



An
Bord
Pleanála

Inspector's Report

ABP-319372-24

Development	Demolition of existing storage shed and the erection of 1 no. two storey 2 bedroom dwelling house and other associated site works on site.
Location	Rear of 42 Beaumont Avenue, Churchtown, Dublin 14, D14 F2Y4
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0009
Applicant(s)	Sean McKenna & Na Huang We
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sean McKenna & Na Huang We
Observer(s)	Rachel Gerrard
Date of Site Inspection	13 th January 2025
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.0193 ha. at the rear of no. 42 Beaumont Avenue, Churchtown, Dublin 14. The site is located in the established residential suburb of Churchtown, approximately 5.9km south of Dublin City Centre within the Local Authority area of Dún Laoghaire Rathdown County Council. The site is located to the rear of a terraced dwelling proximate to the junction of Beaumont Avenue and Beaumont Drive. The site currently consists of a collection of corrugated sheeting and blockwork interlinked sheds/storage structures. The site is accessed via an existing concreted laneway to the rear of properties fronting onto Beaumont Avenue. The frontage of the site aligns with that of no.41A Beaumont Avenue, an existing adjacent mews dwelling located to the rear of no.41 Beaumont Avenue. The frontage of the site from the existing laneway presents in an untidy state with various overgrowth and construction material dumped to the front of the site alongside an existing telegraph pole.
- 1.1.2. The site is bounded to the north by 41A Beaumont Avenue, to the east by the existing laneway separating the site from no.1 Beaumont Drive (an end of terrace dwelling), to the south by the rear garden of no.43 Beaumont Avenue and to the west by the rear garden of no.42 Beaumont Avenue. Further to the south of the site within the existing access laneway lies a functioning auto-repair garage and frequently used informal private parking spaces for residents of Beaumont Avenue. surrounding area consists of a mixture of 2 storey terraced and semi-detached dwellings, the majority of which have been extended. An existing Neighbourhood Centre lies 41m to the northwest of the site consisting of a convenience store, takeaway, barber shop and pub.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Demolition of existing storage shed (circa 130m²).
 - Construction of 1 no. two storey 2-bedroom dwelling circa 143m² net internal area/178m² gross external area.
 - New vehicle access and car parking.

- New service and drainage connections, relocation of a telegraph pole and other ancillary works.

Information/Documentation:

2.1.2. Along with the standard drawings and information, the application was accompanied by:

- Vehicle autotracking.
- Landowner consent.
- Part V compliance.
- Shadow Study.
- Design & Compliance summary.
- Drainage Design.
- External Finishes Information.
- Fire Safety Assessment (Appeal).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council (The Planning Authority) issued a notification of its decision to REFUSE permission for the above-described proposed development on the 29th February 2024 for the following reason:

- The width of the access laneway is not in accordance with the requirements for new mews dwellings, as set out in Section 12.3.7.10¹ of the Development Plan. The 90-degree turn in the access laneway would restrict access for emergency and servicing vehicles.

¹ This section of the Development Plan refers to institutional lands which are not relevant to the proposed development. The relevant section of the Development Plan would be Section 12.3.7.9.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development should be refused for the reason set out above. The Planning Officer concluded that:

- The proposed development would be permissible in principle.
- The proposed development complies with the relevant standards set out in the Quality Housing for Sustainable Communities 2007 policy document.
- The provision of private amenity space would be acceptable.
- A condition would be required to prevent the use of the roof level as a roof terrace due to overlooking concerns.
- A condition would be required to extend the proposed composite timber directional screening system across the full extent of the balcony to the front of the proposed development.
- The degree of overshadowing of neighbouring sites would be acceptable.
- The proposed development would not be overbearing.
- The proposed development would lead to a positive visual impact.
- The site is located in an intermediate location and provides 1 no. car parking space, in accordance with the Compact Settlement Guidelines.
- An alternative access proposal providing direct access off Beaumont Drive could overcome the concerns of the Planning Authority regarding access to the site.

3.2.3. Other Technical Reports

3.2.4. The following internal sections issued reports in response to the application:

- Transportation Planning Section - Refusal recommended due to the width of the existing laneway, the 90-degree change of direction required for access and poor precedent.
- Drainage Planning Section – no objection, subject to 2 no. conditions.

- Environmental Enforcement Section – no objection, subject to 4 no. conditions.

3.3. Prescribed Bodies

- 3.3.1. Irish Water/Uisce Éireann – no objection, subject to 3 no. conditions.

3.4. Third Party Observations

- 3.4.1. 1 no. 3rd party observation was received in response to the application submitted to the Planning Authority. The observation is summarised as follows:

- Water supply and drainage capacity concerns.
- Lack of clarity in drawings.
- Overlooking of surrounding dwellings.
- Access issues, including during construction.
- Overbearing.

4.0 Planning History

Subject Site:

- 4.1.1. No planning history

Neighbouring Sites of relevance:

- 4.1.2. PAC 23/21 – Pre-application consultation for dwellings to be constructed to the rear of 10 no. properties on Beaumont Avenue (not including appeal site). The access laneway to the rear is proposed to be reconfigured to access from Beaumont Drive instead of Beaumont Avenue.
- 4.1.3. D22A/0599 – Permission REFUSED in 2022 for construction of a two-storey single dwelling accessed from the laneway on the site to the rear garden of the parent house to the rear of No.46 Beaumont Avenue 23m to the south of the site.

Reasons for refusal include overlooking of adjoining properties, negative impacts on residential amenities of neighbouring dwellings, undesirable precedent, width of the

access laneway, restricted access for emergency and service vehicles due to 90-degree turn and non-compliance with Section 12.3.7.9 of the Development Plan.

- 4.1.4. D22A/0267 – Permission REFUSED in 2022 for construction of a three-storey single dwelling on the site to the rear garden of the parent house to the rear of No.46 Beaumont Avenue 23m to the south of the site.

Reasons for refusal include negative impacts on visual and residential amenities of neighbouring dwellings, lack of appropriate car parking, depreciation of property value, undesirable precedent, overlooking of adjoining properties, the width of the access road and non-compliance with provisions of the Development Plan (Sections 12.3.7.7, 12.3.7.9 and 12.4.5).

- 4.1.5. D20A/0625 (ABP Ref. 309993-21) Permission GRANTED by the Board in 2021 for construction of detached 3-bedroom dwelling, blocking up of existing vehicular entrance and creation of new access from Weston Terrace, parking spaces, construction of new boundary wall to replace existing wall and fence and all ancillary works to the rear of No.75 Beaumont Avenue 72m to the south of the site.

- 4.1.6. D15A/0111 – Permission GRANTED in 2015 for construction of a two storey plus attic dwelling with garden, located at the rear of existing house with pedestrian access off Beaumont Drive and vehicular access from the lane at the rear of the site to the immediate north of the site (41A Beaumont Avenue).

5.0 Policy Context

5.1. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007

- 5.1.1. Published in 2007 by the Department of the Environment, Heritage and Local Government, these guidelines serve to implement national planning policies in place at the time, including the superseded National Spatial Strategy and National Development Plan. Given that no updated guidelines have been published since, these guidelines are still applicable in this instance.
- 5.1.2. Regarding the proposed development, the guidelines indicate minimum floor areas likely to be required to satisfy the requirements of normal living standards.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

5.2.1. These ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The following guidelines can be applied to the proposed development:

- SPPR 1 – Separation Distances – *‘minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.*
- SPPR 2 – This SPPR sets minimum private open space standards as follows:
 - 2 bed house 30m²
- SPPR 3 - Car Parking – *‘In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.’*

5.3. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.3.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- Zoning Objective A – *‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.*
- Chapter 4 - Neighbourhood - People, Homes and Place
 - Policy Objective PHP19: Existing Housing Stock – Adaptation – *‘Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods’.*
- Chapter 10 – Environmental Infrastructure & Flood Risk
 - Policy Objective EI4: Water Drainage Systems – *‘It is a Policy Objective to require all development proposals to provide a separate foul and surface water drainage system – where practicable’.*

- Policy Objective EI6: Sustainable Drainage Systems – *‘It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS)’.*
- Policy Objective EI9: Drainage Impact Assessment – *‘It is a Policy Objective to ensure that all new development proposals include a Drainage Impact Assessment that meets the requirements of the Council’s Development Management Thresholds Information Document (see Appendix 3) and the Stormwater Management Policy’.*
- Chapter 12 - Development Management:
 - Section 12.3.1.1 ‘Design Criteria’ – *‘The following criteria will be taken into account when assessing applications’:*
 - *‘Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices’.*
 - Section 12.3.7.7 ‘Infill’ – *‘New infill development shall respect the height and massing of existing residential units’.*
 - Section 12.3.7.9 ‘Mews Lane Development’ – *‘The principle of mews development will generally be acceptable when located on a lane that’:*
 - *‘Is already developed to such an extent that further development would have to be regarded as infill .*
 - *‘Is already adequately serviced and surfaced from the site to the public road’.*
 - *‘Has a legally acceptable agreement between owners or interested parties who intend to bring the laneway to standards and conditions suitable to be taken-in charge by the Council’.*
 - *‘Has been identified as being suitable for such development on the County Development Plan Maps’.*

‘Where the Planning Authority accepts the principle of residential development on a particular laneway, the following standards will generally apply’:

- *‘Development will be confined to single units in one or two storeys of modest size and the separation distance between the rear façade of the existing main structure (onto the front road) and the rear mews structure should normally be a minimum of 20 metres and not less than 15 metres, or not less than 22 metres where first floor windows of habitable rooms directly face each other’.*
- *‘Setting back of dwellings and boundary walls may be required dependant on existing building lines, lane width, character and parking/access’.*
- *‘All parking provision in mews laneways should be in off-street garages, integral garages (car ports), forecourts or courtyards, and conditions to ‘de-exempt’ garage conversions will normally be attached. At least one off-street parking space per dwelling will generally be required’.*
- *‘Each dwelling shall generally have a private open space area of not less than circa 48 sq.m. exclusive of car parking area’.*

‘Minimum lane width requirements are’:

- *‘Up to 6 dwellings: Adequate vehicular access of a lane width of circa 3.7 metres must be provided to the proposed dwellings - 3.1 metres at pinch points – to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles’.*

‘All mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided. If external street/security lighting is warranted, only a minimal level and wall-mounted type(s) may need to be provided’....’Applications should clearly state the requirements and method statement for bin storage and collection, car parking, access and similar details’.

- Section 12.4.8.1 General Specifications – *‘In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres...Each car parking space for a residential dwelling shall have a*

minimum length of 5.5 metres depth...and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary’.

- Section 12.4.8.3 ‘Driveways/Hardstandings’ – *‘Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public’.*
- Section 12.4.11 Electrically Operated Vehicles – *‘New dwellings with in-curtilage car parking - the installation of appropriate infrastructure to enable installation at a later stage of a recharging point for EVs’.*
- Table 12.5 Car Parking Zones & Standards –

Land Use		Zone 1 MTC Areas and Blackrock	Zone 2 Near Public Transport	Zone 3 Remainder of County (non-rural)
Houses:	Criterion	Maximum	Standard	Standard
House 1 bed	unit	1	1	1
House 2 bed	unit	1	1	1

- Section 12.4.6 Cycle Parking – *‘Cycle parking should accord with the Council published – ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018) or any subsequent review of these standards. These are minimum cycle parking standards’.*
- The Planning Authority’s *‘Standards for Cycle Parking & associated Cycling Facilities for New Developments’* states the following on the provision of cycle parking:

Table 4.1 Cycle parking for residential development		
Residential Development type	1 short stay (visitor) parking space per: (Minimum of 2 spaces)	1 long stay parking space per: (Minimum of 2 spaces)
Apartments, Flats, Sheltered housing	5 units	1 unit
Houses - 2 bed dwelling	5 units	1 unit

5.4. Natural Heritage Designations

5.4.1. The closest site of natural heritage interest to the proposed development is the Fitzsimon's Wood proposed Natural Heritage Area (001753) which is located approximately 3km to the southeast of the proposed development. Other sites of relevance include:

- South Dublin Bay proposed Natural Heritage Area (000210) located approximately 4km to the northeast of the proposed development
- South Dublin Bay and River Tolka Estuary Special Protection Area (004024) located approximately 4km to the northeast of the proposed development.
- South Dublin Bay Special Area of Conservation (000210) located approximately 4km to the northeast of the proposed development
- Grand Canal proposed Natural Heritage Area (002104) located approximately 4km to the north of the proposed development.
- Booterstown Marsh proposed Natural Heritage Area (001205) located approximately 4.2km to the northeast of the proposed development.
- Dodder Valley proposed Natural Heritage Area (000991) located approximately 4.9km to the west of the proposed development.

5.5. EIA Screening

5.5.1. Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced suburban area at a remove from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A 1st party appeal was submitted by Sean McKenna & Na Huang We on the 25th March 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:

- The Planning Officer's report indicated general acceptance of the proposed development and conditioned changes based on overbearing and overlooking concerns.
- The Planning Authority's Drainage and Environmental Section raised no objection to the proposed development.
- The absence of reference to the adjoining precedent dwelling (Ref. D15A/0111) appears to confirm acceptance by the Planning Authority of vehicle movements along the east/west laneway.
- The adjoining dwelling at 41A Beaumont Avenue was considered acceptable based on the same policy wording that the proposed development has been refused on.
- The design and compliance report submitted with the application indicates that emergency vehicles would access the proposed development via the existing laneway to the north and would not be required to negotiate the 90-degree turn (revised drawings submitted to show existing laneway to the north).
- The proposed emergency vehicle access aligns with guidance for emergency vehicle access.
- A Fire Safety Assessment is submitted in support of the above.
- The previously granted adjoining dwelling (Ref. D15A/0111) establishes precedent for further development on this laneway.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

- 6.3.1. 1 no. observation was received by the Board on the 21st April 2024 from Rachel Gerrard, 48 Beaumont Avenue, Churchtown. The issues raised by the observer are summarised as follows:

- Irish Water have not been consulted on the capacity of the existing drainage infrastructure to support the proposed development.
- Unclear as to where the telegraph pole would be relocated to.
- The applicant has not addressed concerns of overlooking of neighbouring properties.
- Drawing no. 1122/07 shows the use of partial directional louvres which would not prevent overlooking of rear gardens on Beaumont Drive.
- The drawings appear to indicate an intention to use the flat roof as outdoor space which would overlook the rear gardens of Beaumont Drive and Avenue.
- The shadow analysis is inadequate as it does not appropriately assess access to sunlight for no.1 Beaumont Drive.
- The width of the laneway presents a traffic hazard as it does not comply with the requirements of Section 12.3.7.9 of the Development Plan.
- The existing access between the laneway and Beaumont Drive may have been established illegally and is the subject of investigation by the enforcement section of the Planning Authority (Ref. ENF GC 14024).

7.0 Assessment

- 7.1.1. I consider the key issues in determining this appeal are as follows:

- Parking & Access

- Impacts on Residential Amenities
- Design & Layout
- Drainage
- Other Matters

I do not consider the principle of the proposed development to be a key issue as the zoning for the site allows for residential development, and densification of such infill sites in built-up areas is supported by Policy PHP19 of the Development Plan. The mews type development is also supported by the precedent mews dwelling to the immediate north of the site. I therefore consider the principle of the proposed development to be acceptable.

7.2. **Parking & Access**

Access:

- 7.2.1. I note the sole reason for refusal by the Planning Authority was based on the accessibility of the site, which was supported by the Planning Authority's Transportation Planning Section. The Planning Authority determined that the width of the laneway accessing the site would not comply with Section 12.3.7.9 of the Development Plan relating to mews dwellings. This section requires a minimum width of 3.7 metres (3.1 metres at pinch points) to allow access for emergency and service vehicles. The drawings submitted with the application and with the appeal demonstrate a width of both 3.4m at the western end and a width of 3.9m at the eastern end of the portion of the access laneway located to the north of the site. The width of the portion of the access laneway located to the east of the site measures greater than 4m. Having visited the site, I observed this access laneway in use by residents of Beaumont Avenue to park to the rear of their properties. I also observed a functioning car auto-repair garage to the rear of 44 Beaumont Avenue. This indicates that the access laneway is regularly used by vehicles which demonstrates the accessibility of the site. Notwithstanding this, I note that the provisions of the Development Plan are particularly concerned with the accessibility of the site for emergency and service vehicles. This is reinforced by the fact that the Planning Authority were not satisfied with the 90-degree turn within the access laneway which they believe would prohibit access to the site for emergency and service vehicles.

- 7.2.2. As part of their Design & Compliance summary submitted with the original application, the appellants state that emergency and service vehicles would access the site via the east/west portion of the access laneway to the north of the site. This would allow emergency and service vehicles to come within 20m of the site without having to negotiate the 90-degree turn referenced by the Planning Authority. In this respect, I note that the distance from the entrance to the site and the corner of the access laneway would be approximately 9m which I consider to be acceptable for the purposes of emergency vehicle accessibility. I am therefore satisfied that the proposed development could be appropriately accessed by emergency and service vehicles.
- 7.2.3. I note, as stated by the appellant, that such an access arrangement was considered acceptable by the Planning Authority for 41A Beaumont Avenue (Ref. D15A/0111). Thus, precedence exists for the acceptability of such access arrangements for a similar type of development within the immediate vicinity of the site. Notwithstanding this precedent decision, I note a more recent precedent refusal by the Planning Authority to the south of the site for a similar type of development using the same access laneway (Ref. D22A/0599). The Planning Authority, in its refusal of this development, determined the access laneway width to be below the 3.7m minimum width (3.6m) along significant portions of the laneway. The Planning Authority determined that this could be overcome by a combined application involving all interested landowners to develop property fronting onto this laneway at an appropriate setback that would allow for widening of the laneway. In this respect, I note that a pre-application consultation with the Planning Authority has been undertaken by 10 no. landowners along the access laneway to address this matter (Ref. PAC 23/21). This raises potential concerns about the prematurity of the proposed development in light of a possible future combined application for development along this laneway which would, potentially, more effectively address the accessibility concerns of the Planning Authority. Thus, the proposed development could be considered as uncoordinated piecemeal development that is premature in nature. However, I note that the subject site was not included as part of this pre-application consultation.
- 7.2.4. I note that the observer referenced enforcement proceedings in relation to the existing access between the access laneway and Beaumont Drive (Ref. ENF GC

14024), as indicated on the drawings submitted with the appeal. The appellant's Fire Safety Assessment submitted at appeal stage relies on this access. Having visited the site, I did not observe an existing access at this location. I therefore do not consider the Fire Safety Assessment, and the drawings submitted at appeal stage to be of relevance to my assessment of the accessibility of the site.

- 7.2.5. Notwithstanding the potential premature and piecemeal nature of the proposed development, I am satisfied that the proposed development would be appropriately accessed by emergency and service vehicles, and that this could be achieved without negotiating the 90-degree turn referenced by the Planning Authority. With respect to the minimum width provisions of the access laneway, as set out in Section 12.3.7.9 of the Development Plan, I consider the 3.4m width of the western end of the access laneway to be a pinch point along the laneway and that the minimum 3.7m width would be achieved along much of the access laneway. I do not consider the variability of the width of the access laneway to be a fundamental issue as I am satisfied that the access laneway achieves the minimum width in multiple places. I therefore consider the accessibility of the site to be acceptable. I do not consider that this would create a precedent for the development of other sites along this laneway to the south of the site, as each site must be assessed on its merits.

Parking:

- 7.2.6. The Site Layout Plan Drawing submitted with the application shows a parking space approximately 5.5m in depth and 3.5m in width. I consider that this aligns with the provisions of Section 12.4.8.1 of the Development Plan. SPPR 3 of the Compact Settlement Guidelines states that a maximum of 2 car parking spaces should be provided in intermediate locations. I consider that the site of the proposed development is in an intermediate location given the proximity of reasonably frequent bus services on the R112 within 500 metres of the site. Table 12.5 of the Development Plan sets out the car parking zones and standards. The standard for a 2-bed dwelling in this suburban location is 1 no. car parking space. I therefore consider the provision of 1 no car parking space to be acceptable. Additionally, I note that the Planning Authority's Transportation Planning Section did not object to the proposed development based on car parking. Section 12.4.11 of the Development Plan states that new residential in-curtilage parking should include appropriate infrastructure to enable EV charging. Whilst the submitted drawings do not indicate

the provision of EV charging infrastructure, I am satisfied that this could be addressed by way of condition.

- 7.2.7. Regarding cycle parking, the proposed development provides for secure cycle parking at the entrance to the site. Additionally, I consider that ample space would be available within the courtyard area of the proposed development for further informal cycle parking space. I therefore consider the proposed development to be compliant with Section 12.4.6 of the Development Plan relating to cycle parking.

7.3. **Impacts on Residential Amenities**

- 7.3.1. Zoning objective A and Policy Objective PHP19 of the Development Plan require proposed developments to have regard to existing residential amenities. Although not included as a reason for refusal, impacts on residential amenities of neighbouring dwellings is raised as an issue of concern by the Planning Authority and by the 3rd party observer. The impacts are assessed as follows:

Overlooking:

- 7.3.2. Regarding overlooking, I consider the dwelling potentially most significantly impacted would be 1 Beaumont Drive to the east of the site, on which the impacts of the proposed development are discussed further in Section 7.3.4 of this report. I do not consider overlooking of the neighbouring dwelling to the north (41A Beaumont Avenue) to be of concern due to the lack of fenestration along the side wall of this dwelling. At worst, there may be some oblique overlooking from numerous velux roof windows on 41A Beaumont Avenue and from the rear bedroom high level window of the proposed development. However, I do not consider this level of overlooking to be of significance to this assessment. Likewise, I do not consider overlooking of the rear gardens of neighbouring dwellings to be of concern since no direct overlooking would occur from the fenestration within the proposed development, with the potential exception of the high-level window within the 1st floor rear bedroom. However, I consider the positioning of this window at a high level would prevent any direct overlooking in this respect.
- 7.3.3. Notwithstanding the above, I share the concerns of the Planning Authority and the observer that direct overlooking of the rear gardens of neighbouring dwellings on Beaumont Drive and Beaumont Avenue would occur if the roof of the proposed development is used as private amenity space. This concern arises as a result of the

outline of a future spiral stair access to the roof with an access door, as shown in Section drawing B-B, and the proposed powder-coated steel safety handrail above the parapet along the perimeter of the roof. However, as I am recommending a grant of planning permission, I consider it appropriate to address this by way of condition preventing the use of the rooftop as private amenity space.

7.3.4. I note that separation distances represent a key measurement of the extent of or potential for overlooking. In this respect, SPPR 1 of the Compact Settlement Guidelines states that a minimum separation distance of 16m should be achieved between directly opposing windows serving habitable rooms to the rear or the side of dwellings. The submitted drawings demonstrate that this minimum separation distance would be achieved in all instances, except to the east of the site where a separation distance of approximately 9.6m would be achieved between the proposed development and 1 Beaumont Drive. However, the gable end wall of 1 Beaumont Drive does not include any fenestration, therefore, the minimum separation distance does not apply. Nonetheless, I consider that there would be potential for direct overlooking of the front garden of 1 Beaumont Drive and that directional louvres would be required along the full length of the 1st floor balcony on the eastern elevation of the site. I note the observer's contention that drawing no. 1122/07 shows the use of inadequate directional louvres along this elevation, by way of their extent. In the event that the Board decide to grant permission, I consider that this can be addressed by way of planning condition requiring the extension of the directional louvres along the full length of the balcony. This approach is reflected at 41A Beaumont Drive which includes directional louvres along the full length of the first-floor balcony on its eastern elevation. This, in my opinion, would be consistent with the provisions of Section 12.3.1.1 of the Development Plan which promotes the use of screening to address overlooking. I am therefore satisfied that the proposed development would not, subject to conditions, significantly overlook neighbouring dwellings.

7.3.5. Regarding the internal layout of the proposed development, I note that Section B-B shows a large picture window in the bathroom at 1st floor level facing onto the 1st floor balcony. In the interests of residential amenity, I consider that this window should be glazed with obscure glazing to avoid direct overlooking from the balcony to the bathroom and vice versa. In the event that the Board decide to grant planning

permission, I consider it appropriate to address this by way of condition requiring the obscure glazing of this window.

Overshadowing:

- 7.3.6. I note that a Shadow Study undertaken by G-Net 3D was submitted with the application to the Planning Authority. This study used computer generated images to demonstrate the extent of overshadowing of neighbouring properties during the Spring Equinox, Winter Solstice and the Summer Solstice. Comparative images showing the extent of overshadowing for the existing and proposed scenarios were included. No analysis of the overshadowing was provided as part of the study. I note that the Planning Authority considered the extent of overshadowing to be acceptable, whereas the observer determined that the study inadequately assessed the access to sunlight of 1 Beaumont Drive.
- 7.3.7. Having visited the site and reviewed the submitted drawings, I consider that the proposed development would not significantly overshadow neighbouring properties due to its similar height and scale and its positioning and orientation within its surroundings. Having analysed the Shadow Study, I did not identify any significant impact on the access to sunlight of 1 Beaumont Drive as it did not appear to be significantly overshadowed for a sustained period during which the sun would be at its highest. I also consider that the Shadow Study aligned with the requirements of the BRE Guidelines for analysis of overshadowing which suggests the use of 21st March as the date of the Equinox.
- 7.3.8. Regarding the residential amenities of future residents, I consider that the proposed fenestration arrangement would allow for sufficient access to daylight and sunlight. The mixture of panelled windows, large picture windows and a skylight allows for sufficient penetration within the internal layout and facilitates greater access to daylight and sunlight within the courtyard area. The rear garden and front balcony areas would be orientated in a westerly and easterly direction respectively. I consider that this would allow for sufficient access to daylight and sunlight in these private amenity areas. I am therefore satisfied that the proposed development would not negatively impact the residential amenities of future residents by way of access to daylight and sunlight.

Overbearing:

- 7.3.9. The 3rd party objector, in response to the original planning application, raised concerns about the overbearing nature of the proposed development in the context of overlooking neighbouring properties. Although I have determined that the proposed development would not significantly overlook neighbouring properties, potential overbearing impacts may still arise by way of the proximity of neighbouring sites and the height and scale of the proposed development.
- 7.3.10. Regarding the height and scale of the proposed development, it is largely similar to that of existing 2-storey residential dwellings in the vicinity. The proposed development would sit approximately 3m below the ridgeline of the nearest existing dwelling (41A Beaumont Avenue), demonstrating the lack of overbearing impacts on this neighbouring property. The rear garden of 43 Beaumont Avenue to the immediate south of the site includes a large area of overgrowth and an existing warehouse structure with a pitched corrugated roof that would sit approximately 1m below the parapet of the proposed development. I note that the appellant's Design & Compliance Summary states that the parapet was raised to align with the eaves of 41A Beaumont Avenue. Further to the south of the site lies existing single storey garages, the closest of which would be approximately 5m from the proposed development. I consider such a separation distance to be acceptable given the nature and function of these garages and the height and scale of the proposed development, including its flat roof element. The ridgeline of 1 Beaumont Drive, which is also in close proximity to the site, lies approximately 2m above the parapet of the proposed development. There is also very little difference between the ridgeline of the terraced dwellings fronting onto Beaumont Avenue, which are located at a distance of 22m from the proposed development, and the parapet of the proposed development. The corresponding height and scale of the proposed development to these neighbouring properties is mitigated by its flat roof nature. Thus, I consider that the proposed development would not create overbearing impacts on neighbouring properties by reason of its similar height and scale to neighbouring properties and its flat roof design. This aligns with the provisions of Section 12.3.7.7 of the Development Plan which requires new infill development to respect the height and massing of existing residential units.
- 7.3.11. The positioning of the proposed development to the rear of an existing terrace of dwellings consisting of generous linear rear gardens reflects that of existing

development within these rear gardens by way of their reliance on the rear access laneway. Indeed, the extent of the proposed development largely reflects that of the existing footprint of the structures proposed to be demolished. Thus, I consider that the proposed development would not significantly expand the extent of development on this site and would be positioned similarly to existing development in the area. I therefore do not consider that any overbearing impacts on neighbouring properties would arise by reason of the extent and positioning of the proposed development. In addition, the positioning of the front building line would align with that of 41A Beaumont Avenue to the immediate north of the site which further supports my conclusion on overbearing impacts.

7.4. Design & Layout

- 7.4.1. The appellant's Design & Compliance summary indicates that the proposed development would be a 2-bed 4-person dwelling. When considered against the provisions of the Quality Housing for Sustainable Communities Best Practice Guidelines (2007), the proposed development fulfils the required standards for a 2-bed 4-person dwelling. This aligns with the provisions of the Development Plan which references the standards set out in these guidelines. I therefore agree with the appellant and the Planning Authority on this matter.
- 7.4.2. The layout of the private amenity space associated with the proposed development includes a courtyard area within the confines of the proposed dwelling, a rear garden including a terraced area and a balcony to the front at 1st floor level. In total, this amounts to approximately 71.23m² of private amenity space which is well in excess of the minimum requirements set out in SPPR 2 of the Compact Settlement Guidelines and Section 12.3.7.9 of the Development Plan relating to mews dwellings.
- 7.4.3. I note that external finishes information was submitted with the original application demonstrating the proposed colouring and types of finishes to the parapet, external walls, doors and windows and external composite timber screens. Having analysed the external finishes information, I consider the proposed external finishes to be acceptable as they reflect the contemporary nature of the design. Regarding the general design of the proposed development, I note its blocklike form which is reflective of a contemporary design. In this respect, I consider the 1st floor overhang

to create an under-croft car port to the front of the dwelling to be of particular distinction. I also consider that the internal courtyard area, populated by a mature tree, would provide for an aesthetically pleasing design wherein the internal layout would be configured around it.

- 7.4.4. The Site Block Plan submitted to the Planning Authority indicates the use of a folding gate to the entrance of the site. The Elevations 1 drawing submitted to the Planning Authority indicates that the folding gate would be characterised by timber fencing. I consider that this would align with the appearance of the composite timber directional louvres at 1st floor level, thereby creating a coherent appearance within the streetscape. I therefore consider the design and layout of the proposed development to be acceptable.

7.5. Drainage

- 7.5.1. Regarding the drainage regime for the proposed development, I note that a Drainage Design Report conducted by Tanner Structural Designs Ltd. was submitted with the original application. Both the Planning Authority Drainage Section and Irish Water did not object to the proposed drainage regime. However, the 3rd party objector contends that drainage capacity concerns have not been addressed by the proposed development and that Irish Water have not been appropriately consulted in this regard.
- 7.5.2. Although refuted by the 3rd party objector, it is evident to me that Irish Water have been appropriately consulted by the applicant (letter on file dated 15th February 2024 refers). Given that Irish Water have not objected to the proposed development, I am satisfied that adequate drainage capacity exists within the existing drainage infrastructure to cater for the proposed development.
- 7.5.3. Given the small-scale nature of the proposed development, I do not consider it likely that it would overload the existing drainage infrastructure, and this is supported by the acceptance of the competent authorities of the proposed drainage approach. I note that Policy Objective EI9 of the Development Plan requires a Drainage Impact Assessment to meet the requirements of the Planning Authority. In the event that the Board decide to grant planning permission, I consider it appropriate to address this via condition requiring compliance with the drainage standards of the Planning Authority. I note that permeable paving has been proposed within the car parking

space, which is supported by an infiltration test demonstrating the suitability of the site for permeable paving. I am therefore satisfied that the proposed development incorporates SuDS measures, as required by Policy Objective E16 and Section 12.4.8.3 of the Development Plan. Policy Objective E14 of the Development Plan requires all developments to provide separate foul and surface water drainage. Appendix C of the Drainage Design Report submitted by the applicant clearly shows separate foul and surface water drainage, therefore, I consider the proposed development to be compliant with Policy Objective E14 of the Development Plan. In conclusion, I consider the drainage regime of the proposed development to be acceptable, subject to conditions.

7.6. Other Matters

- 7.6.1. Regarding the demolition of the site, I note that approximately 130m² of storage structures are proposed to be demolished and a telegraph pole proposed to be relocated. The Site Block Plan indicates the extent of demolition works but none of the submitted drawings indicate where the telegraph pole would be relocated to. This is also highlighted as an issue by the objector. The appellant's Design & Compliance Summary infers that the telegraph pole would be relocated to an adjacent laneway but does not provide any clarity on the exact location nor do they provide proof that they have engaged with the competent authority on this matter. In the event that the Board decides to grant planning permission, I am of the view that this can be addressed by way of condition requiring the submission of a letter of consent from the competent authority to relocate the telegraph pole and details confirming where it would be relocated to. Additionally, I note that proposed demolition and construction works would require access to the site for demolition and construction machinery. Given that the access laneway is utilised for access to the rear of other properties along Beaumont Avenue and that it would not be wide enough to allow for two-way traffic, I consider it appropriate to require a Construction & Demolition Management Plan. This would ensure that access to the rear of properties along Beaumont Avenue would not be impeded which was highlighted as an issue by the observer. In the event that the Board decides to grant planning permission, I consider it appropriate to address this via condition requiring the submission of a Construction & Demolition Management Plan, prior to commencement of development.

7.6.2. Regarding refuse collection, I am satisfied that the proposed development would cater for the 3-bin storage system within the car port to the front of the dwelling. As stated previously, I do not share the concerns of the Planning Authority regarding the accessibility of the site for service vehicles. The appellant's Design & Compliance summary states that refuse collection for the proposed development would be undertaken similarly to the adjacent dwelling (41A Beaumont Avenue), whereby the bins would be collected from the end of the laneway to the north of the site. This would mean that refuse collection vehicles would not need to negotiate the 90-degree turn in the laneway. I therefore consider the proposed bin collection system to be acceptable.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay and River Tolka Estuary SPA & South Dublin Bay SAC, 4km from the proposed development.
- 8.1.3. The proposed development is located within a residential area and comprises the retention and extension of unauthorised ancillary residential accommodation and all associated site works.
- 8.1.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development
 - The location of the development in a serviced suburban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 8.1.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Conclusion

9.1.1. Having regard to the above, I consider the proposed development to be acceptable and would not give rise to drainage, design, overlooking, overshadowing, overbearing, parking or accessibility concerns. The proposed development would positively contribute to the character of the area and allow for the development of a mews dwelling in an accessible site, without negatively impacting existing and future residential amenities. I consider that the proposed development would not compromise the future development of the laneway and would not inhibit access to sites situated along the access laneway to the south of the site. Thus, I conclude that a grant of planning permission should be issued, subject to conditions.

10.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations

Having regard to the nature of the proposed development, the existing access to the site, the zoning of the site for residential development, the design and layout, the proposed drainage measures of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, the Quality Housing for Sustainable Communities, Best Practice Guidelines (2007) and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application on the 8th day of January 2024, 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 proposed development shall be amended as follows:

- (a) The proposed directional louvres shall be extended across the full length of the 1st floor balcony.
- (b) The proposed bathroom window facing the 1st floor balcony shall be glazed with obscure glass.

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

Reason: In the interests of residential amenity.

3. The proposed relocation of the telegraph pole from the front of the site shall be clearly outlined in revised drawings, supported by a letter of consent from the relevant competent authority approving the relocation of the telegraph pole, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity.

4. Use of the rooftop area for private amenity purposes shall be prohibited.

Reason: In the interests of residential amenity.

5. The entire unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: In the interests of residential amenity.

6. The in-curtilage car parking space serving the proposed development shall be provided with an electric connection to the exterior of the house to allow for the provision of a future electric vehicle charging point. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

11. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

12. 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, 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

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.

Conor Crowther
Planning Inspector

29th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319372-24		
Proposed Development Summary	Demolition of existing storage shed and the erection of 1 no. two storey 2-bedroom dwelling house and other associated site works on site		
Development Address	Rear of 42 Beaumont Avenue, Churchtown, Dublin 14, D14 F2Y4		
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	<input checked="" type="checkbox"/>	
	No	Tick if relevant. 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)?			
Yes	<input checked="" type="checkbox"/>	Class 10(b)(i) [Residential] mandatory threshold is 500 dwelling units. Class 10(b)(iv) [Urban Development] where the mandatory thresholds are 2ha, 10ha or 20ha depending on location.	Proceed to Q3.
No	<input type="checkbox"/>		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	1 dwelling unit/500 dwelling units OR 0.02ha/5ha	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **29th January 2025**

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319372-24
Proposed Development Summary	Demolition of existing storage shed and the erection of 1 no. two storey 2-bedroom dwelling house and other associated site works on site.
Development Address	Rear of 42 Beaumont Avenue, Churchtown, Dublin 14, D14 F2Y4
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	The development has a modest footprint, comes forward as a standalone project, confines demolition works within the boundaries of the site, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	The development is situated in a suburban area on a brownfield site located within an existing housing area zoned for residential development in the County Development Plan. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)