



An
Bord
Pleanála

Inspector's Report

ABP-319027-24

Development

Alterations and reconfiguration of 7 houses and alterations to 'The Barn', as previously permitted under reg. ref. 2027/21 (ABP-311013-21) with all associated site works.

Location

The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4506/23

Applicant(s)

Insignia Investment Limited.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal

Third Party

Appellant(s)

Michael McKenna

Ashling Harrison and Bart Casella and others. (See Section 6.0).

Observer(s)

None.

Date of Site Inspection

29th October 2024.

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site measures 0.26 hectares and is located at the southern end of Riversdale Avenue, off Bushy Park Road. The site is approximately 500 metres to the south-east of Terenure Village.
- 1.2. Riversdale Avenue is a mature cul-de-sac with mainly two storey demi-detached properties on its eastern side and a landscaped strip with mature planting and access to dwellings on its western side. The area is very much residential in nature and homes are generally two storeys in height, although there is a three-storey block of Apartments (Eastmore), located to the west of Riversdale Avenue, accessed via Bushy Park Road.
- 1.3. The site itself is roughly L shaped, with no significant change in levels. On the western side of the appeal site there is a disused single storey dwelling and associated disused detached barn building to the rear which dates from the mid-nineteenth century. The remainder of the site comprises a central access road and an overgrown grass area with trees and shrubs.
- 1.4. Two further dwellings are located to the south of, and accessed through, the appeal site, although they sit outside of the red line boundary. The southernmost dwelling is the two storey Riversdale House, which is a Protected Structure (Ref. 8072). To the immediate north of Riversdale House there is an attached two storey dwelling, Gageby House, which is a later addition and is not listed as a Protected Structure.

2.0 Proposed Development

- 2.1. Planning permission is sought for alterations to a previously approved development, (Planning Authority Reference 2027/21, An Bord Pleanála Reference ABP-311013-21), which provided for partial demolition and renovation of 'The Barn' as a two bedroom, two storey detached house with apex rooflight; construction of 5 no. three bedroom, two storey terraced houses; construction of 2 no. two bedroom, two storey semi-detached houses; access from the existing entrance on Riversdale Avenue; 8 no. car parking spaces; all associated site development works, landscaping and boundary treatment works.
- 2.2. The amendments to the previously approved scheme include

- Alterations and reconfiguration of the layout of 'The Barn' to include an extended ground floor containing living and ancillary accommodation, resulting in a part single/part two storey two bedroom house.
- Alterations and reconfiguration of the terrace of 5 no. part two storey/part single storey three bedroom houses, to include revisions to the ground floor layouts to the rear.
- Alterations, reconfiguration and extension of the 2 no. two bedroom, two storey semi-detached houses.
- The proposed amendments will include changes to the elevations.
- Amendment to the associated site development works and landscaping.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Grant Permission was issued by Dubin City Council on 17th January 2024, subject to seven generally standard conditions. Conditions of note include:

3. The development hereby approved shall incorporate the following amendments: a) The first floor windows on the rear elevation of House No. 7 shall be permanently fitted with obscure glazing.

Reason: In the interests of orderly development and visual amenity.

4. The terms and conditions of the permission for the original development, which was issued under Reg. Ref's. 3861/23 and 2027/21 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

3.2. Planning Authority Reports

3.2.1. The report of the Planning Authority outlined initial concerns including:

- The sufficiency of the Applicant's legal interest in the site in relation to the lands to the north which are included within the red line boundary.

- The positioning of the first floor bedroom window along the northern plot boundary of house no. 6, which may negatively impact upon the development potential of the lands to the north.
- The provision of private open space for house no.6 which at 31sqm is considered low.

3.2.2. All of these issues were addressed through the submission of Further Information, received by the Planning Authority on 14th December 2023. In terms of title, the Applicant submitted a certified copy Folio and Filed Plan DN257605F which indicates freehold interest in the lands included within the redline boundary of the site. In terms of the first floor window on house no. 6, the lands to the north are in the ownership of the Applicant and as such there is no impact on third party development.

3.2.3. With regard to open space, the Applicant submitted revised drawings indicating that the boundary of house no. 6 has been amended to include the lands to the north. The provision of private open space has been increased to 47sqm. The kitchen of house no. 6 has also been amended to improve its relationship with the garden. The Planning Authority considered that all relevant matters had been addressed and granted permission, subject to conditions.

Other Technical Reports

3.2.4. **Drainage:** No objection, subject to conditions.

3.2.5. **Transport:** No objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No comments.

3.4. Third Party Observations

3.4.1. Four observations were submitted in response to the planning application, these are on file for the Board's information. The issues raised are similar to issues raised in the grounds of appeal.

4.0 Planning History

Subject Site

- 4.1.1. **ABP Reference 317842/Planning Authority Reference 3861/23:** Permission was granted by the Board in May 2024 for alterations to permission reference ABP-311013-21/Planning Authority Reference 2027/21 to include alterations to 'The Barn', addition of 3rd storey on the terraced houses and all associated site works. As part of this permission, The Barn would be extended with a large single storey extension (similar to the current proposal) and the terrace of five dwellings would all have an additional storey in the form of barrel-vaulted roofs. Further amendments include the increase in size of some dwellings, minor repositioning and some elevational amendments. Conditions of note include:

Condition 4

Prior to the commencement of any work on site, the Applicant shall submit the following to the Planning Authority for prior written agreement: i) A revised site layout plan, scale 1:100, which in terms of car parking, vehicular entrances, front boundary treatments and landscaping, is as per as permitted under planning reg. ref. no. 2027/21 (ABP-311013-21).

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

- 4.1.2. **ABP Reference 311013/Planning Authority Reference 2027/21:** Partial demolition and renovation of The Barn as house, construction of 5 terraced houses and construction of 2 semi-detached houses. Permission was GRANTED on 26th January 2023 (19 no. conditions).
- 4.1.3. **Planning Authority Reference 2976/20:** Partial demolition and renovation of 'The Barn' as a two-bedroom, two storey detached house with apex rooflight; construction of 5 no. three bedroom, two storey terraced house; construction of 2 no. two bedroom, two storey semi-detached houses. Permission was REFUSED on 28th August 2020 for the following reasons:

The proposed development, by providing residential accommodation where some dwellings would have insufficient daylight, sunlight and where private open space would be of insufficient quality due to the failure to ensure that adequate levels of

sunlight reach the space throughout the year and the lack of suitable public open space, would be contrary to the policies and objectives of the Dublin City Development Plan. The proposed development would therefore fail to provide an adequate standard of residential amenity for future residents and would be contrary to the proper planning and sustainable development of the area.

Having regard to the location of the site within an established residential area and having regard to the established pattern of development in the area, it is considered that the proposed development, by reason of its bulk, scale and massing, overall design and materials, would be visually incongruous and contrary to the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The proposed development of Houses Numbers 6 and 7 by reason of their scale, mass and bulk and siting adjacent to the 'The Barn', a structure of historic interest, and by reason of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this historic ensemble and would be contrary to the provisions of the Dublin City Development Plan. The proposed development would thus be contrary to the proper planning and sustainable development of the area.

- 4.1.4. **ABP Reference 302016/Planning Authority Reference 2510/18:** Partial demolition, repair & extension of house to provide a 2-storey detached house., all associated site works. Permission was REUFSED on 12th February 2019 for 1 no. reason, as follows:

It is considered that, by reason of its scale and design, the proposed development would materially and adversely affect the character and setting of Riversdale House, a protected structure and its attendant grounds, and the setting of 'The Barn', a structure of historic interest and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

- 4.1.5. **ABP Reference 300812/Planning Authority Reference 3943/17:** Construction of 3 no. 2-storey dwelling houses comprising 1 no. detached house (c.210sq.m) and 2 no. semi-detached houses (c.213sq.m each). Permission was REFUSED on 05th November 2018 for the following 2 no. reasons:

Having regard to its height, scale, bulk and massing, and of its design, which includes substantial pitched gabled roofs and projecting chimneys, it is considered that the

proposed development would be visually incongruous and out of character with its surroundings, and in particular would have a detrimental impact on the character and setting of Riversdale House, a protected structure, and its attendant grounds, contrary to the principles set out in the Architectural Heritage Protection Guidelines for Planning Authorities, reissued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and would not be appropriately respectful of, and sympathetic to, the context and ensemble set by Riversdale House and the other historic structures in the vicinity, namely Riversdale and “The Barn”. The proposed development would, therefore, be contrary to these Ministerial Guidelines, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Having regard to the bulk and extent of the proposed development, which comprises three substantially sized houses on a confined site, with minimal separation distances between the proposed detached and semi-detached houses, and between house number 3 and the southern site boundary, and a cramped layout to the front, necessitating the use of a right of way external to the site for necessary traffic manoeuvring movements, it is considered that the proposed development would constitute overdevelopment and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.1.6. **ABP Reference 247870/Planning Authority Reference 3014/16:** Partial demolition, repair and extension to provide a 2-storey house with balcony and erection 2 no. 3-storey houses. Permission was REFUSED on 11th July 2017 for the following reasons:

The proposed development of Houses Numbers 2 and 3 by reason of their scale, mass and bulk and the extent of site coverage would be out of character with the established pattern of development in the area. The proximity of House Number 2 to the adjoining property to the north would be overbearing and seriously injure the residential amenities of that property (number 9 Riversdale Avenue) and taken together would represent overdevelopment of the subject site.

By reason of the proposed scale of the intervention including partial demolition and extension to “The Barn”, a structure of historic interest and by reasons of its proximity to Riversdale and Riversdale House (a Protected Structure), it is considered that the proposed development would adversely affect the character and setting of this

ensemble and would also seriously injure the residential amenities of adjoining properties to the west.

4.1.7. **Planning Authority Reference 3954/06/x1:** Extension of Duration. GRANTED on 14th September 2012.

4.1.8. **ABP Reference 221716/Planning Authority Reference 3954/06:** Demolition of The Barn and erection of 4 no. houses around a central hard landscaped courtyard and all ancillary site works. Permission was GRANTED on 28th August 2017 subject to 12 no. conditions.

4.1.9. Condition no. 2 c) of Appeal Ref. no. PL 29S.221716 relates to the northernmost dwelling (House B) which was proposed to be positioned to the south of the party boundary with no. 9 Riversdale Avenue and reads as follows:

2c) House B shall be set back at both first and second floor level to the front elevation so that it does not break the first-floor front building line established by 9 Riversdale Avenue. House B shall be cut back to the rear at both first and second floor so that it does not extend more than seven metres to the rear of the established first floor rear building line set by 9 Riversdale House.

Reason: In the interest of clarity and of residential and visual amenity.

Adjacent site to the immediate south (Riversdale House):

4.1.10. **2580/16:** Extension to south, 2 storey extension to side of house, refurbishment works and site works. Permission was GRANTED on 15th September 2016 subject to 6 no. conditions.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

5.1.1. The site is zoned Z1, the objective for which is to protect, provide, and improve residential amenities.

5.1.2. Chapter 3: Climate Action contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation. The relevant policies from this section include:

- CA3: Climate Resilient Settlement Patterns, Urban Forms and Mobility
- CA8: Climate Mitigation Actions in the Built Environment
- CA9: Climate Adaptation Actions in the Built Environment
- CA24: Waste Management Plans for Construction and Demolition Projects

5.1.3. Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. The relevant policies from this chapter include:

- SC5: Urban Design and Architectural Principles
- SC9: Key Urban Villages, Urban Villages and Neighbourhood Centres
- SC10: Urban Density
- SC11: Compact Growth
- SC12: Housing Mix
- SC13: Green Infrastructure
- SC19: High Quality Architecture
- SC20: Urban Design
- SC21: Architectural Design

5.1.4. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter include:

- QHSN1: National and Regional Policy
- QHSN2: National Guidelines
- QHSN6: Urban Consolidation
- QHSN10: Urban Density
- QHSN12: Neighbourhood Development
- QHSN17: Sustainable Neighbourhoods
- QHSN37: Homes and Apartments

- QHSN39: Management
- QHSNO11: Universal Design

5.1.5. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions. The relevant policies of this section include:

- SMT7: Travel Plans for New and Existing Developments
- SMT27: Car Parking in Residential and Mixed Use Developments

5.1.6. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity and flood risk/surface water management. The relevant policies of this section include:

- SI22: Sustainable Drainage Systems
- SI25: Surface Water Management

5.1.7. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology. The relevant policies of this section include:

- BHA2: Development of Protected Structures

5.1.8. Chapter 15: Development Standards contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they

contribute to the achievement of the core strategy and related policies and objectives. The relevant policies of Chapter 15 include:

- 15.4: Key Design Principles
- 15.5: Site Characteristics and Design Parameters
- 15.5.2: Infill Development
- 15.6: Green Infrastructure and Landscaping
- 15.7: Climate Action
- 15.8: Residential Development
- 15.13.4: Backland Housing

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 5.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth, targeting at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.3. National Policy and Guidance

Project Ireland 2040, National Planning Framework (2018) (NPF)

- 5.3.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, and increased building heights.

Section 28 Ministerial Guidelines

5.3.2. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011) - This guidance is a material consideration in the determination of applications and sets out comprehensive guidance for development in conservation areas and affecting protected structures.

5.4. Natural Heritage Designations

5.4.1. The Appeal site is not located within or adjacent to a Natura 2000 site. The South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka SPA (site code 004024), are the nearest Natura sites, located c 5km to the northeast.

5.5. EIA Screening

5.5.1. 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 of 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. Two Third Party appeals have been submitted as follows:

Appeal 1

6.1.2. MSW and Associates, for and on behalf of Michael McKenna of 75A Bushy Park Road, Terenure, Dublin 6.

Appeal 2

6.1.3. Stephen Little and Associates, for and on behalf of:

- Ashling Harrison and Bart Casella, Riversdale House, 75 Bushy Park Road
- Ann Lynch, Riversdale, 75 Bushy Park Road
- Geraldine Breen, 8 Riversdale Avenue
- Cathy Morrin, 9 Riversdale Avenue
- Julia Cullinan and Miriam Kent, 10 Riversdale Avenue

6.1.4. The grounds of appeal can be summarised as follows:

- The development would be out of character with the established pattern of development in terms of its design, scale, mass and bulk.
- The extension to The Barn would significantly increase the building footprint and come closer to Riversdale House, harming the integrity of the building and its curtilage. This would be contrary to Policy BHA2 of the Dublin CDP.
- Riversdale House is a Protected Structure, and the development would have a direct impact on its setting and special character.
- The increase in building footprint would also bring the development closer to the boundary and Gageby House, which is within the curtilage and attendant grounds of Riversdale House.
- The proposal is overdevelopment.
- The extension to The Barn results in a significantly reduced quantum of private amenity space for Houses 7 and 8.

- The proposed amendments reduce the quality of landscaping in close proximity to structures of historic interest. The quality of public open space is also of concern.
- The boundary between The Barn and Riversdale House does not accurately reflect the actual boundary between the properties, which has been agreed by the parties and is represented by a fence separating the two. Any development and required separation distance should take account of the agreed boundary.
- Proposed parking spaces for Houses 7 and 8 are located on a right of way. This will affect access to the Protected Structure and its attendant grounds, contrary to the Architectural Heritage Protection Guidelines.
- The application was not accompanied by a daylight/sunlight assessment, the Board should ensure this is undertaken and the shadow analysis submitted shows impacts to No. 9 Riversdale Avenue.
- Riversdale Avenue is narrow and the sole access. The road is too narrow to accommodate the development and is contrary to the Council's own guidance for cul-de sacs. This will result in a traffic and pedestrian hazard when being used by large vehicles.
- There is a risk of structural damage to 75A Bushy Park Road as a result of the road layout and risk of accidental impact damage from vehicles turning into Riversdale Avenue and repetitive vibrational loading from construction traffic.
- A Construction Management Plan and Traffic Management Plan should be required to be submitted for written agreement.

6.2. Applicant Response

- The proposed amendments are modest in nature, do not increase the height or quantity of the houses and improve the amenity and buildability of the scheme.
- The changes have little or no impact on its design, scale, mass, and bulk and have no bearing on the surrounding area beyond what has already been granted.
- Gageby House is not a Protected Structure, it sits between the site and Riversdale House which is a Protected Structure. Along with mature planting,

there is a strong visual separation between the subject site and the Protected Structure.

- A report on the inclusion of Riversdale House on the RPS (completed by a Grade 1 Conservation Architect), states that the curtilage is largely limited to the area around the Protected Structure and would not include The Barn or Gageby House. This report and recommendation were accepted by Dublin City Council.
- The works to house 8 would have little to no impact on Riversdale House or its setting. And the development has no functional or visual relationship with the Protected Structure. The extension replaces an existing modern extension in a similar position, but it's lower and has a more modest and appropriate connection to The Barn.
- The development has little or no actual impact on the Protected Structure had has been designed at a modest scale, respecting building lines and boundaries and has no daylight or overshadowing impacts.
- Open space for House nos. 7 and 8 is compliant with the development plan.
- The scheme has been conceived with a strong emphasis on landscaping, including public and private spaces, the tree lined access road and the landscaped strip along the length of Riversdale Avenue.
- Houses are set well back from the boundary and entirely within the lands in the ownership of the Applicant.
- Parking spaces for House nos. 7 and 8 would not affect access to the attendant grounds of the Protected Structure as alleged in the appeal. Uninterrupted access is retained.
- For a small, low rise residential scheme, a shadow study is sufficient to assess the development. There are no proposed changes to the height or position of House no. 1 beyond what has already been approved. Therefore, there would be no change to the daylight or sunlight of no. 9 Riversdale Avenue.
- A Construction Management Plan and Traffic Management Plan can be provided to the Council, if required.
- The proposal is low density in terms of plot ratio and site coverage and is in keeping with the character of the area.

- Heights are within Development Plan limits and appropriate to the prevailing heights in the area.
- Private open space is in excess of development plan standards and car and bicycle parking are also compliant.
- The development is compliant with the objectives of the CDP, is of a contemporary design, sits comfortably in its context and is an appropriate use of this outer suburban site, respecting and protecting the setting of the Protected Structure and enhancing the residential amenity of the area.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority request that the Board uphold the decision to grant permission, refer the Board to the previous Planner's Report, and request that a Section 48 Development Contribution condition be applied.

6.4. Observations

- 6.4.1. None.

6.5. Further Responses

- 6.5.1. None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Design and Heritage
- Residential Amenity
- Open Space
- Transport

7.2. Design and Heritage

- 7.2.1. It is stated in the Appeal that the development would be out of character with the established pattern of development in terms of its design, scale, mass, and bulk. It is argued that the proposal would be overdevelopment and that the increase in footprint of the extension to The Barn would bring it closer to Riversdale House, harming the integrity of the building, its curtilage, setting, and special character.
- 7.2.2. It is important to note that the proposed alterations to The Barn, including the large single storey extension, have already been approved by the Board under reference 317842. In any event, I do not consider the proposed extension to be excessive within its immediate context and I do not agree that there would be any significant impact on the Protected Structure at Riversdale House, or Gageby House, which is not a Protected Structure.
- 7.2.3. The quantum of development remains largely unchanged from previous approvals. Whilst I note that the floorspace of some dwellings is increasing, this is not significant in the context of the overall development or the character of the area. The number of dwellings would not be increasing above that already approved and I do not consider the proposal to be overdevelopment. In my view, having regard to the immediate context, the policies of the development plan and previous and current permissions, the proposed development is entirely acceptable in its design, scale, bulk and mass.
- 7.2.4. I note further concerns raised by the Appellants that the boundary between The Barn and Riversdale House does not accurately reflect the actual boundary between the properties. However, I am satisfied with the information provided by the Applicant at Further Information stage regarding title and site boundaries. In any event, boundary disputes are civil matters to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.3. Residential Amenity

- 7.3.1. It is argued in the grounds of appeal that the development would result in adverse amenity impacts with regards to overshadowing and overlooking.
- 7.3.2. Daylight and Sunlight is addressed in Section 15.11.12 of the CDP and Appendix 16. Further advice is provided in the Building Research Establishment Guide to Site Layout Planning for Daylight and Sunlight (BRE 209). The standards set out in the

BRE Guidelines allow for a certain degree of flexibility in terms of their application. Paragraph 1.6 states that the given numerical targets should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'

- 7.3.3. Section 2.2.5 of the BRE guidelines refers to an angle of 25 degrees to the horizontal subtended by the new development at the level of the centre of the lowest window. Where this angle is less than 25 degrees, then it is stated to be unlikely to have a substantial effect on the diffuse of light enjoyed by the existing building. If this angle is greater than 25 degrees then more detailed assessments are required.
- 7.3.4. It is noted that the first-floor windows at 9 Riversdale Avenue would be affected by proposed house no. 1 and would breach the 25 degree limit set by the BRE, although the breach would be very minor. The affected windows appear to serve a bedroom, and it is accepted that bedrooms are less sensitive to alterations to daylight and sunlight. In any event, the principle of the massing of house no. 1 and the impact on 9 Riversdale Avenue has already been accepted by the previous permissions on the site, including the most recent permission from May 2004 which included an extra storey. The proposed amendments retain house no. 1 as two storey and as such there would be less impact on 9 Riversdale Avenue than the most recent planning permission. Notwithstanding, I am satisfied that the level of impact would be minor given the urban context and the nature of the use of the affected rooms.
- 7.3.5. I note that the shadow analysis also shows some overshadowing impacts to the garden of 9 Riversdale Avenue. Again, these impacts are minor, restricted to the winter months, and would not be untypical of built-up urban areas. I do not consider the level of overshadowing to be excessive for a domestic context and it would be a reduced impact compared the most recent permission, due to the two-storey nature of the proposed dwellings.
- 7.3.6. In terms of overlooking, I am satisfied that the separation distances involved, in addition to the relationship between opposing facades, and the obscure glazing condition recommended by the Planning Authority, are sufficient to ensure that there would be no significant adverse impact on residential amenity.

7.4. Open Space

- 7.4.1. It is stated by the Appellants that the extension to The Barn results in a significantly reduced quantum of private amenity space for Houses 7 and 8. Private amenity space

for houses 6 and 7 was addressed by way of Further Information, no concerns were raised by the Planning Authority regarding house no. 8. Whilst I accept that there would be a reduction over what was originally approved, the level of open space would still be sufficient and compliant with the development plan, and I consider it to be acceptable for all dwellings.

- 7.4.2. I also note concerns of the Appellants that the proposed amendments reduce the quality of landscaping in close proximity to structures of historic interest and that the quality of public open space is also of concern. In my opinion there are no significant material changes to the approved open space or landscaping compared to what was originally approved and I am satisfied that there would be no reduction in quality or impact on the Protected Structure.

7.5. Transport

- 7.5.1. Various transport related concerns are raised in the grounds of appeal, including that Riversdale Avenue is too narrow to accommodate the development and that there would be a traffic and pedestrian hazard when being used by large vehicles, that there is a risk of structural damage to 75A Bushy Park Road as a result of the road layout and the risk of accidental impact damage from vehicles turning into Riversdale Avenue, and that the parking for houses 7 and 8 are located on a right of way and that this will affect access to the protected Structure and its attendant grounds.
- 7.5.2. The proposed development would be identical to the previously approved development on this site in terms of parking, transport, and access, including the most recent permission issued by the Board in May 2024. In my opinion the dimensions of the junction between Bushy Park Road and Riversdale Avenue are such that large vehicles associated with the construction process will be able to access the site safely without compromising 75A Bushy Park Road. Riversdale Avenue is sufficiently wide to accommodate a large vehicle and there is adequate space for vehicles to pull in to allow others to pass.
- 7.5.3. The Applicant has provided information to confirm that they have the freehold to the site. In any event, the positioning of the car parking spaces at houses 7 and 8 would not compromise any right of way access to Riversdale House or Gageby House, which would remain unfettered. Concerns that the parking spaces would have any

demonstrable impact on the character, setting or access to the Protected Structure and its attendant grounds are, in my opinion, unfounded.

- 7.5.4. The demolition and construction process would be managed in line with a Demolition and Construction Environmental Management Plan which would be a conditioned requirement. In my view, a Traffic Management Plan, as requested by the Appellants, would not be warranted for a development of this size.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

9.0 Recommendation

- 9.1.1. I recommend that the Board uphold the decision of Dublin City Council and grant permission, subject to the following conditions:

10.0 Reasons and Considerations

- 10.1. Having regard to the pattern and character of existing development in the area, the design and scale of the proposed development, the planning history of the site, and the provisions of the Dublin City Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity or built heritage of the area, including Riversdale House (a protected structure), would provide an acceptable standard of residential amenity for the prospective residents, would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th Day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The development hereby approved shall incorporate the following amendments:
 - a) The first floor windows on the rear elevation of House No. 7 shall be permanently fitted with obscure glazing.

Reason: In the interests of orderly development and visual amenity.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 26th day of January, 2023 under An Bord Pleanála appeal reference number PL 29S.311013, planning register reference number 2027/21, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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.

Terence McLellan
Senior Planning Inspector

31st October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319027			
Proposed Development Summary	Alterations and reconfiguration of 7 houses and alterations to 'The Barn', as previously permitted under reg. ref. 2027/21 (ABP-311013-21) with all associated site works.			
Development Address	The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10 Infrastructure Projects (b): (i) Construction of more than 500 dwelling units.		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319027-24	
Proposed Development Summary	Alterations and reconfiguration of 7 houses and alterations to 'The Barn', as previously permitted under reg. ref. 2027/21 (ABP-311013-21) with all associated site works.	
Development Address	The Barn, Riversdale Avenue, Bushy Park Road, Dublin 6.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the</p>	<p>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing environment.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There are no significant hydrological connections present such as would give rise to significant impacts on any nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area. There would be no impact on the nearby Protected Structure.</p>	<p>No.</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____