



An  
Bord  
Pleanála

## Inspector's Report

**ABP-316021-23**

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<b>Development</b>	Demolition of a garage and the construction of a two storey house.
<b>Location</b>	157 Broadford Rise, Ballinteer, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown Co. Co.
<b>Planning Authority Reg. Ref.</b>	D22A/0986892
<b>Applicant(s)</b>	Tony McEvoy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to 10 no. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sinead McGrath & Others.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2023
<b>Inspector</b>	Bernard Dee

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on Broadford Rise which is comprised of two storey semi-detached houses of probable 1980s date. The estate is located to the east of the Broadford Rovers Football Club. The site is bounded to the north and west by Stonemasons Green and to the east by Broadford Rise. The appeal site is located at the northern tip of a block of six semi-detached houses oriented north-south.
- 1.2. The structure to which this appeal relates is a single storey garage ancillary to No. 157. It is a low pitch roof with an east facing entrance which is accessed from Stonemasons Green to the north.

## 2.0 Proposed Development

- 2.1. The development will consist of the demolition of existing garage (not shed) as described above and its replacement with a two storey residential structure to the north of No. 157 which is set back from the established eastern building line (front of houses) and projects beyond the west rear building line.
- 2.2. From the drawings submitted to the Planning Authority the replacement structure are in a similar design to the surrounding dwellings and will be 1.1m from No. 157 and have a slightly lower ridge line.
- 2.3. The two storey structure will accommodate 3 no. bedroom spaces at first floor level and living space and kitchen at ground floor level. A GFS of 129m<sup>2</sup> is proposed.
- 2.4. It is also proposed to relocate the existing vehicular entrance from the north to the east adjacent to the entrance serving No. 157.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission for the proposed development was granted on 13<sup>th</sup> February 2023 subject to 10 no. conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's Report on file, dated 13<sup>th</sup> February 2023, in summary, had regard to the following planning issues:

- Residential use is permitted in principle under the A zoning objective and that generally the extension of an existing dwelling is acceptable subject to Development Plan provisions.
- Design, separation distances, standards of accommodation, open space provision and parking proposals all deemed to comply with relevant Development Plan standards.
- There are no concerns related to the proposed development in terms of overlooking or adverse impact on neighbouring properties.
- The Planner's Report did not feel that either Appropriate Assessment or Environmental Impact Assessment was necessary in connection with the proposed development.

### 3.2.2. Other Technical Reports

- The Drainage Department and Transportation Department had no objections to the proposed development subject to conditions.

### 3.2.3. Prescribed Bodies

- Irish Water had no objection to the proposed development subject to the application of appropriate conditions.

### 3.2.4. Observations

- Multiple observations were made in relation to this application and are summarised in the assessment section of the Planner's Report on file.

## 4.0 Planning History

### 4.1. On the Appeal Site

- There is no planning history associated with the appeal site.

#### 4.2. In the Vicinity of the Site

- No planning history proximate to the appeal site and relevant to the issues raised in the appeal.

### 5.0 Policy and Context

#### 5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2022-2028 is the relevant statutory plan for the area.

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

Chapter 4 - Neighbourhood, People, homes and Places

4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity – Ensure that the residential amenity of existing homes in the built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Chapter 12 Development Management

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

#### 5.2. Natural Heritage Designations

The following natural Heritage designation is located in the vicinity of the appeal site:

- South Dublin Bay SAC (000210)

### 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The Board should note that the appellants make several points with regard to the alleged misinterpretation of the Planning Regulations by the Planning Authority but I have not outlined these arguments below as the Board has no remit to adjudicate the validity or otherwise of a planning application submitted to the Planning Authority.

The relevant planning grounds of the Third Party appeal submitted by Sinead McGrath and Others are, in summary, as follows:

- The design and materials of the proposed house are out of keeping with the established pattern of development in the area.
- The location of the proposed structure has a detrimental effect on the vista looking west along Broadford Crescent.
- The breach of building lines will draw further attention to this incongruous structure within the local streetscape.

### 6.2. Planning Authority Response

- The Planning Authority response states that the appeal does not raise any new matter which would justify a change of attitude by the Planning Authority.

### 6.3. Applicant Response

- No response has been received from the First Party.

### 6.4. Observations

- None received.

## 6.5. Further Responses

- Not applicable.

## 7.0 Assessment

7.1.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.1.2. The primary planning issues requiring assessment therefore are as follows:

- Principle of development.
- Location and design.
- AA Screening.

7.1.3. Principle of Development

7.1.4. The appeal site is located in a residentially zoned area and within a housing estate. It is proposed to demolish a garage and erect a dwelling to extend a row of existing two storey dwellings northwards. I find that the principle of residential development at this location is acceptable.

7.1.5. Location and Design

7.1.6. The scale form and massing of the proposed house, while not identical to the existing adjacent houses fronting Broadford Rise, is very similar to the extent that it should blend into the streetscape without difficulty. The use of similar building materials in the proposed structure should assist with this visual absorption process.

7.1.7. The issue of the proposed dwelling spoiling the view along Bridgefoot Crescent is not I believe credible. Such a vista is not a designed vista and neither is this estate a set piece architectural creation reliant on interlocking or intersecting vistas for its design aesthetic. The site will be visible looking west along Bridgefoot Crescent but this is inevitable in the development of corner and side sites as envisaged in the Development Plan.

7.1.8. The set back from the eastern building line and the projection of the western building line will have no appreciable impacts on the visual or residential amenity of the area.

7.1.9. Accordingly I find that the Third Party case lacks substance and that the minor visual disturbance to be anticipated is not unusual in development in corner/side sites and should not have an adverse impact on the visual or residential amenity of the area.

7.1.10. AA Screening

7.1.11. Having regard to the relatively minor development proposed within an existing housing estate and there are no European sites in the vicinity of the appeal site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dun Láoghaire Rathdown Development Plan 2022-2028, including the zoning objective for the site ('A – Residential'), which seeks to provide for residential development and protect and improve residential amenity; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would provide an acceptable standard of amenity for future residents. The proposed development 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 on the 12<sup>th</sup> December 2022 and, 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>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be</p>

provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Bernard Dee**  
**Planning Inspector**

**11<sup>th</sup> October 2023**