



An
Bord
Pleanála

Inspector's Report ABP315129-22

Development

Permission is sought for amendments to existing planning D20A/0989, which is for the demolition of existing industrial sheds and construction of 2 no. two-storey dwellings and associated site works.

Location

68A and 70, Georges Avenue,
Blackrock, Co Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council.

Planning Authority Reg. Ref.

D22A/0644.

Applicant(s)

Simon Cullen, Cathal Crimmins &
Charles Crimmins.

Type of Application

Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party

Appellant(s)

Simon Cullen, Cathal Crimmins &
Charles Crimmins.

Observer(s)

Michael & Audrey Moriarty and Dairine
Walsh.

Date of Site Inspection

01/08/2023

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The development site is located, proximate to Blackrock Village on the west side of the N31, on 'backlands' between the established residential building lines on Georges Avenue to the north-west and Carysford Avenue to the south-east. The 'backlands' accommodate two large 'agricultural type' sheds (denoted as industrial sheds on the planning history and subject application form).
- 1.2. The development site is part of a the larger 'backlands' area and comprises the western section of the overall territory accommodating one of the two large sheds.
- 1.3. The eastern section of the site is separately owned and accommodates the second large shed. A vehicle repair business "Tony McCann motors" is located within the shed and immediate curtilage. There were a number of cars parked on the day of my site visit on the north-east side of a temporary "Heras" type fence that notionally appears to delineate the eastern section of the 'backlands' from the development site.
- 1.4. The development site itself has an irregular "L" shape with the substantive site extending into a narrow strip of land stretching to the east and located along the south-eastern boundary with the rear gardens of nos. 41, 43 & 45 Carysforts Avenue. The development site shares a boundary to the south-west and north-west with the rear gardens of houses on George's Avenue including nos. 70 and 71 George's Avenue. The site area is given as 0.0713 hectares.
- 1.5. The development site is accessed via a laneway, measuring between 4-4.2 metres in width, from George's Avenue, located between nos. 68A and 70 George's Avenue, which provides vehicular and pedestrian access.
- 1.6. Works to facilitate the existing authorised permission for the demolition of the shed and the construction of two-dwelling houses had not commenced on the day of my site visit.
- 1.7. The development site is less than a kilometres from Blackrock Dart Station and is proximate to a high frequency bus service.

2.0 Proposed Development

2.1. Permission is sought for amendments to the existing planning permission D20A/0989 (ABP 309750-21), which is for the demolition of existing industrial sheds and construction of 2 no. two-storey dwellings and associated site works. The amendments include the following:

- (a) increased floor to ceiling height in ground floor by 225mm, thereby, increasing the overall height of the building;
- (b) Relocation of the northern façade of the dwelling further to the north and modifications on the ground floor layout;
- (c) Rearrangement of first-floor layout with patios relocated at the centre of each of the houses, rather than the centre of the block, and removal of double height-space in house A (no. 69b) and the partial removal of same in House B (no. 69a);
- (d) Associated modifications to the fenestration of the dwellings, and
- (e) New rooflight in House B.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reasons:

1. Having regard to its overall design, scale, form and massing, the proposed development will have a significant adverse impact on the residential amenity of the properties to the south-east on Carysfort Avenue and would appear visually overbearing when viewed from the rear gardens of the properties within the surrounds. The proposal will result in overshadowing of the properties to the south-east in the evening period due to the sitting of the double storey wall on the common boundary. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of adjoining properties in the area and, if

permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Due to the constrained nature of the site and the pattern of development in the immediate area, including the existing vehicle repair workshop, associated forecourt area and a right-of-way, the proposal provides for a sub-optimal private amenity space in terms of quantity and quality. The proposal would set a poor precedent for similar development in the area and would therefore be contrary to Section 12.8.3.3 (Private Open Space – Quantity) of the Dun-Laoghaire-Rathdown Development County Plan, 2022-2028. The proposed development would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
3. Due to the layout of the proposed development and the relationship between the existing pedestrian and vehicular movement and the proposed access to the new dwellings, the proposal would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dun Laoghaire-Rathdown County Council reflected the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- The Transportation Planning Section reports that the proposed amendments do not overcome the access difficulties identified by the local authority including under Register Ref: D20A/0989. Transportation recommend refusal of permission on the following grounds:

1. *Due to Endangerment of Public Safety as a result of potential conflict associated with the proposed layout and with the existing pedestrian and*

vehicular movement at the proposed access to the new dwellings – i.e. the proposed development would endanger public safety by reason of traffic hazard of obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

- The other technical reports do not object to the proposed development subject to condition.

4.0 Planning History

There is a complex planning history on this development site. The relevant planning history is listed below in chronology starting with the most recent:

- Register Reference ABP 309750-21 (D20A/0989): planning permission was granted, on the 18th June, 2021, by An Bord Pleanála for two dwelling houses at the rear of 68A and 70 George’s Avenue, Blackrock, Co. Dublin, subject to 11 conditions. Condition 2 states:

2. The proposed development shall be amended as follows:

(a) The proposed development shall be reduced in height to two storeys by the omission of the top floor.

(b) Two number parking spaces only shall be provided, and these spaces shall be accessible at all times.

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

Reason: *in the interests of visual and residential amenity.*

It is noted that the Board cited the following explanation in the rejection of the Inspector’s recommendation to refuse planning permission:

In deciding not to accept the Inspector’s recommendation to refuse permission, the Board had regard to the location of the site in an urban area, the policies of the County Development Plan which supports additional houses in existing built up areas, the limited number of car spaces and the

design of the proposed development which avoids overlooking of adjoining property, and considered that the proposed development would be acceptable in terms of the proper planning and sustainable development of the area.

- This decision superseded the notification to refuse permission dated 22nd February, 2021 (appealed under ABP 309750-21 by the first party) for the demolition of existing industrial sheds and the construction of 2 number three-storey houses issued by Dun Laoghaire-Rathdown County Council for the following reasons:
 1. *The Having regard to its overall design, scale, form and massing, the proposed development will have a significant adverse impact on the residential amenity of the properties to the south-east on Carysfort Avenue and would appear visually overbearing when viewed from the rear gardens of the properties within the surrounds. The proposal will result in overshadowing of the properties to the south-east in the evening period due to the sitting of the double storey wall on the common boundary. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
 2. *Due to the constrained nature of the site and the pattern of development in the immediate area, including the existing vehicle repair workshop, associated forecourt area and a right-of-way, the proposal provides for a sub-optimal private amenity space in terms of quantity and quality. The proposal would set a poor precedent for similar development in the area and would therefore be contrary to Section 12.8.3.3 (Private Open Space – Quantity) of the Dun-Laoghaire-Rathdown Development County Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity and would*

be contrary to the proper planning and sustainable development of the area.

3. *Due to the layout of the proposed development and the relationship between the existing pedestrian and vehicular movement and the proposed access to the new dwellings, the proposal may endanger public safety by reason of a traffic hazard. In addition, the proposed car parking does not comply with the design standards contained within Section 8.2.4.5 (Car Parking Standards) of the Dun-Laoghaire-Rathdown Development County Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities or depreciate the value of property in the vicinity and would be contrary to the sustainable and proper planning of the area.*
- Register Reference ABP 06D.234738 (D09A/0437): planning permission was granted (Split Decision) for House A and permission was refused for House B following a third party appeal to An Bord Pleanála following a notification to grant planning permission by the Planning Authority. House B was refused for the following reason:
 1. *Having regard to the restricted nature of the site and the pattern of development immediately adjacent, including a commercial shed, associated forecourt area and a public right-of-way, it is considered that the proposed House 'B' would result in a cramped form of development with poor residential amenity for future occupants, poor disposition of quality private open space and substandard parking provision. The proposed development would seriously injure the residential amenity of the future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.*
 - The Register Reference ABP PL 06D.234458 (D09A/0337): planning permission refused by An Bord Pleanála for the demolition of part of existing industrial sheds amounting to 146sqm. and erection of one two-storey house of 145sqm. to the rear of no. 68 George's Avenue.
 - Planning Authority Register Reference D09A/0321: planning permission refused by the Planning Authority for compliance with An Bord Pleanála's

planning conditions nos. 1 & 3 ABP PL06D.225390 (Planning Authority Register Reference: D07A/0867) under which permission was granted for alterations to the north and west facades of the existing industrial sheds.

- Planning Authority Register Reference D09A/0069: planning permission refused for the demolition of existing industrial sheds and the erection of two dwellings, (one two-storey house and one three-storey house).
- Planning Authority Register Reference D07A/1686: planning permission granted for the demolition of existing industrial sheds and erection of two dwellings, (one two-storey house and one three-storey house. This permission was appealed and reduced to one dwelling only by An Bord Pleanála by way of condition.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 202-2028 is the relevant local planning policy document:

- Chapter 13 (Land Use zoning objectives) Table 13.1.1 (Development Plan Zoning Objectives) and Map 2 (Booterstown / Blackrock / Stillorgan) are relevant.

The zoning objective for the subject development site is “A”: *To provide residential development and improve residential amenity while protecting the existing residential amenities. Residential is a ‘permitted in principle’ land use.*

- Chapter 2 (Core Strategy), Policy Objective CS11 – Compact Growth - is relevant and states:

It is a Policy Objective to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. (Consistent with RPO 3.2 of the RSES).

It is noted that Figure 2.9 (Core Strategy Map) defines the boundary of Dublin City and Suburbs. The development site is within that boundary.

- Chapter 4 (Neighbourhood-People, Homes and Place), Policy Objective PHP18 (Residential Density) is relevant and states:
 - *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
 - *Encourage higher residential densities providing that proposals provide for high quality design and ensure a balance between the protection of the existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

Policy Objective PHP19 (Existing Housing Stock-Adaptation) is relevant and states:

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

And Policy Objective PHP20 (Protection of Existing Residential Amenities) is relevant and states:

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

- Chapter 12 (Development Standards) Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) in particular Section 12.3.7.6 (Backland Development) and Section 12.3.7.7 (Infill) are relevant. It is noted that where the Planning Authority accepts the general principle of development in a backland location Section 12.3.7.6 requires the satisfaction of development criteria including *inter alia* the following shall apply:

- Appropriate scale relative to the existing dwelling and of high quality design;
- Existing dwelling and proposed dwellings shall have individual private open spaces – exclusive of parking – of 48sqm. each for one / two bedroom units, or 60 sqm. plus for three / four or more bedroom units;
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

Section 12.8.3.3 (Private Open Spaces) Table 12.10 (Private Open Space) is also relevant:

house type	Private Open Space requirement (minimum)
1-2 bedroom	48 sq. m. *
3 bedroom	60 sq. m.
4 bedroom (or more)	75 sq. m.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Housing, Planning and Local Government ‘Urban Development and Building Height Guidelines for Planning Authorities’ (December 2018)
- The Department of Environment Heritage and Local Government ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (2009) and the accompanying Design Manual (2009).

5.2. EIA Screening

5.3. The development is not in a class where EIA would apply.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised below:

- The proposed development is an amendment of a permission granted by An Bord Pleanála that establishes the general form and position of two houses on the development site. The Planning Authority incorrectly assessed the development from first principles rather than solely assessing the amendments to the authorised permission;
- Compliance with the conditions of the parent permission ABP-309750-21 have determined that planning permission is required for amendment of house(s) design, motivated by practical reasons, including changes to the location of the first floor terraces and the height of the first floor elevations, which cannot be dealt with by way of compliance;
- The proposed amendments are minimal overall and will have no substantial effect on the overall design, scale, form and massing of the authorised building and are not of an extent that would have a significant adverse impact on the residential amenity of neighbouring properties;
- The height, length and extent of the development on the boundary with the houses on Carysfort Avenue, the relative distance to these houses and the presence of significant mature vegetation will ensure that there will not be a significant adverse impact resulting from additional building height on the boundary with adjoining properties at Carysfort Avenue.
- It is considered that the reason for refusal (Refusal Reason 1) on the grounds of overall design, scale, form and massing resulting in a significant adverse impact, in terms of visual amenity, overbearing and evening overshadowing, on the properties to the south-east on Carysfort Avenue is unfounded. The proposed additional building height is 300mm providing for an overall parapet

building height of 6m above ground level, which would be 3.3m higher than the boundary wall and would extend 12.43m along that boundary. The existing boundary wall is 2.7m high and there are shrubs and mature trees located inside the boundary wall at the rear of the properties on Carysford Avenue, which is at a distance of 24m and 23m from the rear elevations of no. 45 and no. 43 Carysford Avenue, respectively,.

- The open space provision is more than the minimum requirement and would not be sub-optimal as contended by the Planning Authority (Refusal Reason 2). It is claimed House A (the western house) has a total private open space provision of 109.53 sqm. and House B (the eastern house) has a total private open space provision of 77.91 sqm.;
- Providing three bedrooms instead of two-bedrooms in each house allows for separate bedrooms for male and female children. The proposed study area in House A (no. 68A) is considered too small to be a fourth bedroom;
- The relocation of the first floor roof terraces to a more central location allows more light into the houses and allows the height of some windows facing south to be reduced;
- The Planning Authority contends that the proposed development may endanger public safety by reason of a traffic hazard (Reason for Refusal 3). The principle of residential development on this site has been established by a number of previous decisions by An Bord Pleanála and the Planning Authority.

6.2. Planning Authority Response

The Planning Authority consider that the grounds of appeal do not raise any new matters which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development and refer the Board to the previous Planner's Report.

6.3. Observations

There is one third party observation to this appeal, prepared by Feragall Kenny Architect & Planning Consultant, on behalf of Michael & Audrey Moriarty, of 70 Georges Avenue Blackrock, County Dublin, and Dairine Walsh, of 71 Georges Avenue, Blackrock, County Dublin. The observation is summarised below:

- The proposed amendments will result in diminution of existing residential amenities and that certain elements should be refused planning permission for the reasons outlined below;
- The applicant site has been subject to a number of planning applications by the owners since 2007 that have not been activated rather the owners have consistently subsequently sought a better outcome;
- The observers accept the decision of An Bord Pleanála under Register Ref: ABP 309750-21.
- In the matter of visual obtrusiveness, the proposed amendment to increase the floor to ceiling height of the ground floor would increase the height of the overall building. The amendment would be inconsistent with one of the Planning Authority 's reasons for refusal (Reason no.1) on register Ref: D20A/989 (base planning permission) in the interests of residential amenity, which related to a development of two houses that were three-storey in height;
- And would be inconsistent with An Bord Pleanála's decision under Register Ref: 309750-21, which was subject to the imposition of a condition in the interests of visual and residential amenity to reduce the development in height to two storeys by the omission of the top floor. It is claimed that the overall height of the development was thus set by An Bord Pleanála by this condition;
- In the matter of overlooking, the amendment of the fenestration to include a first-floor bedroom window in House B on the west elevation would have a negative impact on existing residential amenities and would not satisfy the requirement for a 22m separation between directly opposing first floor windows as required by the Development Plan (Section 12.3.7.6 CDP 2022-2028);

- Furthermore, in the matter of overlooking the subject bedroom window cannot be considered an amendment of the approved development, as this window never had planning in the first instance and is improperly described as a “modification”. The Board is respectfully requested to specifically exclude the proposed west facing window if planning permission is granted for amendments;
- There is a problem with the existing combined drain in the laneway, which is to be retained. A new surface water drain is to be installed in the lane and the lane is to be resurfaced which is welcomed. It is respectfully requested to include a condition requiring the applicants to reinstate the laneway before the occupation of the houses;
- The applicant has not provided details of how it is proposed to demolish the existing shed on site and dispose of the demolition waste and that any permission should be conditioned appropriately in the interests of residential amenity.

7.0 Assessment

The principle of the development on this site has been established by planning permission Register Ref: ABP 309750-21 (DLR -D20A/0989) for a terrace of two semi-detached two-storey houses comprising House 69a (toward Carysfort Avenue denoted on the application & appeal statement as House ‘B’- eastern house) and House 69b (toward Georges Avenue denoted on the application and appeal statement as House ‘A’- western house).

The proposed development is for modifications of that permission. The following assessment covers the points made in the appeal submission, the submitted observation and encapsulates my *de novo* consideration of the proposed alterations to the development authorised.

It is noted that there are no new substantive matters for consideration. The current development proposal provides for the following modifications to the development previously authorised:

- The increase in the floor to ceiling height of the ground floor of the houses by 225mm, thereby, increasing the overall height of the building block;
- The relocation of the northern façade of the dwellings further to the north and modifications of the ground floor layouts;
- The internal reconfiguration of the first-floor layout with the authorised patios relocated to the centre of each of the houses, rather than the centre of the semi-detached block, and the removal of the double height-space in house A (no. 69b) and the partial removal of the double-height space in House B (no. 69a);
- The modification of the fenestration of the dwellings, and
- The provision of a new rooflight in House B (no. 69a).

It is considered that the substantive planning issue is that the proposed alterations would substitute the authorised two two-storey (Condition 2 of ABP 309750-21 removed the third floor of both houses) two-bedroom units for two three-bedroom two-storey units. The modifications as advertised are assessed individually below and cumulatively with reference to the change in status of the authorised housing units from two-bedroom units to three-bedroom units.

Increase in floor area and overall building height

- 7.1. The Planning Case Officer notes that the development site has a number of sensitive interfaces which must require carefully considered architectural responses. I would concur with the Planning Case Officer and would cite the sensitive interface with, in particular, the rear gardens of nos. 43 & 45 Carysfort Avenue (south-east boundary) and nos. 70 & 71 George's Avenue (south-west and north-west boundary).

The Planning Authority has confirmed part compliance of the development authorised under Planning Register Ref: ABP 309750-21 (DLR -D20A/0989), which was agreed under compliance submission D20A/0989C3, with respect to Condition 2(a), that required the removal of the third floor of the subject houses, by letter dated 25/05/22. The reference document for this compliance is drawing 'PP1-General Arrangement', which shows the overall parapet height of the housing block agreed by the Planning Authority at 5.7m.

The applicant proposes to increase the overall height of the flat-roof semi-detached housing block by 225mm internally resulting in an increase in external parapet height from 5.7m to a parapet height of 6m. I consider that this a marginal increase in overall building height, dictated by the rationalisation of the house(s) design and optimisation of internal residential amenity, would not have a significant impact on the external massing. It is considered that the proposed increase in overall building height will not have a discernible impact on existing residential amenity from the development previously authorised.

The relocation of the northern façade to the north

- 7.2. The proposed relocation of the northern elevation to the north would marginally increase the footprint of the building block and is acceptable.

Internal Reconfiguration of the first-floor layout with the authorised patios relocated to the centre of each of the houses rather than the centre of the building block

- 7.3. The appellant states that the alterations are motivated by practical considerations effectively a rationalisation of the house(s) design. It is considered that the reconfiguration of the internal arrangement would address the imbalance between recreational room accommodation and bedroom accommodation given the significant floor area of the authorised two-bedroom units measuring 158.49 sqm. (House 'A' – no. 69b) and 127.76 sqm. (House 'B' - no. 69a), respectively.

The amended overall internal floor area would increase to measure 170.83 sqm. (House 'A' -no. 69b) and 149.05 sqm. (House 'B' -no. 69a), respectively. The increase in floor area is achieved principally by in-fill of the internal voids over the ground floor recreation rooms.

The relocation of the first-floor patios to the centre of each of the houses, rather than the authorised location at the centre of the overall semi-detached building block, rationalises the first floor internal configuration to optimise the habitable floor area allowing the first floor patio to act as a light well to the staircase hall and the rear bedrooms. The amended first-floor internal reconfiguration would provide for two three-bedroom units – see open space assessment below.

Fenestration

- 7.4. The proposed amendments to the fenestration are in general minor in nature, including the lowering of some of the south facing ground floor windows. In the matter of the subject study / bedroom window on the north-west elevation. It is considered that the principle of a window opening on the north-west elevation (denoted west elevation on the submitted drawings) is not established by the parent permission: Drawing PP1, dated 16/03/2021, submitted on 21 March 2021 (drawings received with appeal register Ref: ABP 309750-21) clearly shows a blank first-floor 'proposed west elevation'.

The submitted current drawings show on the 'approved' and amended versions of the west elevation a tall narrow first floor window lighting a bedroom (House 'A' – no. 69b), which is also lit by a larger east facing window taking light from the first-floor terrace. The west facing window would be located less than 8m from the boundary with no. 70 George's Avenue and has the potential to overlook the neighbouring property. I consider that the first-floor window shown on the west elevation drawing(s) submitted with this application should be omitted from the development on the grounds of residential amenity. This can be dealt with by way of condition.

New rooflight

- 7.5. The proposed roof light is acceptable in principle and detail.

Cumulative impact of the proposed modifications including open space requirement

The cumulative impact of the modifications would facilitate the change in status of the authorised houses from two-bedroom units to three-bedroom units. The open space standard for three-bedroom units is greater than that for two-bedroom units.

The Dun Laoghaire-Rathdown County Development Plan, Section 12.3.7.6 (Backland Development) and Section 12.8.3.3 (Private Open Space) Table 12.10 (Private Open Space) requires 48sqm. of private open space for one / two bedroom units and 60 sqm. for three-bedroom units. There is a relaxation in rear garden length where sufficient open space is provided to serve the proposed dwelling and the applicant can demonstrate that the proposed dwelling will not impact negatively on adjoining residential amenity.

I consider that this relaxation should apply in the instance of the proposed development given the constrained configuration of the development site and the house(s) design, which minimises impacts on existing residential amenities in particular in the matter of overlooking. It is considered that quantitatively and qualitatively that the proposed development would satisfy the open space standards for three-bedroom units.

7.6. Road Safety Considerations

The third reason for refusal is that the proposed development will endanger public safety by reason of traffic hazard. The principle of residential development on this site has been established by An Bord Pleanála under planning register ref: ABP 309750-21 (DLR -D20A/0989). I consider that the traffic management and access proposals submitted with the parent permission, including the site layout plan and the Traffic Report prepared by ILTP consulting, address this matter. This can be dealt with by way of condition.

Conclusion

- 7.7. In conclusion, it is considered that the proposed amendments would provide for a high quality design providing a balance between the protection of existing residential amenities and the requirement to provide for high quality sustainable residential development within the existing 'built footprint' in accordance with Policy Objective PHP18 (Residential Density), Policy Objective PHP19 (Existing Housing Stock-Adaptation) and Policy Objective PHP20 (Protection of Existing Residential Amenity) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. And would comply with development standards for backland / infill development as provided for in Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

7.8. **Appropriate Assessment Screening**

The proposed development comprises modifications to two previously authorised dwelling houses in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

8.1. I recommend a grant of planning permission subject to condition.

9.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoighaire-Rathdown County Development Plan 2022-2028, to the residential zoning objective for the area, the location of the development in an urban area well served by public transport and to the scale and nature of the proposed modifications. It is considered that the proposed development is a reasonable improvement of the accommodation authorised on site and would not seriously injure the residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 30th day of August 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) the first floor window in the west elevation of House 69b shall be omitted from the development.</p> <p>Reason: in the interests of residential amenity.</p>

3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The conditions of planning permission Register Reference D20A/0989 (ABP-309750-21) shall apply other than amended by this permission.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

“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”.

Anthony Abbott King
Planning Inspector

10th August 2023