



An  
Bord  
Pleanála

## Inspector's Report ABP319149-24

### Development

Subdivision of the residential property and the construction of a new detached 2.5 storey 4-bedroom dwelling (271 m<sup>2</sup> / 2,917 ft<sup>2</sup>) with 2 no. parking spaces, a new vehicular / pedestrian access along the western Eaton Brae boundary will provide access to the existing dwelling.

### Location

Green Trees, 11 Eaton Brae, Shankhill, Dublin 18, D18C8X8.

### Planning Authority

Dun Laoghaire-Rathdown County Council.

### Planning Authority Reg. Ref.

D23A/0765.

### Applicant(s)

Donal & Jade Cronin.

### Type of Application

Permission.

### Planning Authority Decision

Grant permission with conditions.

### Type of Appeal

Third Party

### Appellant(s)

Conor Costigan & Shirley Brennan.

### Observer(s)

None.

**Date of Site Inspection**

09/04/2024.

**Inspector**

Anthony Abbott King.

## **1.0 Site Location and Description**

- 1.1. No. 11 Eaton Brae 'Green Trees' is located on the east side (seaward side) of Eaton Brae between No. 11A Eaton Brea "Glenarm" to the north and no. 12 Eaton Brae to the south.
- 1.2. Eaton Brae House, a two-storey over basement period house, is a protected structure and is located further to the north.
- 1.3. The substantial plot accommodates a two-storey detached house located within mature grounds. The site of the dwellinghouse is located toward the southern boundary of the plot;
- 1.4. Eaton Brae is adjacent to Shankill Dart Station.
- 1.5. The site area is given as 0.171 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
  - Subdivision of the existing residential plot;
  - The construction of a new detached 2.5 storey 4-bedroom dwelling (271 m<sup>2</sup> / 2,917 ft<sup>2</sup>) with 2 no. parking spaces,
  - A new vehicular / pedestrian access along the western Eaton Brae boundary will provide access to the existing dwelling

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 17 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

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

### 3.2.2. Other Technical Reports

No objection subject to condition.

Irish Water do not object to the proposed development and make observation in the matter of public water / waste water connection.

## 4.0 Planning History

The following recent planning history includes:

In June 2022, planning permission for the demolition of a single-storey converted garage (23 sqm.) and utility room and the erection of a two storey extension to the rear and a single storey extension to the front (117 sqm.) was granted under register reference D22B/0112 (16/06/2022).

## 5.0 Policy and Context

### 5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the relevant local planning policy document. The following policy objectives *inter alia* are relevant:

- Chapter 13 (Land Use zoning objectives) Table 13.1.1 (Development Plan Zoning Objectives) and Map 10 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.

Urban Consolidation



- 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 located within the indicative boundary line defining Dublin City and Suburbs.

- 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.*

Policy Objective PHP20 (Protection of Existing Residential Amenity) 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.*

#### Infill Housing

- Chapter 12 (Development Standards) Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) in particular Section 12.3.7.5 (Corner/Side Garden Sites) and Section 12.3.7.7 (Infill) are relevant. Section 12.3.7.5 provides assessment criteria for houses in corner / side gardens sites. Infill development is required to accord with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gateways, trees, landscaping, and fencing or railings.

#### Biodiversity, Trees and Hedgerows

- Chapter 12, Section 12.8.11 (Existing Trees and Hedgerows) is relevant and *inter alia* states:

*New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows.....*

*Arboricultural Assessments carried out by an independent, qualified Arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation.....*

*The retention of existing planted site boundaries will be encouraged within new developments, particularly where it is considered that the existing boundary adds positively to the character/visual amenity of the area.....*

*Where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting or replacement trees and other plant material.....*

#### Vehicular Entrances and Car Parking Standards

- Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.
- Section 12.4.5.6 (Residential Parking) & Table 12.5 (Car Parking Zones and Standards) provides car parking standards for residential development *inter alia* near public transport (Zone 2). The car parking standard for a 3-bedroom house in zone 2 is 2 car parking spaces per unit.

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, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

## **5.2. EIA Screening**

- 5.3. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established suburb, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.



## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This third-party appeal, prepared by BPS Planning & Development Consultants, is summarised below:

- The Board is asked to overturn the decision of the planning authority and to refuse planning permission or to amend the proposal by way of condition. The refusal of permission would provide for more sympathetic and acceptable proposals to be submitted that would protect the existing hedgerow and trees. A smaller dwelling set back from the shared property boundary would be appropriate. The appeal statement outlines 5 draft reasons for refusal. Failing refusal conditions are required to provide for the retention of the hedgerow and trees and the reduction in height of the house from 2.5 storeys to 1.5 storeys.
- The appellant does not object to the principle of development of an infill house. However, there are significant concerns with the approved development. A balanced and reasoned objection was submitted to the planning authority requiring revisions to the proposal that would protect the existing amenities of the appellant's resident at "Glenarm" located to the immediate north of the site of the infill house. The planning authority did not address these concerns.
- There is a need to retain existing mature trees and hedgerow. The appellant cites relevant provisions of the development plan for the protection of biodiversity, trees and hedgerows. The proposed dwelling footprint, parking area, footpath to the north side of the dwelling is incompatible with the protection of trees and hedgerows. In this regard the applicant has not submitted a construction stage 'Arborist Report' and 'Tree Impact' drawing for the protection of trees and hedgerows and root protection areas. Furthermore, the planning assessment does not include a report from the Parks Department of the planning authority.

- The loss of mature planting to the north of the site along the shared property boundary with the appellant's residence at no. 11 A Eaton Brae "Glenarm" would result in a depreciation of the privacy of the adjoining property to the north. The close proximity of the proposed dwelling to the shared property boundary is unnecessary resulting in overbearing concerns. The removal of mature trees and hedgerow and / or loss due to construction works would remove the mitigation of a mature planting screen between the infill site and the appellant's house.
- The planning authority did not request further information in order to clarify deficiencies in the status and retention of the existing mature planted northern boundary. The appeal statement provides an aerial view that demarcates the substantive areas of hedgerow / tree cover to the north-west and north-east of the proposed house. The Board is requested to fully consider the proposal in regard to the impact on the existing trees and hedgerows and to refuse permission if adverse impacts are likely.
- The height and bulk of the proposed 271 sqm. dwelling, which is the same floor area provided by two number infill dwellings demonstrates the excessive scale of the proposal. The ground floor ceiling height is 2.8m and the first-floor ceiling height is 2.5m, which is in excess of the standard ceiling height of 2.4m and has added 0.5m to the overall height of the house. The proposed north elevation facing the appellant's property would be 9.5m in height. The north elevation would appear as mostly a large-scale, long, blank wall with a tall roof and would cause adverse overbearing of "Glenarm".
- The proposed 2.5 storey development proximate to the shared property boundary would overshadow the appellant's property, which is located immediately to the south. The proposed house would extend above even the tallest existing trees along the shared property boundary. The proposed north elevation is sited as close as 1.5m from the shared property boundary.
- A BRE guidelines based daylight and sunlight assessment report has not been submitted. The existing trees already cause overshadowing. The proposal would have a serious overshadowing impact on the front, side and rear garden of "Glenarm" and on side elevation windows.



- The fenestration of the proposed house would overlook the adjoining property to the north including a first-floor bathroom window in the proposed north elevation and east facing (2.94m wide) windows at first and second floor level. The proposal also includes north facing roof lights.
- The proposal is contrary to Section 12.3.7.5 (corner / side garden sites) & 12.3.7.7 (infill) of the development plan. The appellant does not consider that the proposed development satisfies the provisions set out under these policy requirements.
- There are a number of technical concerns in the matter of the planning application process. The development description does not refer to the removal of trees and hedgerow. The submitted site layout plans include inaccurate set-back distances. The appellant's house is inaccurately represented on the submitted drawings as it does not include a re-build / extension. The applicant has also failed to provide contiguous elevations which include an accurate portrayal of our client's property
- The appellant refers the Board to Appeal Reg. Ref. ABP313325-22 were permission for a 5-bedroom house at Hainault Lodge, Hainault Road, Foxrock, which was refused as the proposed mitigation measures were not acceptable in regard to loss of light, privacy etc.

## 6.2. Applicant Response

The applicant response, prepared by Horan Rainsford Architects, is summarised below:

- The applicant requests the Board to uphold the decision of the planning authority to grant planning permission. The applicant claims that the development would be consistent with the neighbourhood context and as infill development would make good use of serviced lands. The proposed house is located on site to make good use of the proposed sub-division of 11 Eaton Brae. It is claimed there will be minimal impact on neighbouring properties including the appellant's residence to the north and east at 11A Eaton Brea known as 'Glenarm'.

- 'Glenarm' is a substantial detached property adjoining the development site. It has a stated floor area of 482 sqm. on a site of 0.223 hectares with extensive gardens. The living areas of the house are orientated toward the rear garden configured as a courtyard area within the L-shape configuration of the house. A site layout of 'Glenarm' is included with the submission showing the location of the garden courtyard area to the north east of the development site. The applicant claims that there will be no overshadowing and overlooking of the principal amenity space to the rear of 'Glenarm'.
- The hedgerow and trees have been assessed and it has been determined that the north-west hedge can be retained. The north-east hedge and planting will be partially removed to facilitate construction. A suitable replacement hedge and privacy fence are proposed. An arboriculture report, prepared by Larkin Landscape and Design, is included in the submission incorporating landscape design and boundary planting. The applicant claims that any additional requirement can be achieved by way of condition.
- In the matter of overlooking of "Glenarm' from window openings in the north elevation of the proposed house, there is one window at first floor level lighting an ensuite bathroom. Condition no. 3 of the notification to grant permission provides for opaque or frosted glass to the opening to be permanently maintained. The applicant claims this condition fully deals with the appellant's concerns regarding overlooking / perception of overlooking from the subject opening.
- The applicant clarifies that there are three rooflights located in the north roof plane of the pitched roof of the proposed house at second floor level. One lights a stairwell. The other rooflights light the hobby room / bedroom at second floor level. The applicant claims there is no overlooking impact from these rooflights given the upward angle of view.
- The applicant clarifies that windows at first and second floor level in the rear east elevation are located 11.428m from the eastern site boundary. The distance exceeds the minimum indicative garden dept of 11m provided for by the minimum opposing window distance standard of 22m. This standard has recently been revised to 16m by the compact settlement guidelines.



- The appellant claims that the proposal is excessive in scale given a floor area of 271 sqm. and a height of 9.5m. The applicant counter claims that the proposed house is carefully set back from the road, is consistent with the pattern of development in the neighbourhood, comprising 2 and 2.5 storey houses, and that the eaves height of the proposed house at 6.92m is the relevant experiential height given the 30 degree angle of the pitched roof.
- Furthermore, the applicant clarifies the likely impact in terms of overshadowing on adjoining properties. A shadow analysis has been undertaken to determine the impact on neighbouring properties. The shadow analysis on the 21<sup>st</sup> March shows that there will be some shadow impact on the side and rear garden of 'Glenarm'. However, the impact is mitigated as it is predominately limited to early morning and late afternoon.
- There is minimal to no overshadowing of the garden during daytime. There is no impact on the ground floor side elevation windows of 'Glenarm'. The level of impact is in full compliance with the requirements set out in "2002 BRE Site Layout Planning for Daylight and Sunlight".
- In the matter of infill housing and development plan policy, the proposal is located within a neighbourhood where the residential context is characterised by large detached 2-storey family homes aligned approximate to each other, which sit into their property boundaries with a narrow area between the house and the boundary. The proposal has been designed to complement the residential context.
- An aerial photograph diametrically shows the predominantly narrow house plots in Eaton Brae. The applicant claims that 'Glenarm' and the development site (11 Eaton Brae) are the exception to the dominant narrow plot configuration in Eaton Brae in having significant setbacks from the side property boundary.
- The applicant attaches contextual elevation drawings of the relevant section of the east streetscape of Eaton Brae illustrating building height and plot width showing the existing streetscape and the proposed infill streetscape incorporating the 2.5 storey house. The rear elevation of the streetscape is

likewise shown illustrating that the ridge height of the proposed house would on average be marginally taller than adjoining properties.

### **6.3. Planning Authority Response**

The planning authority response is summarised below:

- The Board is referred to the previous Planner's Report;
- It is considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

### **6.4. Observations**

None recorded.

## **7.0 Assessment**

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to subdivide the substantial plot at 'Green Trees' no. 11 Eaton Brae to facilitate the construction of a new two-storey (2.5 storey) detached house. The infill house would be located between the existing dwellinghouse (286 sqm.) at no. 11 Eaton Brae and no.11A Eaton Brae known as 'Glenarm' to the north. The infill house would have a floor area of 271 sqm. It would utilise the existing vehicular access to the site while a new vehicular entrance would be created for the existing dwellinghouse by removing part of the existing front low boundary wall.
- 7.3. The application provides for two independent detached houses with dedicated vehicular entrances. The existing dwelling would be known as 'Green Trees' located at 11 Eaton Brae and the new house would be known as 11B Eaton Brae. The existing dwelling to the north of the site the residence of the appellants is known as 'Glenarm' located at 11A Eaton Brae.
- 7.4. The proposed house would have an oblong footprint on site aligning along an east-west axis having an elongated elevation along the shared property boundaries and a shorter elevation to the streetscape to the west and the rear garden to east. The



pitched roof would be higher than the existing roof profiles of the adjoining houses to the north and south. The infill house would have a brick and render external material finish exhibiting aluminium triple glazed fenestration. The internal accommodation would comprise reception and utility space at ground floor level, 4 bedrooms (2 en-suite) and a family bathroom at first floor level and a hobby room / bedroom and storage at attic level.

- 7.5. The appellant requests that the Board refuse planning permission or amend the development by way of condition. The appellant does not object to an infill house per se rather the objection relates to loss of residential amenity including loss of privacy. The grounds of appeal relate *inter alia* to overbearing and overshadowing concerns, arising from the close proximity of the proposed dwelling, its height, bulk and massing and, the loss of mature trees and hedgerow.
- 7.6. The applicant has responded to the grounds of appeal and has submitted a comprehensive applicant response statement including a 'Planting Report', dated March 2024, prepared by Larkin Landscape & Design.
- 7.7. The relevant planning matters arising are interrogated in my assessment under the following headings below:
- Zoning / principle of development
  - Compact growth / urban consolidation
  - The Sustainable Residential Development and Compact Settlement Guidelines (2024)
  - Infill development
  - Vehicular access
  - Other matters
- 7.8. Zoning / principle of development

The site is zoned Objective "A" of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which seeks to *provide residential development and improve residential amenity while protecting the existing residential amenities*. Residential development is acceptable in principle and may be permitted where the proposed development is compatible with the overall policies and objectives for the zone.



7.9. The subject lands comprise a substantial side garden of an existing dwellinghouse located within an established suburban area where piped services are available. The development site at 11 Eaton Brae is approximately 400m from Shankill DART station. I consider the development site is an appropriate location for infill residential development.

7.10. Compact growth / urban consolidation

7.11. National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and, as such, promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes. The strategic objective of compact development is supported in principle by densification of urban / suburban sites in particular lands accessible by walking, cycling and public transport. The proposed infill development site is adjacent to Shankill DART station and is accessible to frequent public transport.

7.12. Figure 2.9 (Core Strategy Map) of the Dun Laoghaire-Rathdown Development Plan 2022-2028 defines the boundary of “Dublin City and Suburbs”(Urban). The development site is located within the indicative boundary line defining the city and suburbs. Chapter 2 (Core Strategy), Policy Objective CS11 – Compact Growth – is to deliver 100% of all new homes, that pertain to “Dublin City and Suburbs”, within or contiguous to its geographic boundary. The proposed development would provide an additional house within “Dublin City and suburbs”.

7.13. The Sustainable Residential Development and Compact Settlement Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.

7.14. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment is informed by the

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.15. Infill development

The Dun Laoghaire Rathdown Development Plan 2022-2028 provide a comprehensive policy framework to support compact growth and urban consolidation. Policy PHP18 (Residential Density) seeks to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

7.16. Chapter 12 (Development Standards), Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas), Section 12.3.7.7 (Infill) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 encourages infill housing development in accordance with Policy Objective PHP19 (Existing Housing Stock-Adaptation). Policy Objective PHP19 promotes densification of built-up areas in the County through small scale infill development having due regard to the protection of the amenities of existing established residential neighbourhoods.

7.17. Section 12.3.7.7 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 provides for infill development. Section 12.3.7.5 (Corner / Side Gardens) of the development plan provides 14 criteria in the assessment of infill houses in side gardens.

7.18. I consider that the substantive matters that relate to the appeal, including the scale and position of the proposed dwelling proximate to the shared property boundary with 'Glenarm' and the removal of mature planting along the property boundary that provides privacy screening, are listed within this section for assessment. The criteria are assessed below with reference to the grounds of appeal.

Size, design, layout, relationship with existing dwellings and immediately adjacent properties.

7.19. The appellant does not object to the principle of development of an infill house. The appellant advocates for a smaller house repositioned on the site away from the shared property boundary with 'Glenarm'.



- 7.20. The applicant by way of applicant response has clarified in diagrammatic form the residential plot pattern on Eaton Brae, which is characterised by long narrow plots with houses set back from the front boundary within front garden settings. The dominant configuration of housing within the individual plots comprise dwellings with generous front and rear gardens with modest separation distances between detached dwellings that are indicatively aligned. I consider that the position of the footprint of the proposed infill house would be consistent with the dominant pattern of development in the area.
- 7.21. The proposed house is located proximate to the shared property boundary with the large L-shaped dwelling house to the north and east – ‘Glenarm’. The appellant states that the infill house would be an unacceptable 1.5m at the closest point to the shared property boundary.
- 7.22. ‘Glenarm’ has a side garden to the south between the single-storey massing of the main dwelling and the property boundary. It is considered that the separation distance between the existing single-storey side elevation of ‘Glenarm’ and the proposed side elevation of the infill house would be an acceptable approximate 8m. The separation distance would align with the established pattern of development on Eaton Brae. I interrogate matters of potential overlooking, overshadowing and overbearing of the garden of ‘Glenarm’ below.
- 7.23. The appellant claims that the proposed house would be excessive in scale and that the massing and the proximity of the house onto the shared property boundary would *inter alia* cause significant overbearing impacts. The appellant notes that the infill house has a floor area of 271 sqm, which is twice the size of an average house.
- 7.24. It is considered that Eaton Brae comprises a community of large detached houses and that the infill house would not be inconsistent with the scale of dwelling houses in the immediate vicinity. ‘Glenarm’ itself is a substantial dwelling house, which the applicant by way of response states has a floor area of 482 sqm.
- 7.25. The proposed house would have an oblong footprint on site aligned along an east-west axis. The infill house would have an elongated north elevation along the shared property boundary with ‘Glenarm’. The shorter street frontage and rear garden elevations would be to the Eaton Brae streetscape to the west and the back of the plot to the east, respectively.

- 7.26. It is acknowledged that the massing of the north elevation of the infill house will significantly alter the physical relationship between the grounds of 'Glenarm' and the side garden of no.11 Eaton Brae. However, I consider that the mitigation provided by the separation distance from the dwellinghouse at 'Glenarm' to the property boundary (approximately 7m) and the screening provided by planting along the shared property boundary would in part mitigate the impact.
- 7.27. The appellant claims that the height of the proposed house will have a significant negative impact on the residential amenities of the adjoining property at 'Glenarm'. It is claimed that the proposed 2.5 storey house, which would have higher than average internal floor to ceiling height, is excessive. The house would have a ridge height of 9.5m. The appellant claims the infill house would be taller than the tallest trees presently located on the shared property boundary.
- 7.28. The applicant response attaches contextual elevation drawings (also submitted with the planning application) of the relevant section of the east streetscape of Eaton Brae illustrating building height and plot width showing the existing streetscape and the proposed infill streetscape incorporating the 2.5 storey house. The rear elevation of the streetscape is likewise shown. The contextual drawings illustrate that the ridge height of the proposed house would on average be taller than adjoining properties.
- 7.29. I consider that the eaves height of the proposed infill house is consistent with the eaves height of neighbouring two-storey properties and that the ridge height is on average taller than neighbouring properties. I do not consider this a material consideration as the infill house in terms of scale, height and massing would generally conform with the established pattern of development in the area and would harmonise with the existing streetscape on Eaton Brae.

#### Overshadowing

- 7.30. The appellant claims that the proposed 2.5 storey house proximate to the shared property boundary would overshadow 'Glenarm', which is located immediately to the south. It is claimed the proposal would have a serious overshadowing impact on the front, side and rear garden of "Glenarm" and on side elevation windows. The applicant by way of response has provided a shadow analysis.
- 7.31. The shadow analysis on the observation day, 21<sup>st</sup> March, shows that there would be limited shadow impact on the side and rear garden of 'Glenarm'. The impact is



mitigated as it is predominately limited to early morning and late afternoon. There is no impact on the side elevation windows of 'Glenarm'. I consider that no significant adverse impacts would arise in terms of overshadowing.

#### Overlooking

- 7.32. The appellant claims that overlooking would arise from a proposed first floor north elevation window, from the proposed 3 roof lights located in the north roof plane of the pitched roof and from proposed first floor and second floor east elevation windows. The applicant response clarifies that the line of vision from the rooflights would militate against direct overlooking. Finally, in the matter of the east facing windows the subject openings are located approximately 11m from the shared east property boundary. I would concur with the planning case officer that the proposed dwelling would not result in undue overlooking of adjacent sites.
- 7.33. The proposed small opening on the side elevations including the north elevation opening lighting the ensuite bathroom should have obscure / opaque glass installed. The first floor south elevation bathroom window openings should also have obscure / opaque glass installed. I consider that no significant overlooking would result from the infill house subject to compliance with conditions.

#### Boundary treatment and the protection of existing hedgerows and trees

- 7.34. The appellant has specific concerns in relation to the loss of mature planting on site. In this regard, the proposed dwelling footprint, parking area and footpath to the north side of the dwelling are incompatible with the protection of trees and hedgerows. The appellant claims the loss of mature planting along the shared property boundary with 'Glenarm' would result in a depreciation of the residential amenity of the adjoining property by the removal of the privacy screen. The grounds of appeal state that the assessment of the existing mature hedgerow and tree planting is deficient and that the development should be refused on the grounds of the loss of mature planting and biodiversity on site.
- 7.35. The applicant response clarifies that the hedgerow and trees have been assessed. The applicant by way of response has submitted a landscape design and planting plan prepared by Larkin Landscape and Design. It has been determined that the north-west hedge can be retained. The north hedge (leylandii) will be removed to facilitate construction. A suitable replacement hedge (Laurel) and privacy fence are



proposed – a 2m high boundary concrete post timber fence. The recommendations of the submitted landscape and planting plan can be dealt with by way of condition.

#### Accommodation standards for occupiers

7.36. In the matter of accommodation on site the proposed infill house would satisfy internal floor space standards and open space standards. I would concur with the planning case officer that the subdivision of the site at 11 Eaton Brae would not adversely impact on the residential amenities of the existing dwelling.

7.37. It is noted that the existing dwelling house was granted permission for extension (117 sqm.) in June 2022. The existing house would retain a large back garden, which would satisfy private open space requirements.

#### Elevation design

7.38. The proposed two-storey pitched roof infill house would exhibit a contemporary design solution presenting a gable elevation to Eaton Brae. The pitched roof would have a flat profile cement tile finish. The external wall finish would comprise brick and rendered elevations. The fenestration would be triple glazed aluminium frame windows. The proposed material finishes are acceptable in principle subject to condition.

#### 7.39. Vehicular access

The applicant propose to create a new vehicular entrance to the existing dwelling house at no.11 Eaton Brae retaining the existing vehicular entrance to facilitate the infill house. The proposed infill house would have 2 in-curtilage car parking spaces. The Transport Planning section of the planning authority have no objection to the proposal subject to condition and a maximum vehicular access width of 3.5m.

The applicant proposes a new vehicular entrance in the existing front boundary wall of no. 11 Eaton Brae that would measure 3.5m. The new entrance would be defined by circular piers to match the circular piers of the existing entrance. The vehicular entrance is acceptable in principle.

#### 7.40. Other matters

The appellant notes *inter alia* inaccuracies in the submitted drawings including the incomplete representation of the neighbouring house 'Glenarm', inaccurate set back

distances from the shared property boundary and the failure to submit contiguous elevations. The applicant response has clarified a number of these matters.

The appellant claims that the floor to ceiling height at second floor level would not accommodate a habitable room i.e. bedroom. This is a building regulation matter. However, it is noted that the development description is for a 4-bedroom house rather than a 5-bedroom house.

#### **7.41. Conclusion**

In conclusion, I would concur with the assessment of the planning case officer that the subdivision of the site at no. 11 Eaton Brae would not adversely impact on the residential amenities of the existing dwelling on site or the amenities of adjacent dwellings along Eaton Brae. I consider on balance that there would be no significant adverse impact on existing residential amenities subject to condition.

I consider that the location, footprint, scale, height and massing of the proposed infill house would generally conform with the established pattern of development in the area and would harmonise with the existing streetscape on Eaton Brae. I conclude that the proposed development would be consistent with Section 12.3.7.7 9 (infill Development) and Section 12.3.7.5 (Corner / Side Gardens) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

#### **7.42. Appropriate Assessment Screening**

The proposed development comprises an infill dwelling house 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. The grant of planning permission subject condition having regard to the reasons and considerations set out below.



## 9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective, the accessibility of the site located adjacent to Shankhill DART station, the policy framework, including brownfield / infill site development, provided by the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and, the requirements of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024), it is considered that the proposed development for one-infill detached dwelling house, subject to condition, would provide a reasonable standard of accommodation on site, would not have a significant adverse impact on the existing residential amenities of adjoining properties and, as such, would be consistent 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 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>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p> <ul style="list-style-type: none"><li>(i) The first-floor en-suite window opening in the north elevation shall have obscure or opaque glazing.</li><li>(ii) The two first-floor window opening in the south elevation shall have obscure or opaque glazing.</li></ul>

	<b>Reason:</b> In the interest of residential amenity.
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> 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><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details of 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><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The developer shall adhere to the recommendations of the Transportation Department of the Planning Authority.</p> <p><b>Reason:</b> In the interest of road safety and in the interest of orderly development.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the planning authority, the arboriculture report, prepared by Larkin Landscape and Design, dated March 2024, for Donal and Jade Cronin, as part of their applicant response.</p> <p><b>Reason:</b> in the interests of residential amenity and in order to protect biodiversity.</p>



9.	<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><b>Reason:</b> 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

24 May 2024