



An
Bord
Pleanála

Inspector's Report

ABP-319786-24

Development	Construction of a 3 storey office building and all associated site works.
Location	Rear of 49 Sandycove Road, Sandycove, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0749
Applicant(s)	Richie and Michelle Power
Type of Application	Planning Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Philip Ennis Anthony and Maureen Kerr Eamonn and Susan Buckley
Date of Site Inspection	10 th December 2024
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.02ha site is situated on Sandycove Road in the centre of Dalkey, between Burdett Avenue and Ballygihen Avenue. The seafront is situated 140m to the north while Sandycove and Glasthule train station is situated 600m west of the site.
- 1.2. There is a gravelled yard situated to the rear of the Sandycove Road streetscape with access provided via an alley between 2no. two-storey structures. The site comprises the eastern half of this yard only and was in use at the time of the site inspection as a construction compound to facilitate works on the adjoining property to the east. Drawings received with the application indicate a right of way over the alley to provide access to the western portion of the yard which is outside the Applicants landownership and is currently in use for car sales.
- 1.3. Ground levels slope down to the north towards the coast and there are two storey dwellings situated to the rear of the site (north). Properties either side of the alley on Sandycove Road (at the south of the site) comprise red brick two-storey terraced or semi-detached buildings with retail and commercial uses fronting onto Sandycove Road.
- 1.4. The ground floor of the building directly south of the site and east of the access lane (no. 49 Sandycove Road) is in retail use. As noted later in this report, planning permission was granted in 2023 to change the use of the upper floor from restaurant to residential and I note a statement in the Planning Statement received with the application that the first floor is in residential use.
- 1.5. The northern boundary between the site and the adjoining dwelling is a blockwork 1.8m in height wall while the southern boundary comprises the rear elevation of the building facing Sandycove Road. There was no eastern boundary in place during the site inspection however the western boundary comprised timber hoarding forming the construction compound.

2.0 Proposed Development

Planning permission is sought for development which comprises the following:

- Construction of a 296m², green roof, 3 storey office building to the rear of two-storey commercial units. The building would provide 2no. own door ground floor units

with floorspaces of 45m² and 37m², while the first and second floors would provide 9no. office pods varying from 5m² to 22m². The first and second floors will be setback at the north, south and east and corten steel louvres are proposed on the northern and western elevations at first floor to reduce overlooking.

- Provision of bicycle parking, rooftop solar panels and bin storage as well as all other associated site works including connection to public water services.
- No car parking is proposed and a development contribution in lieu of public open space is proposed.

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. The Planning Authority requested eight points of further information summarised as follows:

- Reduce the scale and massing of the structure to reduce the impact of the building to the undeveloped site at the west of the yard where outline permission was granted for a dwelling, and to the two storey dwelling to the north. The Applicant was requested specifically to recess the third floor at the northwest of the proposed building with subsequent amendments also requested to revise the Daylight and Sunlight Assessment and contiguous and contextual elevations accordingly.
- Demonstrate that surface water management complies with the County Development Plan's requirements as well as outlining the location of an attenuation tank.
- Submit additional construction and management details regarding the green roof.
- Confirm a right-of-way over the existing shared access and that it shall remain a private road, not taken in charge by the Local Authority.
- Submit a Construction Environmental Management Plan (CEMP) and Operational Waste Management Plan (OWMP).

3.1.2. The Applicant's response proposed to set back the second floor and revised drawings and an updated Daylight and Sunlight Assessment were submitted.

The response also included surface water details outlining the location of the attenuation tank, green roof details including confirmation that access would be for maintenance purposes only, confirmation that the access would remain in private ownership not taken in charge and submission of both the CEMP and OWMP.

3.2. Decision

- 3.2.1. A notification of decision to GRANT planning permission was issued by Dún Laoghaire-Rathdown County Council (the Planning Authority) on 01st May 2024 subject to 15 conditions including no. 2 as follows:

'2. The ground floor screening on the north and west facing ground floor windows shall be omitted from the development.'

Reason: In the interest of visual amenity.'

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report considered that the principle of development was acceptable and complied with the zoning objective for the site, subject to compliance with additional policy for the area as well as visual impact, residential amenity, access, parking, waste management, noise and drainage. Further information was sought which addressed these items.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Drainage Planning: Report received which requested further information regarding the location of an attenuation tank, management of the green roof and clarity over the right of way. A secondary report was subsequently received stating no objection subject to conditions.

- **Transportation Planning:** Report received which recommended further information regarding cycle parking, welfare facilities and a Construction Management Plan. A secondary report was subsequently received stating no objection subject to conditions.
- **Conservation Officer:** Report received noting proximity to two protected structures and considering the development would not have any undue impact on same. Therefore, no objection to permission being granted.
- **Environmental Enforcement:** No objection subject to conditions.

3.4. Prescribed Bodies

- **Environmental Health Office:** Report received which recommended further information requesting a CEMP and OWMP. A secondary report was subsequently received stating no objection subject to conditions.

3.5. Third Party Observations

5no. Third party submissions were received from occupants of nearby properties raising the following concerns:

- Commercial nature does not comply with residential and retail character of the area. A rationale for the scheme is not justified having regard to existing commercial vacancy rates and remote office pods elsewhere in the area.
- Overshadowing,
- Overlooking,
- Impact to protected structures,
- Residential amenity – internal and external, loss of aspect, overbearing nature,
- Property devaluation,
- Scale, design and finishes are inappropriate for site context,
- Inaccurate application documentation,
- Inadequate vehicular access,
- Impact to traffic and parking in the area,

- Impact to water and foul networks,
- Recommended refusal reasons based on the above points and previous planning history and recommended conditions in the event of a grant of permission.

4.0 Planning History

4.1. The following relates to the subject site:

- D14A/0806: Permission granted to retain a single storey 15m² shed.
- D08A/0289: Planning permission refused for two storey office building with 4no. own door offices. Permission was refused for two reasons as follows:

1. *Having regard to the scale and density of the proposed development, its backland location (to the rear of several existing retail/residential properties), and its associated orientation and configuration on site; it is considered that the proposed development would give rise to an unduly obtrusive and overbearing feature on the site, would negatively impact upon the residential amenities of properties in the vicinity and would as a result, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, would constitute overdevelopment of the site having regard to the lack of adequate provision for on-site parking to facilitate the development, and also having regard to current zoning NC (Neighbourhood Centre), which specifies that in the range of 100sqm to 250sqm, office space is open for consideration. The proposed development therefore would be contrary to the proper planning and sustainable development of the area.*

4.2. The following relates to adjacent property:

- D23A/0055: Planning permission granted to change the use of the first floor of no. 49 Sandycove Road (directly south of the site) from commercial to residential use including reinstatement of a first-floor window. It is not known if this change of use has occurred.

- D20A/0863: Planning permission granted for alterations to no. 48 Sandycove Road (directly east of the site) comprising partial demolition of existing building, construction of first floor extension to the rear, internal alterations and change of use of entire structure to provide a 478m² dental surgery. Construction work had commenced on this development and was underway during the site inspection for this proposal.
- D23A/0074: Outline permission granted to rear of no. 50 Sandycove Road (western portion of the yard) for a 'small single storey dwelling with loft bedroom space, courtyard garden and parking space'. No subsequent application for planning permission was received at the time of writing this assessment.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned NC where the objective is *to protect, provide for and/or improve mixed-use neighbourhood centre facilities*.
- 5.1.2. The site is also situated within lands associated with the proposed Dún Laoghaire and Environs Local Area Plan (LAP). No draft Plan has been published to date and I note the Case Planner's report also refers to it as a proposed Plan. Table 2.16 of the CDP lists a programme of Local Area Plan making and simply states 'new plan to be prepared' in respect of this LAP.
- 5.1.3. Appendix 12 of the CDP sets out an Urban Framework for Dún Laoghaire and states that it includes the area from Sandycove to 'The Gut' at West Pier. The site is therefore included in this zone. The framework sets out high level objectives to improve the public realm and urban environment such as enhancing the range of uses along the waterfront, encouraging high quality architecture, seeking balanced development, providing better transport connectivity and physical linkages and increased soft landscaping.

5.2. Sustainable Residential Development and Compact Settlement Guidelines

- 5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms.
- 5.2.2. I note the proposed development is not a residential scheme however parameters such as SPPR1 are a useful guide to uphold residential amenity for existing dwellings in schemes such as that proposed.

5.3. BRE Guidelines: Site Layout Planning for Daylight and Sunlight (2022)

- 5.3.1. The guide gives advice on site layout planning to achieve good sun lighting and daylighting, both within buildings and in the open spaces between them. It contains guidance on site layout to provide good natural lighting within a new development; safeguarding of daylight and sunlight within existing buildings nearby; and the protection of daylighting of adjoining land for future development. The appendices contain methods to quantify access to sunlight and daylight within a layout.

5.4. Natural Heritage Designations

- 5.4.1. The site is situated 140m south of the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area.
- 5.4.2. It is also located:
- 1.8km west of Rockabill to Dalkey Island Special Area of Conservation,
 - 1.7km northwest of Dalkey Islands Special Area of Conservation and
 - 2km southeast of South Dublin Bay and River Tolka Estuary Special Area of Conservation.

5.5. Built Heritage

- 5.5.1. Burdett Avenue is located west of the site and a large number of the dwellings facing onto it are protected structures, including nos. 2 and 3 which are situated directly

west of the yard. The western portion of the yard does not form part of the site however and therefore there is a separation distance of 9m between the site and the rear boundary walls of these properties. There would be a separation distance of 24m between the opposing facades of the protected structures and the proposed new structure. The RPS reference number for no. 2 Burdett Avenue is ref. 1260 while that for no. 3 Burdett Avenue is ref. 1246.

- 5.5.2. The Case Planners report states that '*the site is located within the boundary of a wedge tomb (megalithic tomb), Duchas No. 023-018.*' The interactive GIS mapping associated with the CDP illustrates at a high level that the location of this record, from the Record of Monuments and Places, is situated southeast of the site with a surrounding buffer zone intersecting the site. I also interrogated the National Monuments Service mapping tool referred to as the Historic Environment Viewer. This illustrates a more precise location of the record 60m southeast of the site in the location of a large building. The narrative associated with the record describes it as a megalithic structure which may have been a tomb however no visible surface trace remains. The Historic Environment Viewer does not display any zone of notification around the record. I therefore conclude that the site is not situated within the boundary of a wedge tomb.

5.6. EIA Screening

- 5.6.1. See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Three appeals were received from occupants of adjoining and neighbouring properties to the north and west of the site. The grounds of appeal are summarised as follows:

- Incorrect and misleading application documentation. Change of use permission should be sought and specified on statutory notices.
- Justification for office development.
- Precedent set by previous refusal for ref. D08A/0289.
- Impact to existing and permitted residential amenity by means of overlooking, overshadowing and visual impact/loss of aspect and therefore materially contravening the CDP. Conditions attached to the grant of permission do not address residential amenity concerns.
- Overbearing, insensitive, incongruous and blocky design inconsistent with the character and scale of surrounding and permitted development. Lack of soft landscaping. Topography of the site distorts the scale when viewed from adjoining lands.
- Impact to built heritage.
- Property devaluation.
- Extent of Neighbourhood centre 'NC' zoning to include nos. 1 and 2 Burdett Avenue is excessive, irrational and unreasonable.
- Proposed development would not comply with adjacent A residential zoning.
- Case Planner's assessment is unsatisfactory and does not fully address impact on residential amenity or built heritage to dwellings on Burdett Avenue.
- Lack of car parking raises a security concern for nearby properties.
- Inappropriate access would impact properties adjoining the laneway.
- Negative impact of additional traffic on already congested streets.
- Suggested reduction to two storey building, softening of external finishes and materials, reduction of windows on west elevation, omission of windows on north elevation, alternative fenestration should be optimised such as roof lights and screened or opaque glazing, and reduction of construction hours.
- Recommended refusal reasons relating to poor design, residential amenity, impact to protected structures and incorrect public notices.

6.2. Applicant Response

- The Applicant responded by highlighting how each of the internal Local Authority reports set out no objection to the proposal, how the Case Planner's report considered there would be no significant impact on residential amenity and how the proposed development complied with the CDP.
- It further submits that the proposed use would replace one commercial use with another which is compatible with the zoning objective and ensures that zoned and serviced land is used efficiently. It also submits that the development supports and complies with the adjoining residential A zoned land as it would have a much lower impact on residential amenity in terms of operating noise and disturbance than the motor sales business currently in place.
- It considers the building is sensitively designed to ameliorate any overbearing concerns and with regard to overlooking, it highlights that in any urban environment a certain degree of overlooking is unavoidable. It provides imagery of the site, prior to commencement of construction at the adjacent no. 48 Sandycove Road, which shows how historically there was additional overlooking from now blocked windows at the rear of no. 49 as well as windows and a balcony at no. 48 Sandycove Road. The response submits that the proposed design with corten steel louvres will prevent undue overlooking.
- The response highlights the Sunlight and Daylight Assessment received with the application which concludes that impacts to adjoining properties would be negligible.
- Responding to suggestions that permission should be refused for the same reasons provided in previous refusals on the site, the Applicant highlights changing national, regional and local planning policy in the intervening period. It also submits that the design is materially different from a 2008 proposal which extended into the western portion of the yard.
- In response to impacts to the proposed dwelling at the western portion of the yard (with a live grant of outline permission), the Applicant submits that in the context of the high-level drawings available, any appeal on impacts to the proposed dwelling is unreasonable. It also submits that the proposed office development does not

impinge on any aspect of the western portion of the yard or the permitted outline drawings.

- Responding to the appeal from residents of a dwelling on Burdett Avenue, the appeal considers that the appeal has misrepresented the relationship between the Appellants property and the site. The Agent in that case states that the appellants property is directly adjacent the site however the Applicant considers this is incorrect as the western portion of the yard, which is in the ownership of another appellant, is situated between the site and the Burdett Avenue property.
- The response also considers that concerns regarding a loss of sunlight and daylight are made without any scientific basis or reference to the assessment submitted with the application.
- It lists a number of alleged inaccuracies and contradictions in the Burdett Avenue appeal including that the development description as advertised in the statutory notices is correct.

6.3. Planning Authority Response

- *It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.*

6.4. Further Responses

- One Appellant submitted a response to the other two appeals. It agrees with their contents and grounds of appeal but also highlights how they omitted or overlooked impacts to built heritage as well as the omission of references to a change of use in the statutory notices. It concludes that having regard to the other two appeals, the application should be refused for reasons relating again to poor design, residential amenity, impact to protected structures and incorrect public notices.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the

site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Procedural Errors
- Design, Scale and Visual Impact
- Residential Amenity
- Impact to Built Heritage
- Property Devaluation
- Traffic, Access and Parking
- Construction Hours

7.2. Principle of Development

- 7.2.1. The NC land use zoning provides that offices less than 300m² are permitted in principle and in this regard the proposed 296.2m² proposal complies with this. The appeals refer to the extent of this NC zoning encompassing two adjacent residential properties and considers this is inappropriate, asking An Bord Pleanála to consider this in the assessment. The issue raised by the Appellants in this regard is noted however matters to do with zoning are a statutory function of the Local Planning Authority only and outside of the remit of An Bord Pleanála and scope of a planning application.
- 7.2.2. The appeals consider that the proposed development would negatively affect the residential amenity of adjoining and neighbouring dwellings and therefore would not comply with the A zoning of those properties. As set out later in this report, I consider that the development would not significantly impact nearby residential amenity and therefore I consider that compliance with the adjacent zoning is upheld.
- 7.2.3. One appeal questions the rationale for the development and that there is no justification for providing additional office space in Sandycove. In my opinion an Applicant is not required to demonstrate any justification or rationale behind a proposal and I am not aware of any local policy requiring same to be set out in the planning application. The development complies with the zoning objective and I

consider that small scale offices and office pods as proposed are an acceptable land use in this backland commercial site adjacent to residential properties. The office use is complementary to a neighbourhood centre, adding variety to the mix of uses in the area and is likely to have less operational noise or disturbance than a retail or more intensive commercial premises.

7.2.4. The issue of a precedent is raised in the appeals as the Appellants submit that a precedent was set by an earlier refusal of planning permission for a similar development on the site. Refer to application ref. D08A/0289 in Section 4.0 of this report which sought permission for a two-storey office block and which was refused permission. The intervening 17year period is a significant block of time which has seen a shift in policy direction to put more emphasis on compact settlements, ensuring efficiency and more sustainable development patterns by maximising serviced land. In this regard, as well as having awareness of a requirement to assess each planning application and appeal on its own merits, I do not consider that a precedent has been set.

7.2.5. In conclusion, I consider that the principle of development is acceptable.

7.3. Procedural Errors

7.3.1. In terms of procedural matters and the alleged irregularities on the statutory notices to adequately describe the extent of permission sought, I note this matter was raised in the third party submissions to the planning application and considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned parties from making representations. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.3.2. Drawing errors highlighted by the appeals referred to a lack of doors to toilets and a lack of foul pipe connections. The appeal raised a concern that this is a public health hazard however I consider this is a non-material drawing error. The location of an internal toilet door is ultimately a matter for building regulations which is a separate code to planning legislation. Similarly, any connection to the public foul sewer would be subject to a pre-connection agreement with Uisce Éireann as well as consents from any affected landowners. I am satisfied that the extent of drawing irregularities is minimal, not material and does not affect the planning assessment.

7.4. Design, Scale and Visual Impact

- 7.4.1. Concerns are raised in the appeals about the design and scale of the proposed development. Third parties refer to it as overbearing, insensitive, incongruous and inconsistent with the character and scale of surrounding and permitted development. The topography of the site and surrounding area is also highlighted as an aspect which distorts the scale of the proposal.
- 7.4.2. The flat roof structure would reach 9.5m in height to the parapet which would extend 0.9m above the ridge height of nos. 48 and 49 Sandycove Road to the south and therefore this upper section of the second floor would be visible from the public area. I do not consider this to be excessive when viewed from Sandycove Road or any other public arena. Its visibility alone does not construe an excessive scale and I do not consider that the flat roof would be incongruous with the streetscape or detract from the visual amenity of the area.
- 7.4.3. I note the site section drawings illustrate the falling ground levels northwards towards the seafront. The residential property no. 9 Ballygiheen Avenue, has a slightly lower ground and first floor level than the proposed structure, however, as it is proposed to set back the northern elevation in terraces, there would be a separation of 5m between the opposing ground floor façades, 8m between the first floor façades and 9-11m between the proposed third floor (north elevation) and the side façade of No. 9 Ballygiheen Avenue. In my opinion, this stepped set back is sufficient to prevent any overbearing impacts to no. 9.
- 7.4.4. Similarly, there would be a separation of 24m between the proposed western elevation and the protected structure dwellings to the west on Burdett Avenue which I consider is sufficient to mitigate against any issues of scale or overbearance from the 9.5m high proposal. I note there is a similar separation of 22m between Gowran Hall and no. 9 Ballygiheen Avenue and having inspected this in person I do not consider that the proposed structure would be overbearing or insensitively scaled.
- 7.4.5. Occupants of the Burdett Avenue properties have submitted photographs and photomontages to illustrate the extent of change perceived from their dwellings. I note both from these images and from the site inspection that the proposed structure would be constructed against a backdrop of similar urban development such as the flat roof Gowran Hall apartment block to the east. The proposed development would

introduce a new built form located closer to the rear elevations and private open space of those dwellings but would not, in my opinion, change the context or character of the view as the contemporary flat roof and red brick building is very similar in character to Gowran Hall, albeit much smaller in scale.

- 7.4.6. In terms of material finishes, I consider the proposed brick exterior on all facades would reflect the character of the existing Victorian street front as well as the more contemporary flat roof Gowran Hall apartment block to the east. The proposed corten steel screening to windows on the west and north elevations would introduce a more contemporary finish to the structure which, together with the flat roof and design of fenestration, provides a legible design which is complimentary to the mix of character types in the area while also being distinct in its own right. The warm tones of the rusted steel provide depth and visual interest while also providing screening to reduce overlooking.
- 7.4.7. I have regard to the alternative design suggestions put forward in the Appeals however I do not consider that they are warranted as the design as currently proposed would, in my opinion, be appropriate for the area.
- 7.4.8. One appeal suggested additional soft landscaping should be provided to soften the cold materials and finishes proposed. In my opinion, the materials and finishes are appropriate to the area. I also note the proposed green roof which would provide a degree of ecological and climate positive impacts to the scheme and therefore consider there is no requirement to request additional soft landscaping, particularly when having regard to the narrow and constrained nature of the site.
- 7.4.9. Similarly, I note condition no. 2 required screening of ground floor windows to be removed in the interest of visual amenity however I do not agree with this proposal and consider that the screening adds visual interest while also providing privacy to workers. In the event of a grant of permission I therefore recommend this condition is omitted.
- 7.4.10. In conclusion I consider that the character, scale and material finishes of the design is acceptable and would fit in with the area. And would not have any significant negative impact on the visual amenities of the area or of surrounding properties.

7.5. Residential Amenity

- 7.5.1. Overlooking and overshadowing are the primary concerns raised in terms of impacts to residential amenity, together with a loss of aspect from the Burdett Avenue properties.
- 7.5.2. The layout of the proposed development positions windows at first floor on the north, east and west elevations. At second floor however windows are only proposed on the west elevation. All windows over ground floor would be fitted with screens or louvres to restrict views out from a seated position. The windows would not be screened at head height. There are no windows above ground level on the adjacent properties to the north or east and therefore direct overlooking into another habitable room is not a concern. Habitable windows in the Burdett Avenue properties would be 24m away from the western façade of the proposed structure which far exceeds the 16m minimum required by SPPR1 of the Compact Settlement Guidelines.
- 7.5.3. Some limited overlooking may be achievable to the private open space of the Burdett Avenue and Ballygiheen Avenue dwellings however, given the extent of screening proposed to the windows, together with the separation distance and the likely operational hours of the building (Mon-Fri, 9-5) I do not consider that the degree of overlooking which may occur would significantly impact the residential amenity of those dwellings or their private open spaces.
- 7.5.4. Further, I note from images provided in the Applicant's response to the appeals, that there was previously a balcony situated to the rear of No. 48 Sandycove Road which would have afforded overlooking. No balconies are proposed in the new structure and any access to the flat roof would be for maintenance purposes only. Therefore, in my opinion there would be little net change in the degree of overlooking afforded to adjacent properties.
- 7.5.5. In terms of overshadowing, the Applicants submitted a detailed Daylight and Sunlight Assessment which concludes there would be little to no perceptible change in daylight or sunlight reaching the adjacent properties as a result of the proposed development. The appeals do not reference this report which I note was undertaken in accordance with the relevant BRE guidelines.
- 7.5.6. I have reviewed and accept the conclusions of the report and agree that it is unlikely there would be any impact to residential amenity by means of overshadowing from the proposed development.

7.5.7. With regard to a loss of aspect from the Burdett Avenue properties, I refer back to paragraph 7.4.6 which describes the current view from those properties. In my opinion the degree of change in the character of this view would be negligible and there would also be very little loss of sky or alteration to the skyline. The photomontage submitted by the Appellants demonstrates, in my opinion, how little change would occur and that there would be no significant loss of aspect from those protected structures.

7.6. Built Heritage

- 7.6.1. As noted previously, the dwellings to the west of the site are protected structures. The proposed development would not, in my opinion, impact on the architectural character of these structures. There is already little visibility of their rear elevations from the public realm and therefore the proposed development would not change this scenario. No physical works are proposed to the protected structures. The scale and design of the proposed new structure would not, in my opinion, detract from the character of the protected structures either due to its separation distance, scale and materiality which is distinct but complementary to the area.
- 7.6.2. I also note commentary from the Local Authority's Conservation Officer who raised no objection to the development.

7.7. Property Devaluation

- 7.7.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity

7.8. Traffic, Access and Parking

- 7.8.1. No vehicular car parking is proposed on the site which is considered acceptable in terms of creating more sustainable travel and transport options. In this regard I consider there is no likelihood of impacts to the properties either side of the access

laneway as a result of operation of the development as alleged in the appeals due to the modest scale, nature and character of operation of the proposal.

- 7.8.2. I note a concern raised in the appeals about congestion to the street network which it is alleged is already congested. I also note the Transportation Section of the Local Authority raised no objection to the proposal.
- 7.8.3. The site is situated 600m from Sandycove and Glasthule Dart station and I note there are also significant cycle lanes in place along the seafront to the north of the site which both facilitate smarter and more sustainable travel patterns. The overall development is for a modest scale of office space which I consider it is not likely to result in any significant additional traffic generation.
- 7.8.4. I therefore conclude that having regard to the scale and nature of the proposed development together with its location close to sustainable transport links, it is not likely that the proposed development would impart any perceptible impact on traffic flows or capacity at local junctions.
- 7.8.5. I note one appeal refers to a security concern for neighbouring properties as a result of the lack of car parking at the subject site. It is not clear however how or why any security concerns arise and in my opinion there would not be any such risk.

7.9. Construction Hours

- 7.9.1. I agree with the Appellants that the permitted construction hours until 7pm on weekdays is too long and would negatively impact the adjoining residential amenity. In the event of a grant of permission, a revised condition should be attached limiting construction work to 6pm on weekdays and 2pm on Saturdays, with no work permitted outside of this without prior written approval from the Planning Authority.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located 1.8km west of Rockabill to Dalkey Island Special Area of Conservation, 1.7km northwest of Dalkey Islands Special Area of Conservation and

2km southeast of South Dublin Bay and River Tolka Estuary Special Area of Conservation.

- 8.3. The proposed development comprises construction of a three storey 296.2m² office block.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- 8.6. The small scale and commercial nature of the works in a serviced urban area and on zoned neighbourhood centre lands,
- 8.7. The distance from the nearest European site and lack of connections, and
- 8.8. Taking into account the screening reports/determinations by Dún Laoghaire Rathdown County Council and by the Applicant,
- 8.9. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including the 'NC' zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously injure the visual or

residential amenity or the built heritage of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 05th day of April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of construction, the Applicant shall submit, for the written approval of the Planning Authority (Transportation Planning), the following documents demonstrating accordance with the requirements of Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018): (a) a detailed layout drawing indicating that a minimum of 4 No. of the proposed 6 No. cycle parking spaces shall be provided as covered, secure (restricted access) staff (long stay) cycle parking spaces, (b) a detailed layout drawing indicating the provision of lockers and drying facilities in the proposed development for staff.</p> <p>Reason: To align with the National Transport Authority's Active Travel Programme</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p>

	Reason: To prevent flooding and in the interests of sustainable drainage.
4.	<p>A revised Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for traffic management, dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, complaints management procedures, public liaison and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
5.	<p>Site development and building works shall be carried out between the hours of 08:00 to 16:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: In the interest of clarity.</p>
6.	<p>The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network prior to the commencement of development.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning</p>

	<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Sarah O'Mahony
Planning Inspector

20th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 319786-24		
Proposed Development Summary	Construction of a 3 storey office building and all associated site works.		
Development Address	Rear of 49 Sandycove Road, Sandycove. Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Subject site comprises 0.02ha.	Preliminary examination required (Form 2)

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

Form 2

Preliminary Examination

The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.	The nature of the proposed development is for office use which is not exceptional in the context of the existing environment which is a mix of retail, commercial and residential	No

Will the development result in the production of any significant waste, emissions or pollutants?	use. The site is accessed through a laneway between two retail buildings.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	All adjacent properties are two storey in size however there are three and four stories also closeby and visible from the site. The 6.5m high flat roof building would have a smaller floorspace than the adjacent proposal at no. 50 Sandycove Road currently under construction to the east but would also be 900mm taller than the existing pitched roof structure at no. 49 Sandycove Road to the south. In this regard it is not exceptional and there are no other likely significant cumulative impacts having regard to other projects and plans.	No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?	The site is not situated on, in, adjoining, and does not have the potential to significantly impact on an ecologically sensitive site or location, or protected species. The site is situated close to two protected structures and has a direct visual connection	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	with both however significant impacts are not likely to occur.	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____