planning report. The concerns mainly related to impact on residential amenity in respect of overlooking, overshadowing, adverse impact on access to lane, and overdevelopment of the site. Impact on traffic safety and parking on the lane due to substandard nature of lane was also raised. It was stated that the lane is already used for parking by local residents in the adjoining properties.

4.0 Planning History

Subject site

PL06D.249330 (D178A/0777) – Planning permission **granted** by Board in 2018 at 30/30A York Road, following refusal by P.A., for change of use of part of the property and the construction of a first floor extension to the garage structure and the conversion of this entire structure to a dental surgery. The proposal involved the demolition of the conservatory, a change of use of the dental surgery at first floor level and incorporation of this space into an enlarged apartment, and a change of use of the garage at the rear to form an enlarged dental surgery with a first floor extension (floor area 74.5m² and overall height of 5.5m). The submitted plans were modified by the Board's permission in that the 3 no. parking spaces were required to be omitted and replaced by private amenity space to serve the residential units on the site.

Properties in the vicinity

D15A/0742 - No. 31B Elton Park (corner site) – permission granted for demolition of outbuildings and boundary treatment works.

D21A/0459 (ABP.311091-21) - No. 27/28 Sandycove Road (former Buckley's Auctioneers) – P.A. decided to refuse permission for construction of 5 no. duplexes over 2-3 storeys and change of use of auctioneer's rooms to Class 1/Class 2 use with 3 no. parking spaces on grounds of overdevelopment, impact on residential and visual amenity and traffic hazard/inadequate access due to substandard nature of lane. This decision is currently under appeal (311091-21).

PL06D.247858 (D16A/0780) - No. 22-26 Rear of Sandycove Road – Permission refused on appeal (247858) for a 2-storey house on a very narrow and restricted site to the rear of Nos 22-26, but which would have been accessed via the same lane serving the current proposed development. Reasons for refusal were based on overdevelopment of a restricted site which would have resulted in adverse impacts on the residential amenity of adjoining residents and on the visual amenities of the area, as well as traffic hazard due to the substandard nature and restricted width of the access lane.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2022-2028

5.1.1. Since the planning authority decision on the 22nd February 2022, a new development plan has been adopted for the area. Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted on the 9th and 10th of March 2022 and came into effect on the 21st April 2022. This is now the relevant statutory plan for the area.

5.1.2. The site is zoned Objective A for which the objective is to “To provide residential development and improve residential amenity while protecting the existing residential amenities”. Relevant policies contained in Chapter 4 Residential Development and Chapter 12 Development Management include the following.

5.1.3. Chapter 4 - Neighbourhood, People, homes and Places

4.3.1.1 Policy Objective PHP18: Density – Promote Compact Growth through consolidation and re-intensification of infill/brownfield sites. It seeks to encourage higher densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenity and the established character of surrounding area, with the need to provide for high quality sustainable residential development.

4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity – Ensure that 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.

4.3.1.5 Policy Objective PHP22: Mews Lane Housing – It is a policy to facilitate measured and proportionate mews lane housing development in suitable locations.

4.3.2.3 Policy Objective PHP27: Housing Mix – Encourage the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the county in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment.

4.3.2.6 Policy Objective PHP30 supports Housing for All including opportunities for ‘downsizing’ or ‘right sizing’ within their communities.

5.1.4. Chapter 12 Development Management

12.3.7.5 Corner/Side Garden Sites – including subdivision of an existing curtilage to provide an additional house in a built-up area. The P.A, will have regard to parameters such as size, design, layout and relationship with existing dwelling; impact on adjoining properties, accommodation standards for occupiers, parking provision, adequate usable private open space and visual amenity. Subject to design and level of accommodation, there may be some relaxation in private open space and car parking standards.

12.3.7.7 Infill – shall respect the height and massing of existing development and shall retain the physical character of the area (e.g. boundary treatment, landscaping features etc.)

12.3.7.10 Mews Lane Development – only acceptable where the lane has been or can be comprehensively developed for such housing with specific criteria set out.

Table 12.5 – 1 parking space is required for a 2-bed house.

12.8.3.3 Private Open Space for Houses

Table 12.10 requires 48sq.m of private open space for 1-2 bedroom houses. In instances where innovative design response is provided on site, particularly for infill and corner/side garden developments, a relaxation in the quantum of private open space may be considered, on a case-by-case basis. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable subject to design, residential amenity etc.

5.2. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 2.4km to the northwest.

Dalkey Island SPA (004172) lies approx. 1.5km to the north-east.

Rockabill to Dalkey Island SAC (003000) lies approx. 1.8km to the north-east.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal may be summarised as follows:

- **Compliance with National and Local Planning Framework** – the NPF advocates compact development and consolidation and intensification of infill lands, which is also reflected in the Eastern and Midland Regional Assembly Draft Regional Spatial and Economic Strategy. The new Development Plan for Dun Laoghaire (2022) includes similar policies and zoning objectives as the 2016 Plan, both of which favour densification of serviced residential lands, especially in proximity to public transport. The Sustainable Residential Development in Urban Areas Guidelines recommends minimum net densities of 50 dwellings/hectare within public transport corridors, especially rail corridors, and near railway stations. Section 4.3.1 of the recently adopted Plan for Dun Laoghaire Rathdown designates areas within 1km of a rail station for minimum residential densities of 50dw/ha, (which reflects the previous policy under 2.1.3.3 of the 2016 Plan). The appeal site is located in a residential zone and is 800m from the nearest DART station. It is therefore a suitable site for increased densities.
- **Overdevelopment** – in areas where higher densities are deemed to be appropriate, it is often necessary to make use of sites that may be considered ‘restrictive’. However, this does not in itself prohibit development, as an appropriate architectural design can overcome the inherent difficulties.
- **Design and layout of proposal** – it is very similar to the previous scheme granted by the Board under 249330, with a similar footprint to that as conditioned by the Board. The design has been modified and adapted to provide for a residential unit with good quality accommodation and private amenity space. It is noted that in the new CDP flexibility is provided in 12.3.8.5 in respect of relaxation in private open space and parking standards, subject to good design.
- **Road safety** – it is considered that as no parking spaces are proposed and the laneway is lightly trafficked, it is difficult to understand the safety concerns

for pedestrians as expressed in Reason no. 2. It would be appropriate to require a construction management plan for the construction phase.

- **Infill development** – The proposed development complies with all of the criteria set out in Section 12.3.8.5 of the new CDP in respect of infill sites and corner/side garden development.
- **Residential amenity** – any potential impact arising from overlooking can be addressed by means of condition. The concerns regarding the rooflights can be addressed by requiring them to be of opaque glass and non-openable. The amenity of the existing house will be improved by the removal of the shed and the conservatory.
- **Visual amenity** – the design reflects that of the existing garage but with greatly improved architectural treatment and is considered to be appropriate.
- **Relationship with existing dwelling** – in response to the concern raised in the planning report regarding the demolition of the existing shed within the garden of No. 30 and its position in respect of the red line, it is considered that this matter is entirely within the control of the applicant and its demolition can be carried out irrespective of the planning application.

6.2. Planning Authority Response

6.2.1 The P.A. has not responded to the grounds of appeal.

6.3. Observations

6.3.1. An observation was received (20/04/22) from the neighbouring resident to the east, No. 38A 'Ardenza'. The points raised are similar to those made in the submission to the planning authority, and the main points may be summarised as follows:

- **Previous permission** – much reliance is placed on the permission granted by the Board (249330), which had been subject to conditions which amended the scheme. The revisions required the omission of the parking spaces and the incorporation of the space into the garden for the ground floor apartment. The current proposal conflicts with the terms of that permission.

- **Backland development** – the proposal is deficient as the laneway is of inadequate width; private open space is inadequate; no parking is proposed and there is no assessment of the impact on sunlight/daylight.
- **Overdevelopment** – the proposed development has been increased in height and footprint over that permitted previously (249330) and has resulted in a substandard form of residential development with significant negative impacts on adjoining properties.
- **Residential amenity** – Ardenza is located 4.0m from the stone boundary wall and has a kitchen and living room which open out onto the patio at the west-facing side of the house. There are west-facing bedrooms also at first floor level. It is submitted that the increased height and footprint would cause a significant increase in overshadowing and reduces the vertical sky component of both the ground floor kitchen and living room windows, and would also reduce the ADF values currently enjoyed by these rooms. The external patio would also be overshadowed. The inclusion of skylight windows on the slope facing Ardenza would also cause overlooking and loss of privacy.

7.0 Planning Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Principle of development
- Overdevelopment of site
- Residential amenity
- Road safety

7.2. Principle of development

7.2.1. The grounds of appeal place much emphasis on the consistent approach provided for in national, regional and local policy in terms of seeking to provide compact urban development which makes efficient use of existing services and also provides for sustainable travel patterns. This means that residential densities must be increased, particularly where sites are close to existing amenities and to public transport,

especially high quality public transport such as the DART. I would agree that the policy framework contained in the NPF, the Sustainable Residential Development in Urban Areas Guidelines and both the former and newly adopted Dun Laoghaire Rathdown Development Plans seek to densify established residential areas with a general target of 50 dw/ha in such areas.

7.2.2. Section 4.3.1 of the CDP 2022 encourages housing growth in existing built-up areas, through the development of infill and brownfield sites and the maximisation of use of zoned and serviced lands. It seeks to increase housing supply, provide for housing choice and create attractive, liveable communities. The '10-minute' neighbourhood concept is strongly promoted in section 4.3 in order to reduce the urban and carbon footprint. Policy Objective PH18 seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill and brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in chapter 12. This policy also encourages higher residential densities provided that proposals provide for a high quality design and ensure a balance between the protection of existing residential amenities and established character of the surrounding area with the need to provide for high quality sustainable residential development. Policy Objective PHP27 encourages the establishment of sustainable communities by ensuring that a wide variety of housing and apartment types are available.

7.2.3. The site of the proposed development is located in a mature and well-established residential area which is within easy walking distance of a wide range of amenities and facilities including two Dart stations within a 10-12 minute walk. The shops and cafes/restaurants in Sandycove and Glasthule villages are within easy reach and the coastal amenity walk, Sandycove Beach, the Forty Foot etc. are within close proximity to the site. The site of the appeal is a brownfield site with an old garage, which had previously been permitted to be substantially altered to form a 2-storey dental surgery (249330). It is considered that the proposed development which would provide a modest house in this highly accessible residential area would accord with the planning policies for the area which seek to promote densification and consolidation of residential development in such areas. The proposal is therefore considered to be acceptable in principle.

7.3. Overdevelopment of site

- 7.3.1.** Section 4.3.1.3 (and Policy Objective PHP20) states that residential amenity of existing homes in built-up areas where they are located near higher density development must be achieved without becoming overbearing or intrusive and without negatively affecting the amenity value of neighbouring properties. Chapter 12 contains Development Management standards and criteria for new residential development. The most relevant sections are considered to be those relating to Corner/Side Gardens (12.3.7.5) and Infill development (12.3.7.7) as summarised above.
- 7.3.2.** The design and layout of the proposed building generally follows the footprint of the existing garage and that of the previously permitted dental surgery on the site. The footprint extends c.1.6m further to the north than the garage but is very similar to that permitted under 249330. The building envelope for the proposed house is also similar to that of the proposed dental surgery in terms of the height, bulk, scale and floor area of the proposed structure. The layout makes the most of the land available at the northern end while respecting the amenity and privacy of the existing dwelling house on the site. The separation distances are not ideal between the proposed dwelling and the existing dwellings at Nos. 38 and 38A (Ardenza) Elton Park to the east and south-east. However, it is acknowledged that it is difficult to achieve compact urban development with higher densities on infill sites such as this, without relaxing some standards such as separation distances, private amenity space and parking requirements.
- 7.3.3.** It is considered that the design of the proposed development in this instance, has sought to minimise any potential for adverse impact on neighbouring dwellings. Thus the design and layout are sensitive to the surrounding development and to the need for the protection of the amenities of these houses and is also respectful of the relationship with the main dwelling. It is also noted that No. 38A (Ardenza) is itself an infill dwelling. The private open space area to the north of the proposed unit (33.7m²), although it falls short of the 48m² required, is considered acceptable in this instance as it is an enclosed, sheltered area of a reasonable size with good levels of privacy, and is immediately adjacent to the living area of the proposed unit. It is also considered to be optimally located to protect the amenities of the adjoining properties

and will minimise the impacts of the proposed unit on same. The need for a parking space in this location is not considered to be essential given the proximity to services and amenities and the walkability of the area.

- 7.3.4.** It is noted that the planning authority considered that the proposed unit complies with the internal space standards set out in Quality Housing for Sustainable Communities – Best Practice Guidelines (2007) and that in terms of overall bulk and scale, would not unduly cause adverse impacts on the amenities of the adjoining properties. It is considered, therefore, that the proposed development does not constitute overdevelopment of the site and represents good quality infill development which would generally be in accordance with the provisions of the development plan.

7.4. Residential amenity

- 7.4.1.** The design of the dwelling has minimised the provision of windows in walls that would face existing properties, particularly at close range, and where they are proposed, they are generally smaller openings, fitted with opaque glazing. The only windows that seemed to cause concern to the P.A. were the rooflights proposed to be placed on the eastern slope of the roof. The Observer at Ardenza also raised concerns regarding these windows. The applicants have stated in the grounds of appeal that they are prepared to provide opaque glazing and to design them as non-opening windows. It is considered that this would satisfactorily address any remaining overlooking issues, and should the Board be minded to grant permission, a condition to this effect should be attached to any such permission.
- 7.4.2.** The proposed dwelling is unlikely to cause any significant levels of overshadowing as the footprint and building envelope are similar to the existing garage and to that permitted by the Board under 249330. The building permitted by the Board was a flat roofed structure with a height of 5.5m at the lane boundary, as shown on Elevation Facing North (Drg. PL05 A1) of that permission. The flat roof section of the permitted structure was c. 5.6m across with a small lean-to incorporating a rooflight facing Ardenza. The eaves height of the lean-to was c.3m. By comparison, the current proposal shows a height at the lane boundary of 5.71m, with a more gentle slope from the main roof (the flat section of which is c. 4.3m wide). The sloping section has an eaves height of approx. 3.7m which is just 500mm higher than the existing garage. It is considered that the design of the proposed roof of the dwelling is

comparable to the previously permitted roofline and the differences in height are marginal and off-set by the revised design.

- 7.4.3.** As noted previously, Ardenza is an infill dwelling which has a very shallow rear garden with its main amenity area to the north-west of the dwelling. The west-facing patio and kitchen patio door facing the proposed development would have some reduction in daylight and outlook. However, the reduction would not be significantly greater, in my view, than that resulting from the previously permitted dental surgery building or compared with the existing garage. It is further noted that there is mature vegetation on the site along the northern edge of the existing garage and the common boundary with Ardenza. The proposed development is unlikely, therefore, to exacerbate the existing shadow levels in the vicinity of the building. It is considered that the proposed development would not result in any significant loss of amenity to adjoining residential properties.
- 7.4.4.** The P.A. raised concerns regarding the impact on the amenities of the existing dwelling on the site, particularly as the success of the proposed development depends to a certain extent on some elements of the previous permission, which has not been implemented. These include the demolition of the conservatory and the shed along the western boundary, together with the provision of a recessed footpath to the north of the site. These works would ensure that both the private amenity spaces for both the existing dwelling and proposed unit would be of an appropriate standard.
- 7.4.5.** These items are shown on the submitted plans. The appellant has also given assurances in the grounds of appeal that these matters would be addressed by the applicant, as all of the lands are under the applicant's control. However, as these elements are outside of the red line boundary, I can understand the P.A.'s cautious approach with regard to this matter. Ideally, the red line boundary should be amended to include the lands in question. The board could decide to seek further information on this matter by means of a notice, or it could decide to accept the applicants' assurances on the matters and attach appropriate conditions should it be minded to grant permission.

7.5. Road safety

- 7.5.1.** As stated previously, there is provision in the CDP to allow for relaxation of parking standards in the case of infill developments. Given the proximity of the site to two Dart stations and a wide range of amenities within easy walking distance, and the presence of on-street car parking in the vicinity, the relaxation of the parking standard in this case is considered to be acceptable. Thus, the issue of road safety in terms of the use of the lane has less relevance than it had for other development proposals referred to in the planning reports, which had been refused on these grounds. I would agree with the appellants that the lane is very lightly-trafficked, and it is difficult in these circumstances to justify refusal on road safety grounds. In terms of construction, it would be prudent to require a construction management plan, which would also have been necessary for the development approved by the Board under 249330.
- 7.5.2.** In light of the above, it is considered that the proposed development would not give rise to a traffic hazard for pedestrians and passing traffic, provided that appropriate measures are taken during the construction phase in accordance with good practice.

8.0 Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

9.0 Appropriate Assessment

Dalkey Island SPA (004172) and Rockabill to Dalkey Island SAC (003000), respectively lie approx. 1.5 km to the north-east. South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lies approx. 2.4km to the northwest. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

10.0 Recommendation

- 10.1. It is recommended that planning permission be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the character and the established pattern of development of the laneway and the lands in the vicinity of the site, to the previous planning history on the site and to the design and limited scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of properties in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The proposed roof lights on the eastern roof slope shall be fitted with opaque glass and shall be fixed shut (non-opening).

The revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of residential amenity.

3. Prior to commencement of development, the existing conservatory attached to the main dwelling and the existing shed within the rear garden of No. 30 Sandycove Road, which is in the ownership of the applicant, shall be demolished and the line of the garden wall bounding the lane shall be set back to facilitate the provision of a permeable paving footpath of 2.0 metres in width as required by condition No. 2 of the planning permission granted by the Board under PL06D.249330. Detailed drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and pedestrian traffic safety.

4. No access shall be permitted to any of the flat roofs or green roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a single dwelling house (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

6. 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.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development

Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

Mary Kennelly
Planning Inspector

2nd May 2022