



An
Bord
Pleanála

Inspector's Report ABP-319715-24

Development	Construction of four dwelling units to the rear of No. 72 Albert Road Upper together with all associated site works.
Location	'Cratloe', No. 72 Albert Road Upper, Glenagery, Co. Dublin, A96 K4C6.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D23A/0298.
Applicant(s)	David Johnson.
Type of Application	Planning Permission.
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	2 No. Third Party.
Appellant(s)	1. Spencer & Emily Mitton. 2. Jimmy Conlon, Kathleen Conlon & Others.
Observer(s)	None.
Date of Site Inspection	23 rd day of August 2024.
Inspector	Patricia M. Young.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	11
5.1. Local	11
5.6. EIA Screening	14
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Applicant	18
6.3. Planning Authority Response	19
6.4. Observations.....	19
7.0 Assessment	19
8.0 AA Screening.....	52
9.0 Recommendation.....	53
10.0 Reasons and Considerations.....	54
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The irregular L-shaped appeal site, 'Cratloe', No. 72 Albert Road Upper, has a stated area of 0.2ha (Note: 1,950m²). It is located on the northeastern corner of the junction of Albert Road Upper and Edwin Court, c150m to the north of Albert Road Upper's junction with the R829, in the south Dublin suburb of Glenageary, County Dublin.
- 1.2. The site contains a detached single storey circa 1930s dwelling which is setback from the eastern side of Albert Road Upper by a mainly hard surfaced off-street parking area and perimeter mature landscaping. This property includes later single storey additions to the rear as well as a later dormer rear extension. The site area includes the entire curtilage of No. 72 Albert Road Upper which extends in an easterly direction with its southern boundary aligning with the cul-de-sac road of Edwin Court. Access to this road is restricted by a vehicle access gate with unrestricted pedestrian access on either side. Edwin Court consists of a group of five two storey detached properties (Note: No.s 1 to 5 Edwin Court) that at their nearest point are within c62m of Albert Road Upper. The southern most side of the cul-de-sac road serving Edwin Court runs alongside the northern boundary of No. 19 Albert Road Upper.
- 1.3. The rear garden area of No. 72 Albert Road Upper is unkempt and overgrown towards its rearmost end. At this location there appears to be an ancillary outbuilding present and at this location the site contains dense natural features including a mixture of deciduous and coniferous trees.
- 1.4. The appeal site area extends northwards to include part of the rearmost gardens of No. 73 Albert Road Upper, 'Maydown' and No. 15 Albert Road Upper. It terminates on its northernmost point alongside part of the southern rear boundary of No. 14 Albert Road Upper. These properties are single storey of similar built form and appearance to No. 72 Albert Road Upper and contain later *ad hoc* single storey rear extensions. The western alignment of the site at this point has a staggered alignment reducing in its width with its width being at its most restricted to the rear of 'Maydown' and No. 15 Albert Road Upper.
- 1.5. The eastern boundary of the site adjoins the rear gardens of No.s 23, 25 and 27 Saint Catherine's Park. These properties are two storeys in their built form and contain *ad hoc* later additions that include extensions to the rear of their original rear elevations.

- 1.6. The surrounding site context could be described as mature residential in its character. Its residential building stock consists of a mixture of single, dormer and two storey properties with the streetscape scene No. 72 Albert Road Upper forms part of characterised by its 1930s single storey detached bungalows that have hipped roofs over finished with terracotta coloured tiles.
- 1.7. The site is located c450m to the southeast of Glenagery Train Station and there are a number of bus stops in the vicinity including on Albert Road Upper to the south where it meets the R829 roundabout. This location is also served by a number of amenities, services as well as is close to Dalkey and Sallynoggin village.

2.0 Proposed Development

2.1. Planning permission is sought for:

- Partial demolition to the side of the existing house to create vehicular access to the rear site (Note: Demolition – 100m²). Refurbishment and extension of existing house including roof and elevational alterations (Note: New Extension – 20 m²). Reduced private amenity space of 70m².
- Construction of 4 no. detached dwelling houses (Note: 2 No. 3-Bed & 2 No. 4-Bed with a total floor area of 696m²). New houses to be two-storey with pitched and flat roof extensions.

Table 1: Key Statistics of the Proposed Four Dwellings

House Labelled	Type	Area (m ²)	Living (m ²)	Bed 1 (m ²)	Bed 2 (m ²)	Bed 3 (m ²)	Bed 4 (m ²)	Garden (m ²)
72A	3 Bed + Study	163	65	13.8	11.5	11.5	N/A	62
72B	4 Bed	170	64	16	14	11	11	75
72C	3 Bed + Study	175	62	16	15.5	10	N/A	77
72D	4 Bed + Study	188	64	14	13.5	13.5	13	80

- Eight on curtilage car parking spaces (2 per dwelling) and private amenity open space to each new dwelling. In total 10 no. car parking spaces would result when the two existing which are to be retained for use of the existing dwelling.

- Existing vehicular entrance on Albert Road to provide access to existing and new homes.
- New landscaping, tree planting and boundary treatments.
- SuDs surface water drainage, foul water, potable water connections.
- All ancillary works necessary to facilitate the development.

2.2. Revised public notices and a response to the Planning Authority's **further information** request was submitted by the applicant on the 20th day of March, 2024. The revisions included the removal of the pitch roof from houses labelled 'C' and 'D' in the documentation as lodged with the planning application. The facades addressing No.s 23, 25 and 27 St. Catherine Park were revised. This included a brick façade and the revised solid to void treatment in order to break up these facades. A revised boundary treatment addressing these properties is also provided. It is also contended that the poor quality of existing trees and vegetation does not support their retention. Instead, a new landscaping scheme is proposed with additional tree planting through to amended boundary treatments. Additional drawings and documentation are also provided to deal with the Planning Authority's access and egress; refuse management; construction/environment in the form of a CEMP and CMP; AutoTurn Swept Analysis for fire tenders demonstrating compliance with required standards; revised layout in set out to be a self-regulating street environment for users including it being designed for pedestrian and cyclist priority. This submission is accompanied by:

- Construction Management Plan (CMP).
- Construction Environmental Management Plan (CEMP).
- Resource & Waste Management Plan.
- An Engineering Report.
- Arboricultural Tree Survey.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was **GRANTED** subject to 25 No. conditions. The following conditions are of note:

Condition No. 2:	Restricts the use of the dwelling units.
Condition No. 3:	Requires the windows on the upper floor study room of House 'A' and 'C' to have timber louvres affixed to them.
Condition No. 4:	Requires the upper floor bathroom and ensuite bathroom windows of House 'C' and 'D' to be permanently fitted and maintained with opaque or frosted glass.
Condition No. 6:	Requires the upper floor western elevation facades of House 'D' to be comprised of a brick finish.
Condition No. 7:	Bespoke surface water drainage requirements of the Planning Authority including compliance with Section 10.2.2.6 Policy EI6 of the Development Plan.
Condition No.s 10 & 11:	Bespoke transport related conditions including a revised vehicular entrance and sightlines.
Condition No. 19:	Requires a Public Liaison Plan and appointment of a Liaison Officer.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report** reflects the decision of the Planning Authority. It notes:

- Regard is had to the provisions of Sustainable Development and Compact Settlement Guidelines, including SPPR 1, SPPR 2, SPPR 3, SPPR 4 through to its provisions in relation to Daylight.
- The revisions consisting of the reduction in height of the proposed dwellings by the removal of the pitched roof profile; the changes to the proposed materials and finishes to the facades including those addressing No.s 23, 25 and 27 St. Catherine's Park together with the revised boundary treatments including additional plant screening as well as high level trellising along the boundary with the said adjoining properties satisfactorily overcome Item 8 and 9 of their further information request.
- The further interdepartmental reports raise no concerns subject to safeguards.
- In relation to amended House A-72A, it was considered that the 60m² amenity area is consistent with the standards set out in the Compact Settlement Guidelines and that subject to the reinstatement of a timber louvres for the upper floor level study/office with a northerly aspect that this 2-storey 3-bedroom dwelling would not give rise to any substantive issue.
- In relation to amended House B-72B, it was considered that 73m² amenity area is consistent with the standards set out in the Compact Settlement Guidelines and that subject to the reinstatement of a timber louvres for the upper floor level study/office with an easterly aspect that this 2-storey 4-bedroom dwelling would not give rise to any substantive issue.
- In relation to amended House C-72C, it was considered that 69m² amenity area is consistent with the standards set out in the Compact Settlement Guidelines and that subject to the provision of opaque glazing for the upper floor eastern elevation windows; the provision of opaque glazing for 2 no. floor to ceiling windows at the upper floor western elevation; the reinstatement of the timber louvers for the study/office room; the provision of a selected brick finish comprising of a warm palette for the eastern elevation; that this 2-storey four bedroom dwelling would not give rise to any substantive issue.
- In relation to amended House D-72D, it was considered that 74m² amenity area is consistent with the standards set out in the Compact Settlement Guidelines and that subject to the provision of opaque glazing for the upper floor eastern elevation

windows; the provision brick finish for the western and eastern façade that this 2-storey four bedroom dwelling would not give rise to any substantive issue, including any undue disamenity for adjoining St. Catherine's Park properties.

- No AA or EIA issues arise.
- Concludes with a recommendation to grant permission subject to safeguards.

The **initial Planning Officers** report concluded with a request for further information. It can be summarised as follows:

- Transportation
 - Revised cycle parking and facilities details sought.
 - Provision of electric charging points.
 - Revised drawings in relation to access and egress arrangements for vehicles, cyclists and pedestrians.
 - Revised drawings demonstrating access for fire tenders.
- Transport, EHO and Environmental Enforcement
 - Construction Environmental Management Plan sought.
 - Resource & Waste Management Plan sought.
- Planning
 - Requested to investigate the feasibility of height alterations and/or repositioning of proposed houses 'C' & 'D' to ameliorate any potential significant visual impacts that a two-storey blank façade may present to the rear of No.s 23, 25 & 27 St. Catherine's Park. It indicates that this may require the expansion of the site westwards to include some more of the rear garden of No. 15 & 'Maydown', Albert Road Lower.
 - Requested to investigate potential alterations of the proposed eastern boundary treatment to alleviate any potential adverse visual impacts to No.s 23, 25 & 27 St. Catherine's Park.
 - Requested to investigate potential for retention of mature trees and vegetation. Submission of a revised Site Layout and Boundary Treatment Plan sought with this incorporating any trees and vegetation proposed to be retained.

- Revised Site Layout Plan/Ground Floor Plans illustrating the locations of refuse, recycling and composting storage facilities for each dwelling.

3.2.2. Other Technical Reports

- **Environmental Health Officer Report:** Final report dated the 10th day of April, 2024, having reviewed the further information response, raised no objection, subject to safeguards.
- **Transportation:** Final report dated the 8th day of April, 2024, having reviewed the further information response, raised no objection, subject to safeguards.
- **Parks & Landscape Services:** Final report dated the 3rd day of April, 2023, having reviewed the further information response noted that the applicant did not address the potential retention of any existing trees on site and considered it unfortunate that there is no tree icon on the Development Plan relating to protection and retention of trees on this site. No objection was raised, subject to safeguards.
- **Drainage (30.05.2023):** No objection, subject to safeguards.
- **Building Control (26.05.2023):** No objection, subject to safeguards.
- **Housing (23.05.2023):** No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 14 No. Third-Party Observations were received by the Planning Authority during their determination. I have read these submissions which are attached to file, and I consider that the main concerns raised correlate with those raised by the Third-Party Appellants in their appeal submission to the Board (See: Section 6 of this report below). Other sundry concerns include:

- The issue of waste storage for bins relating to this development for collection on Albert Road Upper has not been addressed.
- The site should be capable of achieving required sightlines in its curtilage.

- The access is unsuitable for two cars to enter and exit at the same time.
- Four out of the five dwellings as revised have front doors opening directly onto the access road. This is a safety concern.
- Construction works have the potential to impact on an adjacent boundary wall of Edwin Court.
- There is a culverted stream that flows along the back of properties in St. Catherine's Park. It is contended that it runs through this property.
- Concerns are raised that the boundaries of properties are not correct.

4.0 Planning History

4.1. Site

4.1.1. No recent and/or relevant planning history pertaining to the site.

4.1.2. P.A. Ref. No. 96/0647:

On the 24th day of June, 1997, permission was **refused** for a development consisting of the construction of a single storey detached dwelling to rear with access from Edwin Court.

The three given reasons for refusal read:

- “1. The applicant has not demonstrated his ability to implement the proposed development in that no evidence has been submitted of his right to gain access to a public road or to service the proposed development by connections to public sewers and water mains. The proposed development would therefore be substandard and contrary to the proper planning and development of the area and would be prejudicial to public health.
2. The applicant has not submitted adequate details of the proposed foul drainage arrangements upstream and downstream of the proposed connection to demonstrate the feasibility of the proposed development.
3. The proposed parking layout and proposed new entrance to Cratloe are inadequate to allow for proper manoeuvring of vehicles and are consequently substandard and unacceptable to the County Roads Engineer.”

4.2. Setting

5.0 Policy Context

5.1. Local

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan, 2022-2028, is the operative County Development Plan under which the site is subject to land use zoning 'A' which has the objective: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"*. 'Residential' development is permitted in principle under this land use zoning objective.

5.1.2. Section 12.3.7.6 - Backland Development

"Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such".

5.1.3. Section 12.3.7.7 - Infill

In accordance 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.

5.1.4. Policy Objective PHP18 - Residential Density

Seeks to increase housing 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.

Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the

surrounding area, with the need to provide for high quality sustainable residential development.

5.1.5. Policy Objective PHP20 - Protection of Existing Residential Amenity

Seeks 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.

5.1.6. Policy Objective PHP27 - Housing Mix

Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.

5.1.7. Policy Objective PHP42 - Building Design & Height

Seeks to encourage high quality design of all new development.

Seeks to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 in a manner consistent with NPO 13 of the NPF.

5.1.8. Chapter 3 deals with the matter of Climate Action. It sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.

5.1.9. Chapter 5 deals with the matter of Transport and Mobility. It seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport.

5.1.10. Chapter 12 sets out the Development Management standards including those relating to residential developments.

5.2. Local Other

- Standards for Cycle Parking and Associated Cycling Facilities for New Developments, 2018.
- Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2023-2028.

- Dún Laoghaire-Rathdown County Council Guidelines for Naming and Numbering.

5.3. Regional

5.3.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This Strategy Document supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. The following regional policy objectives (RPOs) are considered relevant to this application:

RPO 3.2 – Promotes compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city.

RPO 4.3 - Supports the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs. Additionally, seeks to ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure as well as public transport projects.

According to the RSES, the site lies in the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP). It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within the built-up area of Dublin City and its suburbs.

5.4. National

5.4.1. Project Ireland 2040 - National Planning Framework (NPF), 2018-2040, is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040 and within this framework Dublin is identified as one of five cities to support significant population and employment growth.

The NPF supports the requirement set out in the Government's strategy for: 'Rebuilding Ireland: Action Plan for Housing and Homelessness', 2016, to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF and include the following:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 11 presumption in favour of development in existing settlements subject to safeguards.
- NPO 32 targets the delivery of 550,000 additional households by 2040.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.4.2. The following are also relevant:

- Housing for All – A New Housing Plan for Ireland, 2021.
- Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.
- Climate Action Plan, 2024.
- National Sustainable Mobility Policy, 2022.
- Places for People – the National Policy on Architecture, 2022.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

5.5. **Natural Heritage Designations**

5.5.1. The nearest Natura 2000 Sites are Dalkey Islands SPA (Site Code: 004172) which is located c1.7km to the east of the site and Rockabill to Dalkey Island SAC (Site Code: 003000) which is located c1.99km to the east of the site.

5.6. **EIA Screening**

5.6.1. See Appendix 1 – EIA Pre-Screening Form attached.

5.6.2. Having regard to the nature, scale and extent of the development proposed, the site location outside of any sensitive location specified in article 109(4) of the Planning and

Development Regulations 2001 (as amended) and within an established built-up suburban area of Dublin City which is served by public infrastructure, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development.

- 5.6.3. Conclusion: The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Third Party Appeals were received by the Board from the following parties:

- Jimmy & Kathleen Conlon & Others (13.05.2024)
- Spencer & Emily Mitton (13.05.2024)

- 6.1.2. I have read both appeal submissions and as they contain a number of overlapping matters of concerns that to avoid repetition I have decided to summarise them together under the following broad headings:

Planning Authority's Decision

- The Planning Authority's decision should be overturned on the basis that the proposed development would result in serious injury to their residential amenities in a manner that would be contrary to the proper planning and sustainable development of the area.

Site Setting

- No.s 23 to 27 St. Catherines Park back on to a sylvan setting.

Design and Layout

- The design is haphazard and would give rise to overdevelopment of the site in a manner that would conflict with the character as well as pattern of development in this area.
- The proposal is too dense for this awkwardly configured site.

- The proposed development is not informed by a topographical survey and there is a lack of clarity through to inaccuracies in levels provided.
- Access for fire tenders would be reliant on no restrictions being in place on the restricted road serving the proposed development.
- The only correct access would be via Edwin Court.
- The revised access arrangement does not demonstrate that it would not give rise to car and pedestrian conflicts.
- The provision of a new access alongside that serving Edwin Court gives rise to a traffic hazard.

Planning History

- Previously a dwelling house was refused at this location. The Planning Authority's Planning Officer incorrectly indicate that this development was granted.

Access

- The proposed additional access point would result in a traffic hazard.
- The proposed entrance and access serving the quantum of development is constrained.
- For vehicles to access and egress the proposed car parking spaces they would be required to use the public road to make the necessary movements thus giving rise to potential conflict with other road users.
- The proposed development would conflict with the turning area associated with the junction serving No.s 1 to 5 Edwin Court onto Albert Road Upper.
- The width of the access road serving the proposed development is inadequate to serve the quantum of development sought under this application.
- Serving a multi-dwelling development from a substandard road would give rise to undesirable precedent.
- There is potential for conflict to arise between cars parked to the front of No. 72 Albert Road Upper and the vehicles generated by the five dwellings to its rear.
- The access to the site is dependent on land outside of the applicant's legal interest.

- Concerns are raised in relation to emergency access to the proposed dwellings.
- For the first 30m the access serving these dwellings is effectively a single lane. With the access to these dwellings compounded by the design with cars requiring reversing from a blind corner.

Visual Amenity Impacts

- The alterations to the existing dwelling would give rise to serious injury to its streetscape scene.
- The proposed development would be visually overbearing and incongruous on its setting.

Residential Amenity Impacts

- This development would diminish their residential amenities by its visual overbearance and the additional overlooking that it would give rise to.
- This proposal would give rise to the loss of sylvan setting to the rear of the adjoining St. Catherine's Park properties.
- This proposal fails to provide the 11m rear garden depth.
- If permitted, the proposed development, would give rise to depreciation of value of properties in its vicinity.

Open Space

- The nearest active area of open space is located close to 1km from the site and the Development Plan requires a 15% open space provision.

Drainage and Flooding

- The rear gardens adjoining the eastern boundary of the site have waterlogging issues, particularly over the winter months. In addition, this area has a high-water table. This development would give rise to additional flooding issues for properties in its vicinity and it would exacerbate an already poor drainage situation.

Additional Information

- The applicant's additional response failed to investigate the feasibility of height alterations and repositioning Houses labelled 'C' & 'D' westwards.

- The additional information response has introduced first floor windows of the eastern elevations which would overlook the adjoining St. Catherines Park properties.
- The revised boundary treatment adds to the visual overbearance of the proposed scheme.
- The additional information revisions do not overcome their residential amenity concerns.
- There is a lack of detail provided for the common boundary treatment with adjoining St. Catherine Park properties.

Natural Features

- This proposal would give rise to a significant loss of trees and even if the proposed planting was successful, it would take considerable time to re-establish the loss of natural features and the biodiversity from the site.
- There is no attempt of the applicant to integrate the existing sylvan setting with the proposed scheme.
- The applicant's further information response failed to have regard to the comments of the Councils Parks Superintendent.

Other

- The Board does not jurisdiction on boundary disputes.

6.2. Applicant

6.2.1. The Applicants response to the grounds of appeal can be summarised as follows:

- The Planning Authority's decision should be upheld on the basis that it accords with the proper planning and sustainable development of the area.
- The proposed development would not give rise to any adverse residential and/or visual amenity impact on properties in its vicinity including those of the appellants.
- A topographical survey was carried out and the levels have been clearly demonstrated in the drawings provided.
- The Planning Authority deemed their further information request had been satisfactorily responded to.

- The proposed development represents an appropriately scaled infill scheme for this area.
- Their further information response demonstrated that the roadway serving the proposed development had sufficient capacity to absorb the traffic it would generate, including larger vehicles like emergency vehicles.
- The arboricultural assessment concludes that the majority of the trees on the site are semi-mature self-seeded, of poor quality and not subject to any protection. The permitted development includes more site setting appropriate tree planting which are also of higher arboricultural value.
- The planning system is not designed to solve disputes that relate to land title or rights over land.
- This development would provide a more efficient use of the site.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority seek that the Board has regard to their Planning Officer's Report and uphold its decision. It concludes that the grounds of appeal do not change their attitude towards the proposed development.

6.4. Observations

- 6.4.1. None.

7.0 Assessment

7.1. Introduction

- 7.1.1. I am satisfied that the main issues in this appeal case are those raised by the two Third Party Appellants in their submissions to the Board and that no other substantive planning issues arise, and that the issues can be dealt with under the following broad headings:

- Principle of the Proposed Development & Compliance with Relevant Planning Provisions
- Access & Transportation

- Other Matters Arising
- Appropriate Assessment

- 7.1.2. My assessment below is based on the proposed development as revised by the applicant's further information submission received by the Planning Authority on the 20th day of March, 2024. This is on the basis that it results in a number of qualitative improvements to this residential scheme, particularly in terms of improved elevational treatment and boundary treatment addressing St. Catherines Park and Edwin Court. In terms of appearance the amended design for dwellings labelled No. 72C and No. 72D, which includes lower in height flat roof built forms, would be visually more subservient when viewed from the adjoining properties. The reduced height would also result in less overshadowing. Additionally, the amended design includes improvements to the palette of materials, landscaping and boundary treatments which together would lessen the proposed four dwellings when viewed from their surrounding context, including the properties of Edwin Court, St. Catherines Park and Albert Road Upper.
- 7.1.3. Additionally, the revised site layout arrangements seek to demonstrate that it can achieve safe access and egress for vehicles as well provide an internal environment where pedestrian and cyclists have priority.
- 7.1.4. Moreover, other matters of concern to the Planning Authority are also clarified including refuse provision for each dwelling and other key plans including Construction and Environmental Management Plan through to Resource & Waste Management Plan are provided. Thus overall, the level of information provided as part of the further information response allows for a more informed decision to be made on the proposed development sought under this application.
- 7.1.5. In relation to the procedural issues raised by the Appellants, I note that the appeal before the Board is considered "*de novo*". That is to say that the Board considers the proposal having regard to the same planning matters to which a Planning Authority is required to have regard when deciding on a planning application in the first instance. This includes but is not limited to the consideration of all submissions and inter departmental reports on file together with the relevant local through to national planning provisions, any revisions made as part of further information requests through to any relevant planning history relating to the application.

7.1.6. Further I have considered the information available on file and I am satisfied that together with my site inspection that there is adequate information available to consider the appeal and any procedural concerns in relation to the Planning Authority's handling of this case is not a matter for the Board whose remit in this appeal case does not include an ombudsman oversight.

7.2. **Principle of the Proposed Development & Compliance with Relevant Planning Provisions**

7.2.1. **Zoning**

The proposed development consists of the partial demolition of the side of an existing dwelling house called 'Cratloe' (No. 72 Albert Road Upper) and its refurbishment together with a more modest ground and dormer extension to it. It also includes the construction of 4 No. detached dwellings to the rear of this dwelling with the revised entrance onto Albert Road Upper which would provide access to the existing dwelling and the proposed dwelling units together with all associated site works as well as services.

The irregular L-shaped site of No. 72 Albert Road Upper to which this appeal case relates has a given area of 1,950m² and it forms part of a larger area of suburban land that is zoned under the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, Objective 'A'.

The stated objective of which is: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"* and under which the principal of residential development is deemed to be generally acceptable, subject to safeguards.

The five strategic outcomes set out under Table 1.4 of the Development Plan states: *"one of the best ways to transition to a climate resilient County is to consolidate development within the existing urban footprint thus making best use of land. Sustainable planning policy has long been underpinned by the matching of land use and transport policies so that denser development takes place close to good quality public transport options and supporting services. This will allow those living, working and visiting the County easy access to amenities and services by way of high-quality public transport and the softer modes of walking and cycling"*.

With regards to compact growth Chapter 2 of the Development Plan, which sets out the Core Strategy, it indicates that RSES requires the Planning Authority to set out measures to achieve a compact growth target of at least 50% of all new homes within or contiguous to the existing built-up area of 'Dublin City and Suburbs' and that the vast majority of growth identified in the development Plans Core Strategy is located within the Dublin City and its suburbs.

In relation to the provision of four additional dwelling houses on this appeal site, I note that Section 2.6.2.1 of the Development Plan which deals with the matter of compact growth and regeneration states that the: *"achievement of compact growth targets and regeneration will be supported through the implementation of active land management measures which promote the development of infill and brownfield lands"* and under Section 2.6.2.1(ii) on the matter of brownfield and infill lands it notes that the delivery of compact growth requires an increased focus on reusing such lands through to intensification of use of existing sites. Additionally, it is of note that Table 2.17 of the Development Plan indicates a residential yield (within or contiguous to Dublin City and Suburbs) of 20663 – 23,253 dwelling units under its lifetime.

In line with this approach, I note that Policy Objective CS11 of the Development Plan sets out that the City Council will seek to deliver 100% of all new homes within or contiguous to its geographic boundary in a manner consistent with RPO 3.2 of the RSES. This policy objective also seeks to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands. In tandem with this, Section 4.3.1.2 Policy Objective PHP19 of the Development Plan sets out that it is a policy objective to: *"densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods"*. With this being subject to demonstrating compliance with Policy Objective PHP20 of the Development Plan which seeks protection of existing residential amenity. This policy objective seeks 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 which requires further consideration in the assessment below.

Moreover, the proposed development would give rise to a greater density of c25.64 units per hectare on the appeal site. This is an increase in density of 20.52 units per

hectare within this low-density site and setting on what is an irregularly shaped site. As such the principle of providing four additional dwellings on the curtilage of No. 72 Albert Road Upper, accords with Policy Objective PHP18 of the Development Plan, subject however to demonstrating compliance with the management criteria set out in Chapter 12 of the Development Plan.

Conclusion:

This is a residential development on residentially zoned land, and I am satisfied that the general principle of the development is generally acceptable.

7.2.2. Demolition and Modifications to the Existing Dwelling

The existing dwelling house on site is a single storey detached dwelling with dormer rear extension as well as single storey rear additions whose main building envelope dates to the 1930s. Its footprint is an irregular U-shape, and the garden area extends in an easterly direction to where it becomes heavily overgrown and returns in a northerly direction with a staggered western boundary behind the more reduced in-depth rear back gardens of No. 73 Albert Road Upper ('Casa Maria'), 'Maydown', No. 15 Albert Road Upper ('Simla') and its northernmost boundary terminates alongside part of the southern rear side garden boundary of No. 14 Albert Road Upper.

It forms part of a streetscape scene where the eastern side of Albert Road Upper in the vicinity of 'Cratloe' to the immediate north and south of it is characterised by similar in architectural period style built form and external finishes dwellings. Like 'Cratloe' these neighbouring dwellings have been subject to varying in design and quality *ad hoc* alterations and additions that have cumulatively diminished their once more uniform visual appearance.

This is similarly the case with the similar in period dwellings on the opposite side Albert Road Upper. Though its streetscape in the vicinity of 'Cratloe' includes more dormer features that in part add to the variety of 1930s dwellings along Albert Road Upper.

Overall, these similar in architectural period dwellings share similar building to space relationships through to a strong unity in their hipped and gabled roof shapes as well as roof heights. They also share a strong harmony in their external palette of materials and like 'Cratloe' many of their setback areas accommodate vehicle access for off-street in-curtilage parking.

In this context the subject property occupies a corner position on the eastern side of Albert Road Upper to the immediate north of Edwin Courts entrance onto this road. Edwin Court is a modest residential scheme consisting of five two storey detached dwellings that dates to circa the late 20th century and are positioned mainly to the rear of No.s 19 and 20 Albert Road Upper but also bound the south and part of the southeastern boundary of the site.

In this regard I note that the southern boundary of this appeal site adjoins this gated entrance that serves Edwin Court, and they are situated just over 150m to the north of Albert Road Upper's junction with the Barnhill Road (R829) and Avondale Road.

The remainder of the eastern boundary of the site is relatively straight in its northerly projection and bounds the rear garden spaces of No.s 23, 25 and 27 St. Catherines Park.

Though the existing dwelling house retains some of its original 1930s charm and it contributes to the harmony of the Albert Road Upper streetscape scene it forms part of. Notwithstanding, as a building it is not subject to any specific protection. Nor does it have any other intrinsic attributes that would warrant its retention in its existing state. Further as said its streetscape scene in terms of its many surviving 1930s properties was developed to include variety as well as harmony with its buildings through to building to space relationships but their original integrity and harmony has been diminished in the intervening decades by the ad hoc alterations and additions to them. I further note there is no specific protection given to the streetscape scene of Albert Road Upper under the Development Plan.

In its existing form its principal asymmetrical façade with hipped roof over façade has a given width of 14.45m and its northern elevation when taken from the corner with the principal façade extends a stated 21.08m. The northern elevation has a measured lateral separation distance of 1m from the side boundary shared with No. 73 Albert Road Upper. At present there is a gated access between the northern elevation and the northern side boundary with No. 73 Albert Road Upper. This provides access to the rear garden area of No. 72 Albert Road Upper which is in an overgrown, unkempt state.

There is no lateral setback of the existing dwelling from its southern boundary, which as said adjoins the gated cul-de-sac that serves Edwin Court. With the southern elevation containing two transparent glazed windows that overlooks this access.

The hipped roof structure over the existing dwelling on site has a given maximum ridge height of 6.15m but I note that the ground levels along Albert Road Upper appear to slope in a northerly direction away from the site. At attic level there is a rear dormer extension and at ground level two single storey flat roofed projections on the southern and northern side of the original rear elevation.

This proposal seeks to demolish 100m² of the existing 227m² in floor area bungalow. As proposed it would essentially pull back the existing dwellings main envelope in a southerly direction away from the northern boundary of No. 73 Albert Road Upper. It would also include the removal of later projecting single storey extensions to the rear which appear to be in a poor state and like the dormer extension of no architectural or other merit.

The new northern elevation would be setback a stated 5.135m at its closest lateral separation point from the boundary with of No. 73 Albert Road Upper. The northern elevation would also have a staggered setback of c6m from the said adjoining boundary to the immediate east of what was once the original rear elevation of No. 72 Albert Road Upper.

The main northern would extend from the northwestern corner of the modified host dwelling for a stated c11.3m before it steps back in a southerly direction where the proposed new single storey with gable shaped roof over (Note: maximum ridge height of 4.5m) extends eastwards for a stated 5.83m and with a setback of 4.65m from the southern boundary.

This would give rise to an L-shaped rear elevation bounding the reduced in size rear private amenity space that would be bound by Edwin Court access road on its southern side, proposed dwelling unit labelled No. 70A on its easternmost side and would contain a northerly boundary that extends from the rear of the proposed rear extensions northern elevation which would align with the new access serving the proposed four dwellings with it terminating alongside the north western corner of dwelling unit labelled No. 70A. The L-shaped pocket of rear private amenity space of 70m² would remain for future occupants of the host dwelling with the revised design

including the provision of three bin storage unit to the immediate south of its two off-street car parking provision.

The demolition would facilitate a setback which extends a total 16.965m along the side of the amended northern elevation which would accommodate the shared vehicle, pedestrian and cycle access for the proposed four detached dwellings.

Additionally, it is proposed to block up the existing windows that face immediately onto the cul-de-sac access serving Edwin Court and the 6.15m ridge line would be extended to accommodate the dwelling having a gable dormer shape which allows for the upper floor area of the dwelling to provide a master bedroom with ensuite accessed by a staircase. Unlike the existing attic space, it is contended that the proposed attic would accord with relevant Building Regulations. The upper floor attic level would contain high level velux windows in its northern and southern elevation. Additionally, it would contain a transparent glazed window in its first-floor level facing that would address the western side elevation of the proposed dwelling No. 72A but would not give to any undue overlooking of this space. It would however provide a level of passive surveillance over the internal access road serving the proposed residential scheme sought under this application.

I note that Policy Objective PHP19 of the Development Plan, as already discussed seeks, that regard is had for this type of development circumstance to existing residential amenities. Further, Section 12.3.7.1(ii) and (iii) of the Development Plan which relates to rear and side extensions sets out that it should not give rise to any undue adverse residential amenity impact on properties in its vicinity.

On this point I note that the amended dwelling is of a much-reduced built form with greater setback from the adjoining property of No. 73 Albert Road Upper. Though introducing window openings at ground and first floor level, these windows are unlikely to give rise to any substantive overlooking concerns given that at ground floor level they are setback from the boundary with this property. I also consider that they are of modest dimensions and there is potential for a more robust man-made and natural feature boundary solution to be provided along this boundary in the increased setback area now proposed.

Further, the attic space windows in the amended host dwelling are positioned at a high level where they are unlikely to give rise to any actual overlooking (Note: c1.3m above

attic floor level) and I consider that there is already a degree of overlooking arising from the pattern of development in this area. Which includes overlooking arising from first floor level windows contained in dormer through to two storey properties.

I acknowledge that there are also natural features proposed within the boundary of the site and existing along the side rear boundary of this adjoining property that would provide a level of natural screening as well as buffering from the revised first floor level of the existing dwelling. The level of actual angled overlooking of this property arising from the amended dwelling would in my view be less than the existing situation.

I also consider that it is generally accepted that within suburban contexts like this, particularly where brownfield land is subject to more compact, dense and people intensive redevelopment that some level of additional overlooking can be expected given that the principal land use supported in this location is residential.

In relation to the southern boundary of the site as said the windows at first floor level addressing the semi-private domain are proposed to be blocked up. This amendment to the existing southern elevation of the subject dwelling would provide additional privacy to its the interior space which in my view is a positive outcome. Notwithstanding the scheme could have included clerestory/higher level windows to allow for greater daylight penetration into its ground floor living space.

In relation to the two upper-level attic velux type windows on the southern side attic roof these are similarly high-level window openings to those proposed on the northern side and functionally they provide light/ventilation to the attic stairwell. These windows would not give rise to any undue overlooking to the properties to the south of it.

The existing over 2m in height boundary to the rear is to be maintained and this provides suitable containment for the reduced in area private amenity space of the amended dwelling which would receive required levels of daylight mainly arising from southerly light penetration.

Moreover, the revised elevational treatments of the amended dwelling seek to maintain harmony with the existing streetscape scene which also includes similar in width principal façade properties within the wider setting to the north Albert Road Upper. Also, the northern elevation as revised seeks to harmonise with the more contemporary expression of the four proposed dwellings located to the rear.

In relation to the provision of two car parking spaces to serve future occupants of No. 72 Albert Road Upper this accords with the Development Plan provisions and pedestrian access to the rear private amenity space would allow for access and storage of bicycles.

I am of the view that the alterations and additions to the existing dwelling through to the reduced curtilage it would sit in provides an opportunity to untap the latent potential of the lands to the rear of it. These are as said serviced residentially zoned lands that are in their existing state underutilised in their overgrown and unkempt state.

Conclusion:

I am satisfied that the demolition, amendments and additions to the existing dwelling house together with its subdivision to facilitate the provision of additional dwelling units in a manner that accords with the proper planning and sustainable development of the area.

In particular I consider that these components of the proposed development would not give rise to any undue residential amenity impact on properties in its vicinity by way of overlooking, overshadowing, visual overbearance nor is there any evidence provided that would support that it would contribute towards the depreciation of value of any properties in its vicinity, subject to safeguard of ensuring that there is an appropriately designed boundary treatment to the north of the principal façade of the amended dwelling of No. 72 Albert Road Lower continuing in a easterly direction along the boundary of the site.

Further, nuisances arising during the demolition and construction phases would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission.

On this point I note that this is similarly the case in relation to the proposed development as a whole and as such any grant of permission would include conditions that should deal with these nuisances in a coherent manner as part of achieving orderly development and protecting the residential amenity of its setting.

7.2.3. **Proposed four number dwellings labelled No.s 72A, 72B, 72C and 72D**

- *Suitability of Location for Residential Development – Accessibility and Amenities*

As already discussed, Development Plan's land use zoning for this site and its setting is residential (Note: Objective 'A') and the general principle of residential development is deemed to be acceptable, subject to safeguards. With the Development Plan generally seeking to increase housing (houses and apartments) supply and promote compact urban growth through re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations (Note: Section 4.3.1.1 Policy Objective PHP18). Through to Section 12.3.2.1 of the Development Plan on the matter of Sustainable Neighbourhoods includes infrastructure that serves the needs of occupants of dwellings including social, educational, health, religious, recreational and leisure, cultural, civic needs, quality public transport through to a public domain that includes qualitative active travel provisions.

The proposed development sought under this application includes the construction of four detached two storey dwelling house each with separate allocation of two off-street car parking spaces, independent private amenity spaces and waste storage provision accessed via a new internal access road that as revised is designed to cater for vehicle access and egress but with pedestrian and cyclists as priority. This access would run along the northern boundary of the main site area and would provide access onto Albert Road Upper on the western boundary of the site.

The adjoining stretch of Albert Road Upper is subject to the 50kmph speed limit. It accommodates two-way traffic, contains public footpaths on either side with dedicated bays for buses to stop through to as a public domain it contains a coherent provision of street lighting along its length. For the most part both sides of this road contain double yellow lines and the footpaths on either side are a consistent width. There are double yellow lines running alongside kerbside on the eastern side of Albert Road to the front, north and south of the site.

During the time of my site inspection, I observed that there was some *ad hoc* parking along Albert Road Upper. Notwithstanding, I also observed that the low volume of vehicle traffic journeying in either direction was by and large not hampered by it. Including at its junction with Edwin Court where a section of the road on its opposite side to the north does not contain double yellow lines.

I also noted that the entrance serving the site which would be modified as part of the proposed development is located just over c450m from Glenageary Dart Station and within c290m from Barnhill Bus Stop which serves Dublin Bus Route 59 and c350m from Saval Park Road Dublin Bus Stop which serves Dublin Bus Route 7E. At the southern end of Albert Road Upper there are bus stops on either side and at a further distance of c400m is Glenageary Hall Bus Stop which is located to the west of Albert Road Upper's roundabout junction with the R829.

Within the wider area there are several other Dublin Bus Stops serving a number of different Dublin bus routes. Both the bus and dart offering in the vicinity of the site provide a high frequency services to this area providing it with good connectivity and linkage to the wider suburban and metropolitan area.

Additionally, the surrounding context is a mature residential neighbourhood. In this area there are a number of amenities, community facilities through to other land uses that would be synergistic and supportive to residential development. For example, Sharavogue Creche is within 550m and Rathdown School is within 850m; Barnhill Stores is within 500m of the site all accessible via good active travel links to the site. At further distance there is a variety of retail and warehouse offers on Sallynoggin Road. There is a wide range of social, educational, health, religious, recreational and leisure, cultural, civic needs through to employment opportunities that are also highly accessible by the public transport as well as road infrastructure in this area which also includes good connectivity particularly for pedestrians but at a wider level there is also dedicated cycle paths within the wider locality.

The proposed additional four dwellings would provide not only greater efficiency of use of residentially zoned land it would also support greater efficiencies of scale for public transport through to other amenities, services and the like that supports as well as is synergistic with residential developments in a manner that accords with providing sustainable neighbourhoods and communities. Whilst in turn it would cumulatively support urban generated residential sprawl into its more rural hinterlands surrounding Dublin.

Conclusion: I am satisfied that the site in terms of its location is one that is suitable for a higher density more compact residential development in a manner that aligns with local through to national planning provisions and guidance, subject to safeguards.

Density & Unit Mix

The proposed development would give rise to an increased density of 25.64 units per hectare and when the amended dwelling is taken account of it would give rise to 3 No. 3-Bedroom Plus Study and 4 No. 4-Bedroom dwelling units.

In relation to the proposed resulting mix of dwelling units that would arise from this modest residential scheme, though I note that Section 3.1 of the Sustainable and Compact Settlements Guidelines supports greater densities in highly accessible city locations. In this type of location, it advocates a density range of between 50dph to 250dph (net) shall generally be applied. However, as said the proposed development relates to a highly constrained in size and shape site with limited frontage onto the public domain. The proposed density would give rise to more efficient use of this residentially zoned brownfield site which is largely underutilised and the resulting density of above 25dph, would reinforce this residential neighbourhood by adding additional housing stock that would be suitable for families in an area where there is a demand for the same.

Having regard to the planning history of the site, the proposed development also exceeds the density of a previous refused scheme P.A. Ref. No. 96/0647.

On this point I note that under this previous application permission was refused for the construction of a single storey detached dwelling to the rear with access onto Edwin Court.

I note that considerable time has passed since this application was determined by the Planning Authority. In the intervening time local through to national planning provisions as well as guidance relevant to the nature of the development sought has significantly evolved. Particularly in terms of the support for compact and denser more efficient use of brownfield land within the built-up suburban scape of Dublin City. Additionally, in that time this suburban area has also changed with examples of this type of development have been permitted and implemented. Alongside synergistic services, amenities through to public transport infrastructure have also improved.

I also note that the Planning Authority raised no substantive concern in relation to both the density and mix of dwelling units proposed under this scheme. With Appendix 2 of the Development Plan which I note sets out the Housing Strategy indicating that despite there being a growing demand for smaller unit dwelling units there is still a

need to provide for housing choice in the form of dwelling units to meet the varied demand for additional types of housing within the County. With this including housing suitable for families.

Whilst I am of the view that further density could have been achieved on this site through the provision of a more varied in bedroom type mix. Including for example the provision of two bedroom units which according to the Housing Strategy and the Housing Need & Demand Assessment are demand within the County based on the declining size of dwelling units and the growing older population. Notwithstanding, I accept that this proposal provides for a more efficient utilisation of what is effectively an overgrown and unkempt back garden area. With its natural features though contributing a sylvan character of its setting afforded no specific protection and as demonstrated in the applicant's further information response being largely of poor quality, poor biodiversity value through to including species not deemed suitable for a suburban parcel of land.

I also consider that this site at some point appears to have consolidated residual back garden spaces of adjoining properties to the north that were otherwise landlocked and not suitable for redevelopment despite the generous sized rear garden areas associated with No. 73 Albert Park Upper, 'Maydown' and No. 15 Albert Road Upper. As such the proposed development has also unlocked the potential for further compact and denser residential development whilst still affording these properties with private amenity spaces that exceed requirements.

Conclusion:

Based on the above I am satisfied that the density and mix of the proposed development accords with the proper planning and sustainable development of the area.

- ***Design and Layout***

Given the surrounding site context, in particular the southern and part of the south eastern boundary of the site adjoins Edwin Court, a modest residential scheme of five detached dwellings that are positioned to the rear of No.s 19 to 20 Albert Road Upper on its western side; No.s 27, 29 and 30 St. Catherine's Park on its northernmost boundary; and No.s 1 to 6 Barnhill Road on its southern most boundary. Alongside are served by a private road that runs between No. 72 Albert Road Upper and No. 19

Albert Road Upper. Together with the definition provided for backland development under Section 12.3.7.6 of the Development Plan, i.e. *“backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses”*. With this section of the Development Plan also setting out that: *“residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such”*.

I am therefore satisfied that the parameters applicable to backland development are not relevant in this circumstance to the proposed four dwelling units given the above described prevailing pattern of development that surrounds this appeal site.

I consider that it would however be appropriate that the proposed design and layout of this scheme be considered ‘infill’ development on brownfield residentially zoned and serviced lands in the context of local planning provisions. As such Section 12.3.7.7 of the Development Plan which relates to infill development is applicable. This section of the Development Plan sets out that infill developments should accord with Policy Objective PHP19. This policy objective indicates that infill development will be encouraged within the County and that they shall respect the height as well as massing of existing residential units. Further, it indicates that infill development shall retain the physical character of the area including natural and man-made built features.

In relation to the overall design and layout of the proposed four dwellings as revised I consider that they each have an overall subservient contemporary in design-built form in terms of their scale, massing, solid to void treatment, palette of materials and finishes with this including the use of flat roofs over. Though they are a departure from the prevailing architectural character of their immediate setting which as said in relation to Albert Road Upper is defined by its 1930s building stock and the middle to late Twentieth Century two storey developments of St. Catherines Park and Edwin Court.

In this context while it is appropriate to harmonise with the surrounding pattern of development this does not preclude the use of contemporary architectural design approaches.

I also consider it appropriate that this residential scheme be a legible as of its time in a manner that its design and layout has been designed to harmonise with its setting.

By so doing it the proposed scheme where visible from the public, semi-private and private domain should add positive interest and contribution to the visual amenities as new built insertions in its suburban-scape.

I am of the view that like Edwin Court the positioning of the four dwellings proposed is such that there would be only modest localised views of them from the public domain of Albert Road Upper. They would be visually more apparent when viewed from the semi-private domain of Edwin Park but also because of the loss of natural features they would be visually apparent from the rear of adjoining and neighbouring Albert Road Upper as well as St. Catherine's Park properties.

The layout includes lateral separation distance between the proposed dwellings and existing dwellings in a manner that meets the required local planning provisions and in comparison, to the national planning guidance they are more generous than those set out under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

I note that the upper floor levels have been designed to minimise potential for any undue overlooking of the rear elevations and rear private amenity spaces of adjoining and neighbouring property in its immediate vicinity.

Additionally, their consistent maximum height of 6.105m though appearing higher than the adjoining Albert Road Upper properties because of the rise in ground levels to the rear and north. Notwithstanding, their additional height is modest above that of the host dwelling and the 1930s streetscape scene of Albert Road Upper that in the immediate setting share matching ridge heights.

On this point I note that in relation to the existing dwelling of No. 72 Albert Road Upper as modified would retain its maximum ridge height of 6.105m. The nearest proposed dwelling to it is the dwelling unit labelled No.72A which would because of the change in ground levels have an increased height of c1.73m in comparison to this existing dwelling. I also note that the proposed dwelling labelled No. 72C would have a lesser increased height of 0.835m relative to it.

Additionally, relative to the height of existing 2-storey Edwin Court and Saint Catherine's Park the proposed two storey dwellings are of a subservient height to them and in effect, if permitted, the proposed dwellings would provide a modest stepped and graduated height in comparison to these adjoining residential schemes but also

similarly to the wider setting of Albert Road Upper and Barnhill Road. A setting that is characterised by its single, dormer through to two storey building height of its residential building stock.

In this context the height and mass are not out of character with the pattern of development that surrounds the site and its wider setting. I also do not consider that they would be visually overbearing given the overall design, layout, positioning, lateral separation distance between them and existing properties. With the landscaping proposed providing visual softening and buffering of them as viewed from the semi-private and private domain surroundings.

Further qualitative landscaping and boundary treatments could provide additional visual softening of the proposed development in its setting alongside provide more compensatory planting to overcome the loss of natural features that would be required to facilitate the proposed four dwellings.

I also note that the revisions provided by the applicant as part of their further information response also results in improved the elevational treatments of the proposed dwellings that bound with St. Catherine's Park, however, the revised boundary treatments lack permanency.

Conclusion: Despite the concerns raised above I am satisfied that the building and massing of the proposed four dwellings accords with the requirements of Section 12.3.7.7 of the Development Plan

- ***Protection of Existing Residential Amenity***

Concerns are raised by the Third-Party Appellants that the proposed development would give rise to serious injury to their residential amenities. Of particular concern was the visual overbearance, overlooking, the loss of natural features, depreciation of property values through to drainage implications arising from the proposed development in what they described is an area with a high-water table and propensity for waterlogging.

In this regard I note that the Planning Authority were of the view that subject to appropriate conditions, including additional screening measures to deal with overlooking that the proposed development would not give rise to any residential amenity impact that would warrant a refusal of permission.

I also note that Section 4.3.1.3 and Policy Objective PHP20 of the Development Plan seeks to ensure that the residential amenity of existing homes in the built-up area is protected where they are adjacent to proposed higher density and greater height infill developments. As such it is particularly applicable to the proposed development.

As already discussed above I am satisfied that the modest subservient in height two storey four storey dwellings alongside the amendments to the existing dwelling house would not give rise to any visual overbearance on the visual amenities of its surrounding setting, including when viewed from the semi-private and private domain of adjoining Albert Road Upper, Edwin Court and St. Catherines Park.

On the matter of overlooking, I concur with the Planning Authority that though improved design measures have resulted in a reduction in the overlooking that would arise from the four dwellings they have not fully resolved this issue. I therefore concur with the Planning Authority that further improvements are required to lessen the potential for overlooking impact on properties in the vicinity of the proposed dwellings.

In this regard, I note that the Planning Authority's notification to grant permission included two bespoke conditions that provide further measures to reduce actual overlooking from the proposed dwellings (Note: No.s 3 and 4). Condition No. 3 required the upper floor study area of dwelling units No.s 72A and 72C to have timber louvres permanently affixed to them. Further, Condition No. 4 requires the glazing within the upper floor bathroom and ensuite bathrooms windows of dwelling units labelled No.s 72C and 72D to be fitted with opaque or frosted glass permanently. The reason given for these conditions is in the interests of safeguarding the residential amenity.

I am satisfied that these additional measures together with more qualitative landscaping and boundary measures are sufficient to provide a reasonable balance between the amenities of the proposed dwellings and the existing amenities of properties in the vicinity of the four dwellings proposed relative to their suburban neighbourhood context. I also acknowledge that there is an established level of actual and perception of being overlooked that arises from the pattern of development in this area.

Moreover, there is also capacity within the context of the more sizeable adjoining private amenity spaces of Albert Road Upper and St. Catherines Park properties to

provide further landscape buffering inside their property boundaries to further abate the perception of overlooking that would arise from the change of context from redevelopment of adjoining lands.

It is also of note that Condition No. 5 and 6 of the Planning Authority's notification to grant permission also gave rise to improvements to the external treatments of the proposed dwellings. This for example includes the upper floor level of dwelling No. 72D which under Condition No. 6 a brick finish is sought.

Alongside I note that the facades of the proposed dwellings facing into the rear private amenity spaces of St. Catherines Park having improved solid to void treatment which provides improved interest in these elevations. With the potential of these voids to be fitted permanently with frosted or opaque glazing to mitigate any potential for diminishment of privacy to arise. Additionally, Condition No.s 5 & 6 of the Planning Authority's notification to grant permission also seeks that the final palette of external finishes harmonise in material, colour and texture with the existing dwelling on site to be agreed with the Planning Authority. This type of condition and its requirements are standard in a context like this. They also ensure a level of quality through to visual harmony between the palette of materials for the building envelope and built structures with their setting.

In relation to the existing modified dwelling and the four proposed dwellings, I am satisfied that they have been designed to ensure qualitative standards of daylight and ventilation for future occupants. Further, I am satisfied that this development would not give rise to any significant level of overshadowing. Nor would it give rise to any micro-climate impacts that could be reasonably be considered to seriously diminish the residential amenities of properties in its vicinity.

In relation to the resulting private amenity space, Section 12.8.3.3 of the Development Plan sets out under Table 12.10 the private open space requirement for three and four (or more) bedroom house types.

I note that the proposed scheme would give rise to the existing dwelling house being a 3 bedroom plus study, with the study being of a width and depth suitable to function as a two-bedspace bedroom. This dwelling would be served with a reduced private open space amenity of 70m² with this space being orientated where it would receive easterly and southerly light but in part it would be overshadowed by dwelling No. 72A.

Also, dwelling unit No. 72A is also a three bedroom with study dwelling and it is served by a private open space of 62m². In this regard I note that Table 12.10 of the Development Plan sets out a minimum requirement of 60m² for three-bedroom and 75m² for four-bedroom houses.

As such dwelling No. 72A is only modestly above the required 60m² minimum Development Plan standard and whereas the existing dwelling has a more sizeable 70m² private amenity space both contain study rooms that are of a width and depth that could accommodate two bedspaces.

Thus, it may be considered as a concern that the minimum private open space amenity provision falls below that of a four-bedroom house minimum standard to future proof this dwelling were it to be used as such.

Notwithstanding, I note that SPPR 2 of the Sustainable and Compact Settlement Guidelines sets out a lesser standard of 40m² for 3 beds house and 50m² for 4 beds + houses. Both units exceed this provision, and I also note that like the Development Plan under Section 12.8.3.3, the said Guidelines provides a level of flexibility for urban infill schemes on smaller sites of up to 0.25ha.

In this regard, I note that the site falls modestly below 0.2ha and the other proposed dwelling units meet the minimum private open space requirements set out under Table 12.10 of the Development Plan.

For clarity I note that dwelling No. 72B is a four bedroom with no study with a private amenity space of 75m²; No. 72C is a three bedroom with study with a private amenity space of 77m²; and, No. 72D is a four bedroom with study with a private amenity space of 80m² as lodged.

This provision, however, is slightly reduced by the positioning of waste storage within the private amenity space of dwelling No.s 72A, 72B and 72C in the revisions put forward as part of the applicant's further information response.

Having regards to the Sustainable and Compact Settlement Guidelines more reduced private amenity standards for dwellings the development as revised would exceed its minimum standards. It also encourages more innovative thinking and solutions for residential typologies including the provision of private amenity spaces to the side of proposed dwelling units subject to safeguards.

In this case I am satisfied that future occupants of the proposed scheme would enjoy a level of private amenity space that either meets or exceeds the minimum national standards for the number of bed spaces proposed. That together with the landscaping treatments, boundary treatments and the lateral separation from opposing first floor level windows is such that they would not give rise to any undue overlooking or overshadowing of properties in their vicinity.

Further, on this point I also note that in the surrounding area there are also a number of active recreational amenity provisions including for example Cuala GAA Club located c1.4km to the northeast, St. Brigid's Badminton Club and Monkstown Hockey Club located c0.9km to the southwest and Glenageary Lawn Tennis Club c1.1km to the northwest.

I also note that the proposed internal space provision of the proposed dwelling units and the amended dwelling units would provide for a qualitative and quantitative provision of internal space for future occupants. Through to the revisions submitted with the applicant's further information response clarifies that the car parking provision which I note meets the required standards set out in the Development Plan for this location would be provided with electrical vehicle charging. It also clarifies that appropriately placed and designed waste refuse storage would be provided for each of the proposed dwellings and the amended dwellings in accordance with requires standards.

On the matter of nuisances arising from the more intensive residential development sought under this application, I am satisfied that during operation it would not give rise to any exceptional in its residential context noise nuisance. A context where local through to national planning provisions encourage and support, subject to safeguards, more compact and dense forms of residential development.

In relation to other nuisances arising during the demolition and construction phases I am satisfied that these would be temporary in their nature, and they would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission. I also note that the revisions presented by the applicant as part of their further information response provided some clarity on these matters.

Including in the Construction Management Plan; Construction Environmental Management Plan through to resource & Waste Management Plan.

Conclusion:

Based on the above I am satisfied that the proposed development would not give rise to any serious injury of residential amenities of properties in the vicinity by way of overlooking, overshadowing or nuisances during demolition, construction and operational phases subject to safeguards.

- ***Loss of Natural Features, landscaping and boundary treatments***

Concerns are raised that the loss of trees and planting from the site to accommodate the proposed development would not only give rise to a diminishment of residential as well as visual amenity. But it would also give rise to loss in biodiversity as well as urban greening at this location. Further concerns are raised in relation to the appropriateness through robustness of the boundary treatments proposed to adjoining properties.

As previously noted, the trees on this site are not subject to any specific protection under the Development Plan. While I accept that they do positively contribute to the visual amenities of their setting as well as play a role in carbon absorption and retention through to supporting biodiversity in what is largely a suburban location. I also note that the Planning Authority did raise it as a concern as part of their further information request the loss of natural features from the site.

The revised scheme did not give rise to any retention of any existing trees on site. But the additional documentation which I note included an arboricultural assessment indicated that the majority of the trees on site are semi-mature self-seeded of poor quality and have not been subject to any maintenance over the years.

It also indicates that trees on the site such as the Norway Spruce are not appropriate for this type of context and that there are no trees of value on the site.

It sets out that the planting scheme proposes a qualitative site appropriate trees and planting that will provide higher arboricultural value.

I also note that the final report from the Planning Authority's Parks and Landscape Services noted that the revised plans submitted only addressed the proposed soft and hard landscape elements. Of concern it included no proposal to retain any existing

natural features on site. They also noted that this scheme is a private scheme and would not be taken in charge and they recommended a number of safeguards in the event of a grant of permission.

I note that the adjoining properties of St. Catherines Park consider that the revised boundary and landscaping of their property boundaries is not qualitative, nor would they overcome the loss of natural features which provide visual buffering and privacy to the rear of their properties. In this regard I note that the amended design along the boundary with No. 27 St. Catherines Park proposes a 1m high timber trellis privacy screen with ivy type plants over a 2m high hit and miss boundary fence. I raise concern that the 2m high hit and miss boundary fence would not provide a permanent robust boundary treatment above which to place and maintain a privacy screen of suitable long-term robustness. In this regard I note that the main boundary treatments consist of solid boundary walls. This concern could be addressed by way of condition.

I note to the rear of No. 25 St. Catherines Park and for part of eastern boundary bounding No. 23 St. Catherines Park that a 1m high timber trellis privacy screen with ivy type plants over an existing 2m high hit and miss boundary treatment is proposed. I therefore raise the same concerns as that raised in relation to No. 27 St. Catherine Park. I similarly consider that an appropriate condition could achieve a more permanent and robust boundary treatment. Together with in relation to the northern boundary to the rear of proposed dwelling unit No. 72D that it could be clarified by way of condition that the height of the boundary wall at this location be a minimum of 2m in height.

I also consider it would be appropriate that the boundary treatment enclosing the private amenity space of No. 72D is consistent in terms of its northern, eastern and western treatments.

I note that in relation to the western boundary running alongside No. 72D through to where it runs alongside the semi-private domain of this scheme and returns in a westerly direction to the rear of No. 72B would require agreement with the adjoining property owners. With the boundary treatments including some pleached trees running alongside the rear boundary of Maydown (No. 15 Albert Road Upper and No. 73 Albert Road Upper.

Additionally, it is indicated to the rear and returning around the southern side boundary of No. 73 Albert Road Upper that the existing boundary walls would be made good. I raise a concern that part of the boundary wall to the immediate north of the revised dwelling house consists of a low boundary which does not provide any robust screening to buffer the additional overlooking that would arise from it. In my view there is capacity to raise this boundary through improved in height solid boundary treatments together with potentially the provision of mixture of pleached trees to provide a more visually robust screening.

This I consider is needed to provide appropriate levels of privacy to the amended dwelling, the proposed new dwelling immediately to the north of it but also for the occupants of No. 73 Albert Road Upper.

Additionally, the provision of a more robust in material and in height treatment along this boundary particularly to the east of the principal elevation of the revised dwelling would be appropriate to lessen the potential nuisance arising from vehicle lights overspilling from the internal access road serving this residential scheme during poor light, evening and nighttime conditions.

Overall, I consider that whilst the existing though of poor quality and biodiversity value. Their retention or part retention would not give rise to the untapped potential of this site to be realised. I am satisfied that the loss of natural features on site, is overcome by the more qualitative landscaping, which could be further enhanced, that would over time increase their ability to buffer, visually soften, carbon capture and add to urban greening/biodiversity in this suburban location.

Conclusion:

I raise no objection to the proposed loss of trees and the revised landscaping/boundary treatments subject to the revisions seeking more robust and permanent site solutions through to subject to the condition recommended by the Planning Authority's Parks & Landscape Services final report. I note that their recommended condition is provided for under Condition No. 20 of the Planning Authority's notification to grant permission.

- **Depreciation of Property Values**

In relation to the matter of depreciation of property values, as said this is also a concern of the Third-Party Appellants in this appeal case.

I note again that the proposed development relates to an existing residential in use site that accommodates an existing dwelling house with a large irregularly shaped rear garden that is overgrown and not providing any functional passive or recreational amenity for its existing occupants. Additionally, this appeal site forms part of a well-established mature residential estate and neighbourhood that is serviced as well as residentially zoned. It is reasonable to expect that developments of this nature would normally be located.

The proposed development subject to revisions recommended above, which are relatively minor in nature, and the provision of similar conditions to that of the Planning Authority in its notification to grant permission, would not in my view be a type of development that could be reasonably be considered as a 'bad neighbour'.

The Appellants have also not provided any expert based evidence that would support that a grant of permission for the proposed development as lodged or as revised would give rise to a quantifiable devaluation of property values in the vicinity of the proposed development.

Conclusion:

I am satisfied that this matter is not material to the consideration of this appeal.

- **Drainage**

In relation to the drainage concerns raised by the Third-Party Appellants in their submissions to the Board and I also note that similar concerns were raised by Third Parties in their submissions to the Planning Authority during its determination that there are waterlogging issues impacting Albert Road Upper and St. Catherine's Park arising from the high-water table and the sites proximity to a nearby stream.

I note that examining this location and its surrounding area on the OPW flood maps that that there are no historical events of flooding events identified at this location.

I also note that the SFRA did not identify any specific drainage or flooding issue at this location or that would prejudice the zoning of these lands as 'Objective A' where residential development subject to safeguards is deemed to be acceptable.

Further, the Planning Authority's Drainage & Environmental Health division have examined the application as lodged and considered that subject to safeguards that the proposed development did not give rise to any drainage issues that would require

further information request nor were any flooding issues raised. They do not indicate the presence of any culvert running through the subject site that could impact upon the proposed development sought under this application.

In relation to the safeguards recommended by the Planning Authority's Drainage & Environmental Health these align with best practice sustainable urban drainage in that they require each dwelling to be constructed with an individual soak away. They also require that all the parking and surfaced areas to be constructed with permeable surfacing with their future maintenance subject to a requirement to appoint a management company. With this company responsible for the maintenance of the communal surface water drainage for the lifetime of the development.

Arguably additional improvements to this could be sought in terms of the capture of surface water from the roof structures through to the flat roofs being finished with green/blue roof systems in the case of proposed dwellings No.s 72A, 72B, 72C and 72D.

I also note that increasing green infrastructure in developments like this can further help to off-set Green House Gases from new development and act as carbon sinks.

In this regard I note that Section 3.4.4 of the Development Plan recognises the role of urban greening in creating mutually beneficial relationships between the population and the environment.

Further Section 3.4.4.1 - Policy Objective CA18 seeks to promote urban greening as an essential accompanying policy to compact growth which supports the health and wellbeing of the living and working population, building resilience to climate change whilst ensuring healthy placemaking.

Moreover, Section 10.1.1 of the Development Plan seeks that surface water is managed in a sustainable manner.

In relation to the available drainage information, I am satisfied that the site in terms of risks can be concluded as being located on 'Flood Zone C' lands and that there is no requirement for the provision of a detailed flood risk or an examination of the proposed development against the 'Justification Test'. I also acknowledge that the unkempt land that is subject to the main component of the proposed residential scheme and where the four dwellings are to be located relate to land that contains mainly self-seeded

vegetation including trees and that these also provide a function of capturing surface water drainage.

Notwithstanding, I concur with the Planning Authority that subject to conditions that the proposed development to compliance with the Planning Authority's drainage through to permeable surfacing requirements that it would not give rise to any drainage or flooding issues through to give rise to additional waterlogging issues for adjoining properties given that the scheme is designed to accord with the principles of Sustainable Urban Drainage Systems (SuDS).

Furthermore, I note that this appeal site does not adjoin or is in close proximity to any significant water course in available drainage maps and as said there is no evidence to support the presence of a culvert running through the site. However, should the Board be minded to granted permission as a precaution and given that this area does have a high water table that further clarity be provided on the ground and hydrological conditions of the site.

The site is also remote from any Natura 2000 sites as well as proposed Natural Heritage Areas or environmentally sensitive locations.

Conclusion:

I am satisfied that the proposed development does not warrant a refusal of permission based on any substantive drainage or flooding issue.

- ***Residential Amenity for Future Occupants***

In terms of residential amenity for future occupiers, I am generally satisfied that the level of amenity being afforded to future occupants would be satisfactory and comply with national and local standards. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the residential amenities of the area, subject to the safeguards discussed above. I am generally satisfied in this regard.

- ***Servicing***

In terms of foul and public water supply I am satisfied that the existing infrastructure has sufficient capacity to absorb the additional demands the proposed development would generate on it. I also note that the **Planning** Authority raised no objection to

the proposed drainage arrangements subject to standard in nature conditions and there was no submission received from Irish Water.

- 7.2.4. Having regards to the above considerations I am generally satisfied that the proposed development is one that accords with the proper planning and sustainable development of the area. I am also satisfied that it is a type of development that is to be expected in this suburban area and that the design as well as layout of the proposed residential scheme is one that would not give rise to any undue residential and/or visual amenity impacts. Further, the proposed development would not give rise to a depreciation of property values or would it give rise to any other substantive issues including drainage, if permitted.

7.3. Access and Transportation

- 7.3.1. While I concur with the Third-Party Appellants that the most logical in terms of safe access and egress for the vehicle, pedestrian through to cyclist movements generated by the proposed additional four dwellings sought on site this site would have been from the existing gated cul-de-sac lane that serves Edwin Court.
- 7.3.2. On this point I consider that such a provision would have allowed the existing dwelling to maintain for its sole use access and egress of cars parked in its setback area onto Albert Road Upper. Through to it would have minimised the potential for conflict to arise between the movement of vehicles, pedestrians and cyclists generated by the provision of four dwelling houses proposed to the rear of this modified dwelling.
- 7.3.3. Alongside it would have minimised the potential for conflict between vehicles accessing and egressing from the two proposed car parking spaces to the front of the amended existing dwelling house with the vehicle, pedestrian and cyclist traffic generated by the four dwellings to the rear.
- 7.3.4. Further within this confined space forward of the front building line there would be restricted views for vehicles, pedestrians and cyclists journeying westwards towards the entrance onto Albert Road Upper. With the potential for conflict further added to by the design of the proposed entrance which fails to demonstrate required sightlines for vehicles accessing and egressing from Albert Road Upper.
- 7.3.5. Additionally, this entrance space appears to be restricted in its width to safely cater for the movement of a vehicle into and out of it at the same time with no adequate

separation at this point for pedestrian and cyclists' movements generated on site or using the adjoining public domain of Albert Road Upper at a point where it lies in proximity to this road's junction with Edwin Court.

- 7.3.6. Of further concern the design of the southern boundary has not provided any dedicated setback for the placement of refuse bins for the five properties, each I note to be provided with three standard sized waste bins, that would arise from the proposed development if it were to be permitted. In the absence of any setback the placement of these bins to the front of No. 72 having regard to the width of the adjoining stretch of public footpath would result in a conflict for pedestrians using it.
- 7.3.7. I also note that Edwin Court junction is in private ownership, and it is unclear if the area to the west of its gates to where it meets Albert Road Upper has been taken in charge. As such it is unclear if bins could be located here for collection where they would not give rise to same level of potential conflict for vulnerable road users through to further cause obstruction to visibility for vehicles existing from the residential scheme onto Albert Road Upper.
- 7.3.8. Nor has the revisions provided by the applicant as part of their amended design submitted with their further information response provided any assurance that the obstruction of sightlines arising from the roadside boundary treatments to the front of No. 73 Albert Road Upper can be overcome.
- 7.3.9. I also note that the Planning Authority's Transportation Planning division whilst noting that the cycle parking arrangement was consistent with relevant standards raised concerns that their sightline concerns onto Albert Road Upper had not been addressed. In this regard they noted that the sightlines onto this road are obstructed by the existing pier. Whilst they raise no objection to the proposed development this was subject to a number of bespoke recommendations which included revised entrance details that included demonstration that the provision of sightlines onto Albert Road Upper accorded with DMURS, i.e. 45m in both directions.
- 7.3.10. While I am cognisant that the proposed development is one that has sought to design its internal access arrangements to place pedestrians and cyclists as priority through to the access road is one that supports a low-speed environment. Notwithstanding, in the absence of adequate sightlines onto Albert Road I am not satisfied that the access arrangements serving this development is acceptable in terms of road safety and

traffic hazard. It is unclear from the information available that the applicant has fully explored the potential for access to serve the proposed dwellings from those with a legal interest of the access road serving Edwin Court. I note that the previous development for a dwelling house to the rear of this site included access onto this cul-de-sac road.

- 7.3.11. It is also a concern that the analysis of vehicle movements from the car parking spaces and onto Albert Road Upper is based on the dimensions of a small car as opposed to an average sized car.
- 7.3.12. While I am cognisant that the Planning Authority included a condition to deal with the sightline concerns as part of their notification to grant permission, I am not satisfied that the documentation provided with this application, including as revised, has demonstrated safe access and egress for the proposed development scheme.
- 7.3.13. In this regard I am not convinced that even if the required 45m sightlines were provided in both directions from a revised entrance onto Albert Road Upper that the potential for conflict within the immediate vicinity of this entrance between the manoeuvres associated with vehicles accessing and egressing the two proposed car parking spaces to serve No. 72 Albert Road Upper would not potentially give rise to conflict with vehicles and vulnerable road users accessing and egressing from this residential development scheme.
- 7.3.14. When such circumstances arise, I am not convinced that this would not result in the potential for conflict with road users of Albert Road Upper. Particularly given the proximity of this entrance to the junction with Edwin Court through to the *ad hoc* use of this stretch of road for on-street car parking but also a public road that accommodates Dublin bus routes that operate in both directions.
- 7.3.15. Further as discussed above the preferable route that would offer the safest permeability for vehicles generated by the additional four dwellings would be via Edwin Court. Through to in the interests of achieving qualitative permeability as well as linkage it would be preferable that vehicle access and egress onto Albert Road Upper be restricted to No. 72 Albert Road Upper and that a separate pedestrian/cyclist access is provided from the Albert Road Upper frontage to serve the proposed four dwellings.

- 7.3.16. In this regard I note that the maximising of permeability would accord with Section 12.3.1 Quality Design of the Development which advocates quality linkage through to sets out that permeability shall be maximised at every opportunity. Additionally, Section 12.3.2.1 of the Development Plan which seeks to: *“maximise improvements to walking and cycling permeability as well as accessibility both within and through the site and linkages to adjoining lands especially related to access to active travel and public transport stops”*.
- 7.3.17. On the matter of the proximity of the front doors serving the existing and proposed dwellings on site that are positioned in proximity to the shared access road I consider that the access road is designed to be a low speed environment. Should the Board be minded to grant permission further safety features like bollards could be provided in the immediate vicinity of the front doors and principal facades where this may be considered has the potential to give rise to safety issues for future occupants and visitors to this scheme.
- 7.3.18. Conclusion:
- 7.3.19. On the basis of the above I consider that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on at a point where sightlines are restricted particularly in a northerly direction onto Albert Road Upper; the proposed development and the traffic to be generated by it, would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists on Albert Road Upper as well as within the setback area to the front of No. 72 Albert Road Uppers front building line; and the proposed development is one that has not sought to maximise the potential linkages and permeability between the proposed development and its surrounds. For these reasons it is my considered opinion that the proposed development would be contrary to the proper planning and sustainable development of the area. This reason is sufficient reason to warrant a refusal of permission.

7.4. Other Matters Arising

- 7.4.1. **Repositioning of the Proposed Dwellings:** Concerns are raised that the applicant did not take the opportunity to fully investigate the possibility of repositioning the proposed dwellings away from the St. Catherine’s Park boundary in a westerly

direction. Though I consider that the proposed development would benefit from its northernmost section of the site having a more generous width to the rear of Maydown and No. 15 Albert Road Upper, with this in turn providing an option to reposition the proposed dwellings westwards and provide a more generous lateral separation distance with St. Catherine's Park properties. Notwithstanding, the applicant does not have legal interest in these lands to achieve this.

7.4.2. **Ground Level:** I am of the view that the site and its receiving environment is suitable to absorb residential buildings of the height, mass, scale, volume through to design as proposed under this application. As said despite the changes in site levels the proposed new dwellings would graduate in their height and overall built form in a manner that would harmonise with adjoining and neighbouring dwellings. The site levels and surroundings are not so varied that they would result in the proposed dwellings being unduly overbearing or dominant in their setting. I am satisfied that there is sufficient information provided on file together with inspection of the site and its setting to assess this matter.

7.4.3. **Rear Garden Depths of the Proposed Dwellings:** The Appellants raise concern that the proposed dwelling units would not meet the Development Plan normal garden depth standard of 11m which is set out under Section 12.8.7.1. In this regard I note that this section of the Development Plan provides for circumstances where sufficient alternative private open space amenity, including to the site of proposed dwellings. Where this flexibility is considered, the Development Plan indicates that it is subject to the maintenance of privacy and protection of adjoining residential amenities. As discussed in the assessment above I am generally satisfied subject to minor amendments recommended by the Planning Authority and as set out in the assessment above that the proposed development would not give rise to any undue privacy diminishment or residential amenity impacts on adjoining properties that would be considered exceptional in this suburban residentially zoned setting. I am satisfied that the quantum of private open space proposed for the four dwellings including where this space is positioned to the side of the dwelling that it meets the relevant quantitative and qualitative standards including that set out under the Compact Settlement Guidelines.

7.4.4. **Emergency Services:** A number of other issues were raised by the Third Parties relating to emergency access to the proposed four dwelling units. I note that the matter

of emergency access. In particular in relation to fire tender access was raised as part of the matters for which the Planning Authority sought further information on. The applicant has provided sufficient information that access to the proposed development can be facilitated for emergency and service vehicles to the satisfaction of the Planning Authority. Notwithstanding this is subject to the demonstration of the required sightlines via the entrance onto Albert Road Upper which was subject to agreement prior to the commencement of any development on site. I have also raised concerns in relation to the modified entrance serving the proposed development onto the public road network in my main assessment above.

- 7.4.5. **Oversailing/Encroachment/Structural:** There are concerns from adjoining properties that the proposed development could give rise to oversailing, encroachment through to structural integrity issues with existing boundary treatments that are not solely within the applicant's legal interest. This I note includes concerns that the proposed development has the potential to result in structural integrity issues for the boundary wall bounding the cul-de-sac access serving Edwin Court.

On this matter, it is my opinion that any instances of damage to, or interference with, this boundary wall or any other boundary adjoining the appeal site that is not within the applicants full legal interest would essentially be a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that: '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'.

- 7.4.6. **Part V:** I am satisfied that the proposed development, which is a modest scheme that would give rise to four additional dwelling units within the curtilage of an existing detached dwelling plot, is Part V exempt.

- 7.4.7. **Contributions:** It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

Further, given that this modest scheme does not include any communal or public open space it is appropriate for this matter to be dealt with by way of a suitably worded condition given that there is flexibility provided under Section 12.8.3 of the

Development Plan which deals with the matter of Open Space Quantity for residential Developments.

In this regard I note specifically that Section 12.8.3.1 under Table 12.8 sets out a minimum public open space standard of 15% of this site's area. Alongside under Section 12.8.3.2 and Table 12.9 sets out a minimum area of 9m² per three-bedroom dwelling unit and 12m² per four bedroom plus dwelling units.

I further note that the Planning Authority in its grant of permission included a contribution condition to deal with the lack of public and communal open space (Note: Condition No. 24).

8.0 AA Screening

- 8.1. I have considered the appeal in relation to the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended. The subject site is located on Albert Road Upper bounding the access road serving Edwin Court and with the remainder of the site bound by existing residential developments in an established suburban area, circa over 13km to the south of Dublin's city centre. At its nearest point the site is located c1.7km to the west of Dalkey Islands SPA (Site Code: 004172) and c1.99km to the west of Rockabill to Dalkey Island SAC (Site Code: 003000) as the bird would fly. It has an irregular L-shape area of 1,950m² and it appears to contain an existing dwelling house in habitable use.
- 8.2. The proposed development in summary comprises of the part demolition of an existing dwelling together with alterations and extensions. In addition, it is proposed to site this existing dwelling on a more modest independent plot and to construct four two storey dwelling units to the rear and northeast of it. On land that is predominantly overgrown and unkempt. Amended access onto the public domain together with associated landscaping and boundary works are also sought as part of this proposal. With the proposed four new dwellings to be served by new connections to public mains drainage and water supply with surface water drainage measures that accord with current sustainable urban drainage solutions also proposed.
- 8.3. No nature conservation concerns were raised in the planning appeal or by the Planning Authority during their determination of this planning application.

8.4. Having considered the nature, scale and location of the project, I am satisfied that the proposed development can be eliminated from further assessment because it could not have any appreciable effect to any Natura 2000 Site. The basis for this conclusion is as follows:

- The nature, scale, and extent of the proposed development.
- The brownfield nature of the appeal site and its location within an established and serviced suburban area of Dublin City.
- The residential zoning of the site and local through to national planning provisions supporting more compact dense and efficient use of brownfield lands that are accessible as well as served by existing land uses that are supportive to sustainable neighbourhoods.
- The site is served by an existing connection to the public foul sewer and public water supply. There is no capacity issue in terms of these public services to accommodate the nature, scale, and extent of residential proposed.
- The separation distance from the nearest Natura 2000 site(s) and the lack of any connections.
- The screening assessment conducted by the Planning Authority and their conclusions.

8.5. Conclusion:

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 Natura 2000 Site or Sites and appropriate assessment is therefore not required in this case.

9.0 Recommendation

9.1. I recommend that planning permission is **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed development, would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists within the scheme in the vicinity of its entrance onto Albert Road Upper but also within the public domain of Albert Road Upper. Further, it is also considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate onto Albert Road Upper at a point where sightlines are restricted, particularly in a northerly direction and where it has not been demonstrated that further permeability to serve the proposed development could not be achieved through the existing cul-de-sac lane serving Edwin Court, particularly in terms of accommodating the vehicle movements generated by the proposed four dwelling units to the rear of No. 72 Albert Road Upper. Based on these concerns the Board is not satisfied the proposed development as designed and laid out is capable of accommodating traffic safely on site and in the vicinity of the entrance serving the proposed development. Additionally, that the traffic the proposed development would generate would not endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Patricia-Marie Young
Planning Inspector – 7th day of November, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319715-24			
Proposed Development Summary	Construction of four dwelling units to the rear of No. 72 Albert Road Upper together with all associated site works.			
Development Address	'Cratloe', No. 72 Albert Road Upper, Glenagery, Co. Dublin, A96 K4C6.			
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	√	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	√	Demolition, Alts & Adds to Existing Dwelling House and Construction of 4 No. Dwellings together with associated works on a site of just below 0.2ha.	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√	Class 10(b)(i) of Part 2: Threshold 500 dwelling units (iv) urban development 10 ha site.	Development consists of subdivision of the curtilage of an existing dwelling house, part	Proceed to Q.4

		Class 14 of Part 2 (demolition)	demolition and extension to an existing dwelling house and the construction of four no. dwelling units together with associated site works & services. The site area is 0.2ha.	
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4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____