



An
Bord
Pleanála

Inspector's Report ABP-315109-22

Development

Permission is sought for the retention and completion of residential works in the course of construction on the site comprising of a first floor extension over entire of existing single storey bungalow, the retention of a single storey extension on either side of this dwelling and all associated site works, without having to comply with Condition No. 2 of P.A. Ref. No. D20B/0340 which authorised an earlier version of this overall proposal but which had required the omission of the single storey addition located to the west of the main house (ie between the cottage itself and Dundrum Road) together with all associated site works on site.

Location

Sommerville Lodge, Dundrum Road, Dundrum, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0691.

Applicant(s)	Rachel McCann.
Type of Application	Retention Permission and Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	<ol style="list-style-type: none"> 1. First Party. 2. Third Party.
Appellant(s)	<ol style="list-style-type: none"> 1. Rachel McCann. 2. John Conway.
Observer(s)	None.
Date of Site Inspection	9 th day of March, 2023.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Sommerville Lodge, the appeal site has a stated site area of 0.0117ha. At the time of inspection, it contained detached dwelling that was undergoing significant alterations and additions. It is situated on the eastern side of the heavily trafficked Dundrum Road, c30m to the south of its intersection with the entrance serving residential scheme of Annville and c55m to the north of its intersection with the entrance serving the residential scheme of Summerville in the south Dublin city suburb of Churchtown, in south County Dublin. The site is bound by No. 44 Annville Park to the north and east, the public domain of Dundrum Road bounds part of its northern but also its southern and western boundary. The surrounding area is predominantly residential in character but contains a mixture of commercial and other uses.

2.0 Proposed Development

- 2.1.1. The subject planning application seeks retention and completion permission for a development that consists of residential works carried out in the course of construction on site of a first-floor extension over entire of existing single storey bungalow, the retention of a single storey extension on either side of this dwelling and all associated site works, without having to comply with the requirements of Condition No. 2 of P.A. Ref. No. D20B/0340. This condition required the omission of the single storey addition located to the west of the main house (i.e., between the cottage itself and Dundrum Road) together with all associated site works and services.
- 2.1.2. According to the planning application form the gross floor area of existing buildings is 45m² and the gross floor area of proposed works is 65m², thus resulting in a new and retained area of 110m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 8th day of November, 2022, the Planning Authority issued a notification of their intention to **grant** retention permission and planning permission for the proposed

development set out in Section 2 above subject to 6 mainly standard in nature conditions. Of note to this case are the requirements of Condition No. 2. It reads:

“The single storey element to the west of the main structure shall be omitted and the boundary wall shall be set back in line with the boundary walls to the immediate north and south. The area to the west of the repositioned wall shall be finished with concrete, flush with the existing surrounding path. Drawings and details complying with this condition shall be submitted to and agreed with the Planning Authority prior to the commencement of any development. The additional costs of the setting back of the boundary wall and the finishing of the area west of the wall shall be borne by the Local Authority in accordance with Section 34(4)(m) of the Planning and Development Act, 2000, as amended. The area to the west of the wall shall be finished to ‘Taking in Charge’ standards. The applicant may request that this area be taken in charge, or alternatively enter into a legally binding agreement with Dún Laoghaire-Rathdown County Council in accordance with Section 47 (1) of the Planning and Development Act, 2000 as amended. If agreement cannot be reached between the developer of the land and the Planning Authority in relation to this condition, the matter may be referred to the Board for determination.

REASON: In the interest of removing any constraint to future reallocation of roadspace and in the interests of the improvement of facilities for pedestrians and cyclists at this time.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officers report is the basis of the Planning Authority’s decision. It includes the following comments:

- P.A. Ref. No. D03B/0287 related to a single storey to the eastern side not to the western side of this property. It is therefore incorrect to state that this formed part of the development permitted under this previous planning application. In addition, this planning application included no works to the western side of the property whereas under P.A. Ref. No. D20B/0340 the demolition of the western extension was sought.

- Reference is had to Section 34(4)(m) of the Planning and Development Act, 2000, as amended. In this context conditions can be attached to a given permission for the provision of roads (or to provide more space for the public road) in excess of immediate needs subject to safeguards.
- The Planning Authority is in a position to confirm that subsequent to the decision of P.A. Ref. No. D20B/0340 that there are funding sources for the Active Travel, Infrastructure and Climate Change Team in the Transportation Planning Department to pay the cost of the works of taking the area to the west.
- Provisions of Condition No. 2 are consistent with Section 34(4)(m) of the Planning and Development Act, 2000, as amended.
- The reason attached to Condition No. 2 states that it is in the interest of removing any constraint to future allocation of road space and the improvement of facilities for pedestrians, cyclists, and public transport. In addition, it also facilitates Policy Objective T5, T11 and T12 of the Development Plan. The implementation of the requirement of Condition No. 2 does not necessarily require the ceding of land.
- Dundrum Road was designed as a local road but is now functioning as an arterial road carrying a traffic load that it was not designed to carry. Pinch points like that at the site means that it is not suitable for high quality active travel infrastructure for pedestrians and cyclists.
- The north facing window is not considered to give rise to any undue residential amenity impacts.
- No visual amenity issues arise.
- Concludes with a recommendation to grant subject to safeguards.

3.2.2. Other Technical Reports

Drainage: No objection.

Transportation: This report includes the following comments:

- There are no identified improvement schemes/proposals for the Dundrum Road adjacent to Sommerville Lodge.
- Dundrum Road is included in the Dundrum Area Based Transportation Assessment which is currently being undertaken.

- The failure to setback the Sommerville Lodge property/road boundary as conditioned could prejudice the implementation future pedestrian, cyclist, and other improvements on Dundrum Road at this pinch point.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 2 No. Third Party Observations were received. The concerns raised correlate with those raised by the appellant in their grounds of appeal submission which is summarised under Section 6 of this report below. Additional concerns relate to unauthorised works carried out on site and this development breaking the established building line.

4.0 Planning History

4.1. Site:

- **P.A. Ref. No. D20B/0340:** Planning permission was granted for: 1) first floor extension over entire of existing single storey bungalow; 2) single storey extension to either side of same; and 3) all associated site works on site. Of note are the requirements of Condition No. 2 and 3. They read as follows:

“2. The single storey element to the west of the main structure shall be omitted and the boundary wall shall be set back in line with the boundary walls to the immediate north and south. The area to the west of the repositioned wall shall be finished with concrete, flush with the existing surrounding path. Drawings and details complying with this condition shall be submitted to and agreed with the Planning Authority prior to the commencement of any development.

REASON: In the interest of removing any constraint to future reallocation of roadspace and the improvement of facilities for pedestrians, cyclists, and public transport.”

“3. The glazing within the east facing window at first floor level shall be manufactured from opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenities.”

Decision date: 9th day of August, 2021.

P.A. Ref. No. D03B/0287: Planning permission was **granted** for a single storey extension to side. Of note, this development was not implemented. Decision date: 11th day of June, 2003.

5.0 Policy Context

5.1. Local

- 5.1.1. The Dún Laoghaire Rathdown Development Plan, 2022-2028, is applicable. The site forms part of a larger area of land zoned ‘Objective A’. The stated land use objective for such land is: *“to provide residential development and improve residential amenity while protecting the existing residential amenities.”* The site also adjoins land zoned Objective F on its southern side. Such land has a stated land use objective of preserving and providing for open space with ancillary active recreational amenities.
- 5.1.2. ‘5.5.2 Policy Objective T5: Public Transport Improvements’ of the Development Plan states that: *“it is a Policy Objective to expand attractive public transport alternatives to car transport as set out in ‘Smarter Travel, A Sustainable Transport Future’ and subsequent updates; the NTA’s ‘Transport Strategy for the Greater Dublin Area 2016-2035’ and the NTAs ‘Integrated Implementation Plan 2019-2024’ and subsequent updates by optimising existing or proposed transport corridors, interchanges, developing new park and rides, taxi ranks and cycling network facilities at appropriate locations. (Consistent with NPO64 of the NPF, RPO 4.40, 5.2, 8.3 and 8.8 of the RSES”.*
- 5.1.3. ‘5.5.3 Policy Objective T6: Quality Bus Network/Bus Connects’ of the Development Plan states that: *“it is a Policy Objective to co-operate with the NTA and other relevant agencies to facilitate the implementation of the bus network measures as set out in*

the NTA's 'Greater Dublin Area Transport 2016-2035' and 'Integrated Implementation Plan 2019-2024' and the BusConnects Programme, and to extend the bus network to other areas where appropriate subject to design, environmental assessment, public consultation, approval, finance and resources. (Consistent with RPO 8.9 of the RSES)".

- 5.1.4. '5.5.4 Policy Objective T7: Public Transport Interchanges' of the Development Plan states that: *"it is a Policy Objective to facilitate the provision of quality public transport interchanges at strategic rail, Luas stations and Core Bus Corridors within the County in accordance with national and regional guidelines in order to facilitate focussed access to multiple public transport modes and to maximize the movement of people via sustainable modes"*.
- 5.1.5. '5.5.5 Policy Objective T8: Green Line Capacity Enhancement (GLCE) Project' of the Development Plan states that: *"it is a Policy Objective to promote, facilitate and cooperate with other agencies in supporting the Luas Green Line Capacity Enhancement Project to cater for the demand for Luas trips in the County in the short and medium term"*.
- 5.1.6. '5.6.1 Policy Objective T11: Walking and Cycling' of the Development Plan states that: *"it is a Policy Objective to secure the development of a high quality, fully connected and inclusive walking and cycling network across the County and the integration of walking, cycling and physical activity with placemaking including public realm permeability improvements. (Consistent with NPO 27 and 64 of the NPF and RPO 5.2 of the RSES)"*.
- 5.1.7. '5.6.2 Policy Objective T12: Footways and Pedestrian Routes' of the Development Plan states that: *"it is a Policy Objective to maintain and expand the footway and pedestrian route network to provide for accessible, safe pedestrian routes within the County in accordance with best accessibility practice. (Consistent with NPO 27 and 64 of the NPF and RPO 5.3 of the RSES)"*.
- 5.1.8. '5.8.9 Policy Objective T31 of the Development Plan' states that: *"accessibility It is a Policy Objective to support suitable access for people with disabilities, including improvements to transport, streets and public spaces. Accessibility primarily concerns people with reduced mobility, persons with disabilities, older persons, and children. (Consistent with RPO 9.1 and 9.10 of the RSES)."*

- 5.1.9. Section 12.3.7 of the Development Plan deals with the matter of 'Additional Accommodation in Existing Built-up Area'.
- 5.1.10. Section 12.3.9 of the Development Plan deals with the matter of 'Demolition and Replacement Dwellings'. It sets out that the: *"Planning Authority has a preference for and will promote the deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition"*.
- 5.1.11. Chapter 14 of the Development Plan SLO No. 6 sets out that it is an objective of the Council to complete a Local Area Plan for Dundrum.

5.2. Local – Other

5.2.1. Draft Dundrum Local Area Plan, 2023.

Chapter 4 of the LAP deals with the matter of Transport and Movement. It sets out that it was informed by the Area Based Transport Assessment (ABTA) with a focus on cycling, walking and public transport and delivering on the 'ten minute neighbourhood' concept with the various objectives including the Dundrum Road Corridor with changing Dundrum Road from a busy car dominated route to a neighbourhood street.

Section 2.3 of the LAP describes Dundrum as an important urban area that is weakened by the prominence of heavily trafficked roads which it sets out that this plan seeks to address by both urban design and sustainable travel interventions.

Policy DLAP6 of the LAP states that: *"it is policy that there is a rebalance of available space toward pedestrians, cyclists and urban greening"*.

Objective PR1 of the LAP states that: *"it is an objective to improve public realm along Dundrum Road at appropriate locations as allowed for by building setbacks and available space"*.

Section 4.3.1 of the LAP references the Transport Strategy for the Greater Dublin Area, 2022-2042 which has an overall aim of providing a sustainable, accessible and effective transport system for the Greater Dublin Area which includes meeting the regions climate change requirements and has objectives of improving connectivity between people and places as well as delivering a high quality, equitable and accessible transport system.

Section 4.4.2.6 of the LAP sets out that Dundrum Road has narrow footpaths in places, with this combined with high traffic volumes mean that it is not a very attractive route

for pedestrians and cyclists. It states that: *“Dundrum Road is a key link towards the city centre, and is likely to become more important in the future in creating a sustainable link to Dundrum town centre with the development at the Central Mental Hospital site. However, delivery segregated cycle facilities in line with National Cycle Manual guidance while still allowing for vehicular traffic is challenging on this corridor given existing street characteristics.”*

Section 4.6.3 of the LAP in relation to Dundrum Road Corridor states that improving the pedestrian and cycle environment and encouraging increased levels of active travel for local accessibility is vital to supporting the sustainable development of the area.

Section 4.6.3.1 of the LAP in relation to traffic calming and public realm improvements sets out that it is an objective of the LAP to transition Dundrum Road from a car dominated route to a more locally focused neighbourhood area, seeking to achieve a better balance between transport and neighbourhood functions.

Objective T19 – Dundrum Road – Neighbourhood Street states: *“it is an objective to transition Dundrum Road to a neighbourhood street using traffic calming and public realm improvements to create a safer, more accessible and attractive environment for local residents”*.

5.2.2. Dundrum Area-Based Transport Assessment, 2023.

This document sets out that the ABTA: *“seeks to maximise opportunities for the integration of land use and transport planning, with an emphasis on delivering sustainable travel solutions”* and that it has been: *“undertaken to determine the key infrastructure measures, as well as policy and behavioural change measures required in Dundrum to tackle existing constraints in transport capacity, to plan for appropriate levels of development to facilitate the projected growth in population and employment, and to encourage sustainable mobility.”*

- 5.2.3. Section 2.4.2 of this document states that: *“Dundrum Road for example, which is the main link to the north from main street, has narrow footpaths in places. This, combined with relatively high traffic volumes mean that it is not a very attractive route for pedestrians or cyclists”* and that there is currently no cycling infrastructure on this route which in part may be due to the width of this road. It further states that: *“Dundrum Road is a key link towards the city centre, and is likely to become more important in*

the future in creating a sustainable link to Dundrum town centre with the development at the Central Mental Hospital site. However, delivering cycle network improvements in line with National Cycle Manual guidance is challenging on this corridor given existing street characteristics.” In addition, Table 2.3 lists one of the threats and constraints of Dundrum Road is that it is: *“already operating at or near capacity and there is no scope for additional road capacity to be provided”* and that Dundrum Road together with The Wyckham Way and Dundrum Bypass act as strategic vehicular traffic corridor between the M50 and the city centre. As such, there is likely to be a significant amount of vehicular traffic passing through this area.

5.2.4. Section 6.4 of the Assessment in relation to the Dundrum Road Corridor states that: *“Dundrum Road itself, is a heavily trafficked route with a poor pedestrian environment in places and no cycling facilities. The areas adjoining Dundrum Road are coming under increasing pressure for new residential developments, including the Strategic Housing Development proposed on the site of the former Central Mental Hospital. Improving the pedestrian and cycling environment and encouraging increased levels of active travel for local accessibility is therefore vital to supporting the sustainable development of the area and helping achieve wider carbon reduction and climate action targets. The proposed measures for the Dundrum Road Corridor are illustrated in Figure 6.17, and in general are aimed at:*

- Improving linkages for sustainable modes connecting Dundrum Major Town Centre to existing and future residential communities situated along Dundrum Road and further to the north.*
- Reducing traffic volumes and speeds along sensitive routes and thereby improving safety for pedestrians and cyclists and encouraging sustainable travel.*
- Improving local accessibility to key services including schools, public transport and shops, and supporting the vibrancy of local neighbourhood centres on Dundrum Road.”*

5.2.5. Table 6.17 identifies Dundrum Road as a neighbourhood street in accordance with Recommendation DAR22 of the Assessment. This recommendation reads: *“Dundrum ABTA, to transition Dundrum Road to a neighbourhood street, using traffic calming and public realm improvements to create a safer, more accessible and attractive environment for local residents.”* To achieve this Dundrum Road is broken down into

key intervention areas which are illustrated in Figure 6.18 of the Assessment with these aimed at reducing vehicular speeds, giving more priority to pedestrians and cyclists, and creating a sense of place for local residents.

- 5.2.6. The site is located in the Light Pink Local Intervention area with the interventions proposed aiming at improving safety for pedestrians and cyclists and reducing vehicular speeds including: “*addressing deficiencies with existing pedestrian facilities*” (Note: Section 6.4.1).

5.3. Natural Heritage Designations

- 5.3.1. None within the zone of influence of this project.
- 5.3.2. The nearest European sites to the appeal site are South Dublin Bay and River Tolka SPA (Site Code: 004042) which is located c3.4km and South Dublin Bay SAC (Site Code: 000210) which is located c3.7km both to the east of the site at their nearest point.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Board received two appeals in relation to the Planning Authority’s decision to grant retention permission and planning permission for the development set out in Section 2 of this report above. For clarity I propose to summarise the main points of these appeal separately below.
- 6.1.2. The main points of the Third-Party appeal can be summarised as follows:
- It is sought that the Planning Authority’s decision is overturned.

- The appellants property bounds the property to the north.
- The Planning Authority have not had full regard to the planning history of the site.
- The development has had no regard to the day-to-day functioning of their clinic and would negatively impact any future proposals to change No. 44 Annville Park into residential use. On this point it is indicated that this is their intention to do so in the next few years.
- The proposed development would diminish the amenities of their property.
- The proposed development would give rise to an undesirable precedent.
- Sommerville Lodge was originally a single storey gate lodge with a hipped roof over.
- No. 44 Annville Park forms part of what was originally a semi-detached property that has been extended and is now in use as a podiatry clinic at ground floor with residential use over.
- This proposal seeks to avoid compliance with Condition No. 2 of P.A. Ref. No. D20B/0340. Of concern there are other amendments to the development carried out that deviate from the development permitted under P.A. Ref. No. D20B/0340 that are not clearly set out in this application.
- The porthole window in the north facing dormer will overlook their property and adversely impact their business and the amenities of their residential unit. It is also much larger than that indicated under P.A. Ref. No. D20B/0340. In addition, the first-floor level has been altered and the dormer windows are also larger than those indicated in the development sought under P.A. Ref. No. D20B/0340 and the east to west measurement of this property has also increased by 0.5m yet the planning application form sets out the same floor area as the previous application, yet the floor areas have been increased.
- There is no functioning amenity space to the front of the dwelling as alluded to in this application as the area to the front accommodates a driveway and hardstand.
- The First Party appeal objects to the omission of the single storey element to the west of the main structure and the setting back of the boundary wall.

- The failure to setback this boundary could prejudice the implementation of public transport along Dundrum Road.
- The east facing first floor window would directly overlook their property.
- The revised dormer is overbearing and excessive in its scale. It is also considered an incongruous feature in its setting.
- Structural integrity of the original cottage to support the first-floor level extension is questioned.
- The construction works have resulted in various nuisances to the operations of their business which has included debris falling into their property requiring the closure of their parking area for customers.
- Concern is raised as to how the northern elevation will be maintained without requiring access from their property. There is no consent for any access for maintenance purposes or otherwise over their property.
- Concern is raised that the First Party are going to seek retrospective planning permission for a vehicular entrance.
- This is a three-bedroom dwelling house with the works carried out together with the requirements of Condition No. 2 would reduce the open space to c50m². This is deficient and reflective of the overdevelopment of the site.
- This development if permitted as proposed would materially devalue their property.

6.1.3. The main points of the First-Party appeal are:

- This development is appropriate to its context without the amendments required under Condition No. 2 therefore its omission is sought.
- Condition No. 2 seeks the demolition of a lawful extension that was permitted in 2003.
- Condition No. 2 effectively puts private land into the public realm. This is not acceptable.
- Realignment of Dundrum Road was not identified in granting permission for P.A. Ref. No. D03B/0287.

- The Planning Officer in their report identifies no shortcomings of Dundrums Road width at the point of this site.
- It is not accepted that there is a pinch point at this location and the adjoining footpath does not accommodate heavy footfall.
- Section 34(4)(m) of the Planning and Development Act does not allow for a Planning Authority to force a compulsory acquisition of land.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority's response requests the Board to have regard to their Planning Officer's report and considers that the grounds of appeal do not raise any new issues that would justify a change in their attitude towards the proposed development.

6.3. Observations

- 6.3.1. None received.

6.4. Further Responses

- 6.4.1. The First Party further response can be summarised as follows:
- They are willing to readvertise the development sought under this application.
 - The Appellant does not make clear how the port hole window would impact on their business or result in the loss of amenity of occupiers of the first-floor level apartment. This window does not overlook a private space and the adjoining space is used as a car park.
 - The porthole window is an ornamental window that serves an inactive part of the dwelling. It would also be positioned at a high level and would not result in any overlooking of the adjacent property.
 - The Board has discretion to omit the porthole window and/or require it to be fitted with obscure glazing.
 - The floorspaces indicated in this application are the same as that previously set out under the planning application P.A. Ref. No. D20B/0340.

- The eastern window of concern relates to the previous grant of permission.
- It is not accepted that the dormer window would be excessive or overbearing.
- The open space amenity to the front of the house is secluded and is bound by a wall that is not readily overlooked from the public domain or from adjacent properties.
- This development would not give rise to any undue amenity impact on its setting.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. I have examined the file, the planning history, the submissions of all parties and inspected the site. I have also considered national and local policies and guidance of relevance to the development sought under this application. I am satisfied that the key issues raised in this appeal case are:

- Principle of the Development Sought and Amenity Impact
- Planning History
- Adequacy of the Documentation Provided
- Compliance with P.A. Ref. No. D20B/0340
- Amenity Impact
- Other Matters Arising

7.1.2. I am satisfied that no other substantive planning issues arise, notwithstanding, the matter of '*Appropriate Assessment*' also requires examination. I propose to do this at the end of the assessment below.

7.2. **General Principle of the Development Sought Under this Application and Amenity Impact**

7.2.1. The applicable Development Plan is favourable to alterations and extensions to existing dwellings, subject to normal planning criteria and I note section 12.3.7.1 in this regard.

7.2.2. In general, I do not have issue with the extent or scale of the alterations and additions to what was once a single storey gate house type cottage works and consider that

they would integrate well with the existing dwelling and other properties in the vicinity, subject to standard safeguards in the event of a grant of permission by the Board.

- 7.2.3. I also consider that the proposal would not result in material impacts on adjoining properties in terms of overbearance subject to the porthole window in the first-floor level facing northwards being non-openable and fitted with obscure glazing. Together with the render of the dormer external finishes and treatments matching the palette of materials of the main dwelling. Whilst the first-floor level addition is as a result of the subject properties relationship with the Dundrum Road a highly visible feature of the first-floor addition to the host dwelling.
- 7.2.4. Notwithstanding, I do not consider it to be visually incongruous or dominant in its streetscape context, given that buildings along this eastern stretch are characterised by two storeys of varying in design and character built-forms that include first floor level windows that address the semi-private, private as well as public realm. However, I do raise residential amenity concerns in terms of the development, if permitted, as carried out would give rise to overlooking of properties in its vicinity.
- 7.2.5. On this matter I note that the First Party Appellant raises concerns that the east facing window of the first-floor level additional floor has not been fitted with opaque or frosted glass as is a requirement of Condition No. 3 of the grant of permission P.A. Ref. No. D20B/0340 this grant of permission and the First Party by not doing so has resulted in an issue with their property being overlooked with this in turn diminishing the amenities of their property.
- 7.2.6. The First Party consider this outside of the scope of the Boards consideration of this appeal case and is an enforcement matter for the Planning Authority to deal with as they see fit.
- 7.2.7. Whilst I accept that the first floor east facing window has been provided in a manner that fails to accord with the requirements of Condition No. 3 of the aforementioned grant of permission I do not accept the First Party's conclusion on the basis of the fact that the description of the development sought under this application seeks the retention and completion of works that are described as comprising of a first-floor extension over entire existing single storey bungalow. In addition, this window is depicted in the submitted drawings in the same manner as other windows that are now in situ and fitted with clear glazing.

- 7.2.8. In my view the description of the development includes but is not limited to the retention and completion of the first-floor level, with this including this east facing first floor window fitted with clear glass. As provided this window due to its relationship with other properties in its immediate vicinity it gives rise to undue overlooking that in turn diminishes the amenities of these properties.
- 7.2.9. It would appear that the Planning Authority in considering a window at first floor level of the east facing façade sought to address overlooking concerns it had the potential to give rise to by way of the requirements of Condition No. 3.
- 7.2.10. That is to say that it sought that the glazing of this window be manufactured from opaque or frosted glass, and it required the glazing to be permanently maintained as such in the interests of residential amenity.
- 7.2.11. As such to retain this window in the manner in which it has been installed would not only be contrary to this condition, but it would result in the retention and completion of the first floor additional level in a manner that would result in the diminishment of residential amenities for properties in the vicinity in a manner that would be contrary to Objective A land use zoning objective of the Development Plan.
- 7.2.12. This land use zoning objective is applicable to the appeal site and the adjoining properties and seeks that developments like that sought under this application balance providing improved residential amenity whilst at the same time protecting existing residential amenities.
- 7.2.13. I therefore recommend that any grant of permission include a similar condition to Condition No. 3 of P.A. Ref. No. D20B/0340 in the interest of mitigating this overlooking concern.

7.3. Planning History

- 7.3.1. The development sought under this application seeks permission for the retention of the single storey extension on either side of the dwelling together with all associated works without having to comply with Condition No. 2 of the grant of permission Ref. No. D20B/0340.
- 7.3.2. As set out in Section 4.1 of this report above Condition No. 2 omitted the single storey element to the west of the main structure and required the building to be set back in line with the boundary walls to the immediate north and south. It also required the area

to the west of the repositioned wall to be finished with concrete, flush with the existing surrounding path with the drawings and details complying with this condition submitted to and agreed with the Planning Authority prior to the commencement of any development. The given reason for this condition was given as: *“in the interest of removing any constraint to future reallocation of road space and the improvement of facilities for pedestrians, cyclists and public transport.”*

- 7.3.3. The First Party has essentially carried out construction without agreeing the requirements of this condition with the Planning Authority and the structure to the west the main structure has been built without any setback from the boundary walls to the immediate north and south.
- 7.3.4. As such the works have been carried out in a manner that did not remove the constraint to future reallocation of road space and effectively constrains the improvement of the public realm of Dundrum Road for its users, particularly pedestrians, cyclists through to it would constrain effective public transport along this road.
- 7.3.5. This application seeks that permission be granted for the retention of the single storey extensions on either side of the main structure as constructed and thereby seeks the omission of having to comply with aforementioned Condition No. 2.
- 7.3.6. During the determination of this application the Planning Authority' Transportation Department noted that whilst there are currently no identified improvement schemes/proposals for the Dundrum Road adjacent to Sommerville Lodge they note that it is nonetheless included in the Dundrum Area Based Transport Assessment which was at that time being undertaken. They therefore raised it as a concern that this assessment could include improvements to the public transport and/or pedestrian and cyclist facilities along Dundrum Road and therefore the failure to setback Sommerville Lodge property as well as road boundary could prejudice the implementation of such a recommendation.
- 7.3.7. The Planning Authority's Planning Officer considered that this application primarily relates to the omission of Condition No. 2 of P.A. Ref. No. D20B/0340 and the works as carried out in a manner that does not comply with its requirements. They also noted that having regard to the planning history of the site that the applicant is incorrect in

stating that the single storey extension to the west was subject to a grant of permission P.A. Ref. No. D03B/0287.

- 7.3.8. They note that this historic planning application did not include an extension to the west and therefore the issue of public realm was not a consideration under this previous application.
- 7.3.9. They further note that the requirement of Condition No. 2 is within the reemit of Section 34(4)(m) of the PDA, 2000, as amended, given that it permits the attachment of conditions to a given grant of permission for the provision of roads.
- 7.3.10. Condition No. 2 requires the provision of more space for the public road and that the Council are in the position for paying for the costs of the works of taking this area in charge and carrying out the works in respect of that land and/or are willing to enter into an agreement with the applicant in respect of carrying out these works.
- 7.3.11. The Planning Officer further indicate that the requirement of this condition is also consistent with Section 7.3.1 of the Development Management Guidelines as the expressed reason for Condition No. 2 is in the interest of removing any constraint to future reallocation of road space and the improvement of facilitated for pedestrians, cyclists, and public transport. These future outcomes are all supported by the provisions of the Development Plan, including but not limited to Policy Objectives T5, T11 and T12.
- 7.3.12. Moreover, they indicate that whilst the preferred option of the Planning Authority is ownership and management of the land they are open to discussions with the applicant in that regard. They also assert that the requirements of this condition should be considered in the context of the current conditions of Dundrum Road which was designed as a local road but is now carrying traffic as an arterial road at a traffic load it was not designed to accommodate. In this context Condition No. 2 is one of the small-scale interventions that align with Policy Objectives T5, T11 and T12.
- 7.3.13. The Planning Authority's Planning Officer's report is the basis of the Planning Authority's decision in relation to this application and their report concluded with a recommendation to grant permission subject to the requirements of a number of conditions including Condition No. 2. The requirements of this condition correlate with Condition No. 2 attached to P.A. Ref. No. D20B/0340 which required the omission of the single storey element to the west of the main structure and for the boundary wall

to be setback in line with the boundary walls to the immediate north and south with the area to the west of the repositioned wall finished with concrete, flush with the existing surrounding path. The details of which were specified to be subject to written agreement of the Planning Authority prior to the commencement of development.

- 7.3.14. It also included that the additional costs of the set back of the boundary wall and the finishing of the area west of the wall would be borne by the Planning Authority in accordance with Section 34(4)(m) of the PDA, 2000, as amended. It also makes provision for this area to be taken in charge or entering into a Section 47(1) of the PDA, 2000, as amended, by way of a legally binding agreement. The stated reason for this condition reads: *“in the interest of removing any constraints to future reallocation of roadspace and in the interests of the improvement of facilities for pedestrians and cyclists at this time.”*
- 7.3.15. The Third-Party appellant seeks that any grant of permission includes this condition given that the works carried out are on a pinch point on the Dundrum Road and effectively block improvements to this stretch of road.
- 7.3.16. The Planning Authority seek that their decision is upheld whereas the First Party objects to the permission was granted with Condition No. 2 attached therefore seeking this condition to be omitted. They assert that the extension that would require demolition was permitted in 2003 and that they object to any ceding of land where there is no identified need for any road or footpath widening at the time it was permitted in 2003. They also raise concern that Section 34(4)(m) of the PDA, 2000, as amended, is being used in this instance for a land grab which is not its intended purpose.
- 7.3.17. In relation to the description of development provided in the public notices they set out that planning permission is sought for: *“retention of a single storey extension to either side of this dwelling and all associated site works, without having to comply with condition no. 2 of planning permission reg. D20B/0340 which authorised an earlier version of this overall proposal but which had required the omission of the single storey addition located to the west of the main house (ie. between the cottage itself and Dundrum Road).”*
- 7.3.18. In relation to the planning history of the site having examined this in detail and having had regard to the street views as well as aerial photography of the site publicly available, with this going back to 2003, I concur with the Planning Authority’s Planning

Officer that there was no implementation of the extension permitted under P.A. Ref. No. D03B/0287. At the time the planning application was lodged and up until recent times there was a later of no architectural merit modest single storey extension present on the western side of the main single storey period cottage. This structure appears to have been demolished at some recent point in time as part of the works that have been carried out to date and in its place to the west of the main structure which now has an additional floor level over there is a larger in-built form, floor area, depth, width and height single storey addition. The addition is such that it is not one that benefitted from a grant of permission that was still active and as a development it does not meet any exempted development provisions provided under the planning legislation at the time of its construction.

7.3.19. Since the Planning Authority issued their notification order on the 8th day of November, 2023, it is of note that firstly the Dundrum Area-Based Transport Assessment, 2023, has been approved (Note: 30th day of May, 2023). In this regard, the site forms part of the land associated with this assessments study area. With 'Recommendation DAR22' of the Assessment seeking the transition of Dundrum Road to a neighbourhood street by way of using traffic calming and public realm improvements to create a safer, more accessible, and attractive environment for local residents. Alongside setting out to achieve this it breaks Dundrum Road into key intervention areas which are illustrated in Figure 6.18 of the Assessment with these aimed at reducing vehicular speeds, giving more priority to pedestrians and cyclists, and creating a sense of place for local residents. The site forms part of the 'Light Pink Local Intervention Area' with the interventions proposed for this area aiming at improving safety for pedestrians and cyclists as well as reducing vehicular speeds including but not limited to addressing deficiencies with existing pedestrian facilities.

7.3.20. It is further note that the Draft Dundrum Local Area Plan, 2023, which recently completed its public display period, was informed by the aforementioned Area Based Transport Assessment with Chapter 4 focusing on the delivery of cycling, walking, public transport and the 'ten minute neighbourhood' concept with the various objectives including the Dundrum Road Corridor together with changing Dundrum Road from a busy car dominated route to a neighbourhood street. As part of this the LAP seeks to address how Dundrum as an important urban area that is weakened by

the prominence of heavily trafficked roads seeks to address this by both urban design and sustainable travel interventions.

7.3.21. It includes a number of provisions including Policy DLAP6 which sets out that it is a policy of the Council to rebalance of available space toward pedestrians, cyclists, and urban greening and Objective PR1 which sets out that the Council will seek to improve public realm along Dundrum Road at appropriate locations as allowed for by building setbacks and available space.

7.3.22. This local area plan whilst adding detail to the provisions of the current Development Plan and being based on the detailed traffic assessment of Dundrum Road as said is a draft document and at the time this report was being prepared was not adopted.

7.3.23. The applicable Development Plan as set out under Section 5.1 of this report above includes a number of policies I consider to be of relevance to the requirements of Condition No. 2 of the Planning Authority's decision to grant permission for the development sought under this application. In particular I draw the Boards attention to the following policy objectives of the Development Plan:

- '5.5.2 Policy Objective T5: Public Transport Improvements' which seeks to expand attractive public transport alternatives to car transport.
- '5.6.1 Policy Objective T11: Walking and Cycling' which seeks to secure the development of a high quality, fully connected and inclusive walking and cycling network across the County and the integration of walking, cycling and physical activity with placemaking including public realm permeability improvements.
- '5.8.9 Policy Objective T31 of the Development Plan' which supports suitable access for people with disabilities, including improvements to transport, streets and public spaces.
- '5.6.2 Policy Objective T12: Footways and Pedestrian Routes' which sets out that is a Policy Objective to maintain and expand the footway and pedestrian route network to provide for accessible, safe pedestrian routes within the County in accordance with best accessibility practice.

7.3.24. I also note that Section 4.2.1 of the Development Plan which deals with the matter of Sustainable Communities and Neighbourhood Infrastructure' identifies a number of common features of exemplar sustainable communities including but not limited to:

- Promoting the '10-minute' settlement concept, where a range of facilities and services are accessible in a short walking and cycling timeframe from homes or are accessible by high quality public transport located within a short walk from home.
- Prioritising cycling, walking and public transport thus reducing the need to use the private car.
- Creating spaces that are easy to access and navigate and that promote sustainable community and cultural activities.
- Minimising greenhouse gas emissions.

7.3.25. In addition, Section 4.4 of the Development Plan sets out that healthy placemaking includes accessible public spaces, good connectivity through to prioritising walking, cycling and sustainable travel in the planning layout and design of places.

7.3.26. This I note is consistent with regional and national planning provisions including but not limited to the comprehensive guidance set out in the 'Design Manual for Urban Roads and Streets' (2013), which places emphasises particularly on how the delivery of permeability and high-quality public realm can assist the promotion and delivery of sustainable communities. Arguably this is supported by:

- Policy Objective PHP35 of the Development Plan which states that the Council will *"ensure that all development is of high-quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES. Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013). Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design."*
- Policy Objective PHP37 of the Development Plan which sets out that: *"all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved"*.
- Policy Objective PHP38 of the Development Plan which sets out that the Council will seek to: *"preserve and enhance the public realm offering in our towns and villages"*.

- Policy Objective PHP40 of the Development Plan which relates to the matter of 'Shared Space Layouts' and sets out that the Council will seek to *"promote safer and more attractive streets and public realm for all road users throughout the County"*.
- Policy Objective MFC3 of the Development Plan which relates to 'Placemaking' in towns and villages sets out that the Council will support: *"proposals for development in towns and villages that provide for a framework for renewal where relevant and ensure the creation of a high-quality public realm and sense of place. Proposals should also enhance the unique character of the County's Main streets where relevant."*
- Table 7.2 of the Development Plan indicates that the strategy for Dundrum includes public realm upgrade of the Main Street.
- Section 12.3.1.1 Design Criteria for Neighbourhood - People, Homes and Place includes but is not limited to: *"quality of linkage and walking and cycling permeability – to adjacent neighbourhoods and facilities and the nature of the public realm/streets and spaces. Walking and cycling permeability shall be maximised at every opportunity"; "accessibility and traffic safety"; "context - having regard to the setting of the site, the surrounding character, streetscape, and the impact of any proposed development on the development potential of adjoining sites"; and, "inter-relationship of buildings / dwellings, roads, pedestrian ways"*.
- Section 12.8.5 of the Development Plan which deals with the matter of 'Public Open Space – Quality' recognises that: *"open space is fundamental in contributing to a high quality of life for those living, working and visiting the County. It provides a basis for active and passive recreation, creates urban focus, fosters community spirit, and helps mitigate the impacts of climate change."* It also states: *"it can also improve the public realm and urban image, provides for inclusivity, adds to the liveability, sense of identity and define the quality of the area. For this reason, public open space should be accessible, inclusive, secure, and usable."*
- It is also of note that the Development Plan defines "Public Realm" as follows: *" the public realm embraces the external places in our towns and cities that are accessible to all. These are the everyday spaces that we move through and linger within, the places where we live, work and play"*; and said Plan identifies one of the key growth enablers as: *"public realm and urban amenity projects focused on streets and public spaces."*

- 7.3.27. It is clear that Dundrum Road has significantly changed since the subject property was constructed as a single storey vernacular cottage. In particular over the last number of decades as car use and residential development has intensified and the density of residential development as well as proliferation of other uses has intensified. It is quite evident that Dundrum Road has long since ceased to function as a local road which was its original intent. But it now functions as an at capacity arterial road where sustainable transport infrastructure and provisions need significant improvements.
- 7.3.28. The site area, in particular the western portion of the site and part of the northern and southern boundary of the site, are bound by public domain with the western portion projecting forward onto the public domain resulting in a restricted in width pedestrian footpath. To the north and south the public domain including the public footpath widths are more generous with latent potential for them to be incorporated into improvements identified for the public realm of Dundrum Road and public realms in general under local planning provisions as identified above.
- 7.3.29. The extension to the west of the main structure, a structure which is a recent addition that extends further westwards onto land that Condition No. 2 identifies would serve the public good by being incorporated into the public domain which is in the interest of removing any constraint to future reallocation of road space and the improvement of facilities, cyclists and public transport. With the western portion of the site being in Local Intervention Area where interventions aiming at improving safety for pedestrians and cyclists and reducing vehicular speeds including but not limited to addressing deficiencies with existing pedestrian facilities are proposed under the Dundrum Area-Based Transport Assessment.
- 7.3.30. To build a structure on what is a pinch point on the eastern side of Dundrum Road, a structure that does not have the benefit of permission and has a larger footprint in comparison to any historic side extension to the west of the subject dwelling constrains progressing needed public realm improvements including those identified in Dundrum Area-Based Transport Assessment which are consistent with local, regional and national planning provisions as well as guidance.
- 7.3.31. Moreover, it is also contrary to sustainable and healthy place making with the Dundrum Road also expected to accommodate further growth to its local residential population by residential developments like the largescale redevelopment of the Central Mental

Hospital site whose main area and road frontage is located in close proximity to the north of the site.

- 7.3.32. Furthermore, the extension to the west of the main structure breaks the front building line of properties addressing the eastern side of Dundrum Road to the north and south of the site.
- 7.3.33. In this context the single storey side extension structure given that it is effectively bound to the north, west and south by public realm is visually at odds with the prevailing character and pattern of development of this locality.
- 7.3.34. For the purposes of clarity, it should be noted that the period for which the western side extension has been in place is immaterial to consideration of a planning application for permission for retention, although, there are implications regarding enforcement proceedings and it would appear that this application is made on foot of such proceedings being initiated by the Planning Authority. I am also cognisant that the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered "*as with any other application*". This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development has already taken place.
- 7.3.35. Further, the Development Plan as set out above includes several policy objectives seeking public realm and sustainable transport improvements with in the case of Dundrum Road the local interventions required to ensure that this roads function is improved in a manner that is commensurate with its function as an arterial road within the concept of the ten-minute neighbourhood has been assessed under the Dundrum Area-Based Transport Assessment. With this area-based transport assessment informing the yet to be adopted Dundrum Local Area Plan.
- 7.3.36. In the context of this yet to be adopted Local Area Plan the retention of demolition and the construction of a larger extension to the west of the main structure arguably is premature given its potential to prejudice the provisions of this plan which seek significant improvements to the public realm along the Dundrum Road in the vicinity of the site. With this in turn having the potential to make public realm improvements

to the north and south of the site unsustainable and/or not meeting the desired outcomes for the Dundrum Road Corridor.

- 7.3.37. In addition, having regard to the provisions of Section 34(4) of the PDA, 2000, as amended, I concur with the Planning Authority that Condition No. 2 is consistent with Section 34(4)(m) which permits the provision of conditions as part of a grant of permission by a Planning Authority. It reads: *“conditions for requiring the provision of roads, including traffic calming measures, open spaces, car parks, sewers, watermains or drains, facilities for the collection or storage of recyclable materials and other public facilities in excess of the immediate needs of the proposed development, subject to the local authority paying for the cost of the additional works and taking them in charge or otherwise entering into an agreement with the applicant with respect to the provision of those public facilities”*. It is also of note that the Planning Officer’s report clearly sets out that there are different funding sources available to burden the costs of the requirements of Condition No. 2 subject to agreement with the applicant.
- 7.3.38. In this case to permit the retention of the single storey extension to the western side of the subject dwelling would contravene materially Condition No. 2 of the grant of permission P.A. Ref. No. D20B/3240. It would also give rise to a development that is contrary to and fails to support the local planning provisions for the public realm, sustainable transport through to healthy placemaking for the greater good as provided for under the provisions of the Development Plan. Moreover, it would be a type of development that would also be a premature given its implications on an area of public domain constraint situated along a key portion of the Dundrum Road Corridor where local interventions are sought under the Draft Dundrum Local Area Plan, 2023. For these reasons, this component of the development sought under this application is in my considered opinion contrary to the proper planning and sustainable development of the area.

7.4. Procedural - Adequacy of the Drawings Provided with this Application

- 7.4.1. The First Party Appellant raises concerns that the submitted documentation submitted with this application do not accurately reflect the scope of works carried out for which retention is now sought and in turn the documentation does not accurately present the outcome of the development works that would arise at this site in the event that permission being granted. They therefore raise concerns that the Planning Authority

failed to address this issue by way of seeking by way of further information and that the decision of the Planning Authority is therefore flawed as it is based on inaccurate information.

- 7.4.2. They raise a number of areas of concern including that the increased floor area that arises from the modifications have not been set out under this application. In addition, that the floor areas referred to are those that related to the previously permitted development whose first-floor area is smaller to that now sought for retention given the modifications that have been carried out.
- 7.4.3. Having examined the planning history documentation and the documentation provided with this application I consider that there does appear to be a larger floor area sought under this application when compared to that set out under P.A. Ref. No. D20B/0340.
- 7.4.4. Further, I also raise concern that this application does not correctly detail the dimensions and positioning of the northern dormer window at first floor level as provided to the subject dwelling. With this dormer window also not fully correlating with what was indicated in the set of drawings provided with planning application P.A. Ref. No. D20B/0340.
- 7.4.5. In relation to these concerns should the Board be minded to grant permission for the development sought under this application they could seek by way of further information clarity on these matters.

7.5. Other Matters Arising

- 7.5.1. **Construction & Related Civil Concerns:** The Third-Party Appellant raises concerns about the manner in which construction works have been carried out to date and the impact this has had on their property, particularly in terms of falling debris and dust. From examination of historical street views of the subject property there is an element of historical overhanging of the subject properties roof structure and the boundary with the Third-Party Appellants property. The status of the boundary between these two properties as presented in the submitted drawing appears to show that it is the centre line of this boundary.

The First Party does not include with the documentation provided with this application or the previous application P.A. Ref. No. D20B/0340 that shows consent for any

access onto the appellants property or any new form of oversailing and/or encroachment.

Having regard to the site location in a built-up urban area, the 'brownfield' nature, the nature and scale of the works that were permitted under P.A. Ref. No. D20B/0340, the limited variation between the development permitted under P.A. Ref. No. D20B/0340 and the retention as well as completion development sought under this current application, the fact that substantive works have already taken place on foot of P.A. Ref. No. D20B/0340, the standard requirement for such works to be carried out in accordance with best practice construction management measures, I am not satisfied that this matter in itself would warrant a refusal of permission. Should the Board be minded to grant permission for the development sought under this application I recommend that they impose an appropriately worded condition requiring the completion works to be carried out in accordance with a Construction Management Plan.

In addition, it is my opinion that any instances of damage to, or interference with, the appellants' property attributable to the proposed development would be a civil matter for resolution between the parties concerned. In this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that: *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property. As a precaution I therefore recommend that any grant of permission of the development sought under this application be accompanied by an advisory note setting out the provisions of Section 34(13) of the PDA, 2000, as amended.

- 7.5.2. **Unauthorised Development:** The Third-Party Appellant in their submission to the Board raise a number of concerns that in my view fall under the broad heading of potential unauthorised development. These concerns extend beyond the assertions that the First Party have significantly departed from the development as permitted under the previous grant of permission P.A. Ref. No. D20B/0340 and that the works as carried out do not correlate with the development that is being sought for retention and completion.

They also raise concerns that the works have included the creation of a vehicular entrance and associated works onto the public domain to allow vehicular access to the site itself. This has also included the removal of boundary to accommodate vehicular access from the public domain of Dundrum Road. These works are observable from the adjoining public domain of Dundrum Road.

The drawings accompany this application show the presence of a pedestrian sized opening in the southern boundary opening onto a public domain footpath. With available historical images supporting that recent works have included modifications of this adjoining public footpath.

In addition, during the site inspection it was observable that a substantial area of boundary has been removed to facilitate improved access to the site of a width suitable for vehicle access and egress.

Of concern the extent of these works do not form part of the works permitted under P.A. Ref. No. D20B/0340 nor are they included in the works sought for retention and completion under this application before the Board.

Further I can find no record of the works that have been carried out to the adjoining public footpath being carried out by the Roads Authority or with the required authorisation of the Roads Authority and indeed the Council who ultimately are the owners of these lands.

Moreover, the position of this entrance is such that it has the potential to give rise to a serious road safety and traffic hazard issues for the users of this adjoining public domain. In particular vulnerable road users but also road users journeying south bound given that this entrance has effectively no sightlines in a northerly direction onto the heavily trafficked arterial Dundrum Road.

Whilst I am cognisant that this matter is enforcement matter for the Planning Authority to deal with as they see fit. Notwithstanding, I am concerned that these alterations to the site boundaries and the provision of a vehicle entrance could given the vagueness of the description of the development provided in the public notices, the planning application form and accompanying document could give rise to ambiguity on this matter.

With these works being a type of development that would give rise to traffic hazard and road safety concerns if the boundary is not reinstated alongside having the potential to give rise to further constraints on future Dundrum Road improvements., particularly for pedestrians, cyclists, and public transport.

- 7.5.3. **Private Open Space Amenity:** The development sought under this application does not result in any significant qualitative or quantitative diminishment to the private amenity space for occupants of the subject property when compared to the development permitted under P.A. Ref. No. D20B/0340. Notwithstanding, there is concerns arising should the amended boundary wall be maintained for vehicle access to the host dwelling. With this giving rise to a concern that open space amenity within the curtilage of the host dwelling being substantially reduced.

8.0 **Appropriate Assessment**

- 8.1.1. Having regard to the nature and scale of the development to be retained and the development to be completed, the site's brownfield character forming part of a location in a fully serviced built-up urban area, with the site's existing connectivity to public infrastructural services including foul drainage, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0 **Recommendation**

- 9.1. I recommend permission be refused for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

1. The development sought under this application which includes the retention of a single storey extension to the western side of Sommerville Lodge would by reason of its position, built form, mass, height and volume which, if permitted, would prejudice future reallocation of road space along the adjoining stretch of Dundrum Road for improving facilities for pedestrians, cyclists and sustainable modes of transportation in a manner that would contravene materially a condition attached

to an existing permission for development namely, condition number 2 attached to the permission granted by the Planning Authority on the 9th day of August, 2021, under planning register reference number P.A. Ref. No. D20B/0340.

2. Development of the kind proposed, in particular the retention of the single storey extension to the western side of Sommerville Lodge, would be premature pending the adoption of the road layout improvements for the Dundrum Road Corridor as provided for under the yet to be adopted Draft Dundrum Local Area Plan which has been informed by the Dundrum Area-Based Transport Assessment, 2023, findings.
3. On the basis of the documentation provided with this planning application and appeal, the Board is not satisfied that the development for which retention permission is sought has been accurately presented and that the scope of works which have been carried out to date include unauthorised development which have not been satisfactorily addressed so that an appropriately informed decision can be made. In this case the development sought would facilitate the consolidation of unauthorised works on site. Accordingly, it is considered that it would be inappropriate for the Board to consider a grant of permission for the development sought under this application in such circumstances.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia-Marie Young
Planning Inspector

6th day of September, 2023.