



An
Bord
Pleanála

Inspector's Report ABP-320521-24

Development	Demolition of the existing external store, construction of a new garage and external store along with the widening of the existing vehicular entrance and all associated site works.
Location	Dromore, 1 Windsor Park, Monkstown, Blackrock, Co. Dublin, A94 A9T3
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0353
Applicant(s)	Jennifer & Linda O'Reilly
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	William Condon
Observer(s)	None
Date of Site Inspection	5 th November 2024

Inspector

Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located off Stradbroke Road (R828) with direct access onto same via a 2.44m wide vehicular access.
- 1.2. The site is adjoined to the north by the surface car park of Blackrock College RFC and to the south-east and east by the rear gardens of neighbouring properties at No's 2 and 3 Windsor Park. The site is located circa. 800m south-west of Monkstown Village.
- 1.3. The site comprises of a 2-storey detached dwelling ('Dromore', 1 Windsor Park), with pitched roof and features a c. 1.8m high wooden fence dividing the dwelling's front and rear gardens. The property's front garden consists of a wide tarmacked driveway with areas of soil on either side, with a line of newly planted trees along the front boundary. I draw the Board's attention to the fact that many of the existing structures (single-storey store, WC, oil tank, boiler and screen wall) indicated on the plans submitted with the application were no longer in-situ on the date of the site inspection (having been demolished) and works to amend and widen the vehicular entrance appeared to have already been carried out.
- 1.4. The existing dwelling is sited on the northern portion of the 0.05ha site and is setback approximately 10m from the adjoining public roadway. The main dwelling is offset between 8.5m – 11m from the party boundary with No. 2 Windsor Park to the immediate south-east. The boundary comprises of a blockwork wall which ranges between approx. 1.8m-2m in height, which is lined with mature trees, shrubbery and trellising. No. 2's c. 3m high single-storey rear store also abuts this shared boundary on the south-east side, whilst the extant gable wall of No. 1's external store still forms part of this shared boundary with its mono-pitch profile still being visible within it.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing external store and an 11m length of garden screen wall; the removal of an oil tank, boiler house and external WC (the extent of demolition is stated to comprise 13sq.m); and, the construction of a larger single-storey detached store and garage (with a stated area of 55sq.m). It also includes the widening of the existing 2.44m vehicular access off

Stradbroke Road to 3.5m, with related modifications to the front boundary wall and gate piers.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 no. standard conditions in respect to site working hours, surface water management, urban greening, construction management and, ensuring the use of the garage remained ancillary to that of the main dwelling on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

This forms the basis of the Case Planner's assessment and recommends that permission be granted. The report considered the following:

- Principle of development and compliance with 'residential' site land use zoning objective and policies in respect to ancillary residential accommodation.
- Impacts on neighbouring residential amenities in terms of overlooking, overbearance and overshadowing.
- Design and visual impact on streetscape.
- Ensuring use of garage and store would remain ancillary to main dwelling.
- Acceptability of proposals to widen the existing vehicular access.
- Requirement to limit extent of hardstanding to ensure sufficient site area retained to allow for provision SuDS measures and urban greening.
- Compliance with climate action objectives.

3.2.2. Other Technical Reports

- Drainage Planning (5th June 2024) – No objection subject to standard conditions.

- Transportation Planning (19th June 2024) – No objection subject to standard conditions.

3.2.3 Conditions

The planning authority included a condition to ensure that one third of the property's front garden be maintained as soft landscaping in compliance with Section 12.4.8.3 (Driveways/ Hardstanding Areas) of the Development Plan. Given the extent of site clearance works that were observed during the site inspection, I consider that it would be appropriate to encapsulate this requirement as part of a standard attenuation and disposal of surface water condition in the event of a grant of permission.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

1 no. third party observation was received from William Condon of 2 Windsor Park (resident of the neighbouring property to the immediate south-east). The issues raised in the observation are largely covered by the grounds of appeal.

4.0 Planning History

4.1 Site

No recent/ relevant planning or enforcement history found.

4.2 Neighbouring Sites

Adjoining site to north (Blackrock College RFC car park)

ABP Ref. 314041/22 – SHD permission for 108 no. Build-to-Rent senior living apartments refused on 28/08/2023 for 2 no. reasons:

- material contravention of site (employment/ economic development) zoning.
- inappropriate design/ siting which would give rise to adverse impacts on neighbouring residential amenities/ area's character.

This grant of permission is the subject of a judicial review at present.

Adjoining site to south-east (No. 2 Windsor Park)

P.A. Ref. D19B/0158 – Permission granted for replacement porch and new front extension in June 2019 subject to standard conditions.

P.A. Ref. D18B/0431 - Permission granted for replacement porch in January 2019 subject to standard conditions.

Neighbouring site to south-east (No's 34/ 34B Windsor Park)

P.A. Ref. D23A/0329 – Permission granted for modifications to D19A/1009 in August 2023 subject to standard conditions.

P.A. Ref. D20B/0249 – Permission granted for demolition of single-story boiler house, toilet/ wash room and conservatory and the construction of a single storey rear extension and first floor side extension, conversion of the existing garage to a study/ playroom and front porch, and new front bay window in November 2020 subject to standard conditions.

P.A. Ref. D19A/1009 – Permission granted for demolition of single storey boiler-house and wash-house and construction of 2 no. semi-detached 2-storey dwellings in side garden in March 2020 subject to standard conditions.

5.0 Policy Context

5.1. Local Policy

The Dun Laoghaire Rathdown County Development Plan 2022-2028 applies.

5.1.1 Zoning

Table 13.1.2 (Zoning Objective 'A')

The site is zoned 'Objective A' with the Objective '*To provide residential development and improve residential amenity while protecting the existing residential amenities*'. 'Residential' uses, which may include domestic stores and garage developments, are permitted in principle under this zoning.

5.1.2 Development Management for Ancillary Residential Accommodation

Section 4.3.1.3 (Policy Objective PHP20: Protection of Existing Residential Amenity)

- Seeks to ensure 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. The implementation of this policy seeks to prevent any new development or change of use which would seriously reduce the amenity of nearby dwellings.

Section 12.3.1.1 (Design Criteria)

- States that DLR County Council seeks to achieve high standards of design and layout via the application of stated criteria for assessing applications which includes the consideration of levels and privacy and amenity in terms of the relationship of buildings to one another.

Section 12.8.3.3 (Private Open Space)

- Subsection (i) notes that any provision of open space to the side of dwellings will only be considered as part of the overall private open space (POS) calculation where it is useable, good quality space.

Section 12.8.7.1 (Separation Distances)

- Notes that POS should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.

5.1.3 Vehicular Access

Section 12.4.8.1 (General Specifications)

- States that 3.5m is the maximum width allowable for an entrance to a single residential dwelling and specifies that each car parking space for a residential dwelling shall have a minimum length of 5.5m and width of 3 metres.

Section 12.4.8.2 (Visual and Physical Impacts)

- Provides that vehicular entrances should not normally dominate a property's frontage.
- Requires that impacts on boundary treatments be carefully considered.

Section 12.4.8.3 (Driveways/ Hardstanding Areas)

- Requires that a minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS.

5.2. Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites and Natural Heritage Areas in close proximity to the appeal site are as follows:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) – approx. 1km to the north.
- South Dublin Bay SAC (Site Code 000210) - approx. 1km to the north-east.
- South Dublin Bay pNHA (Site Code 000210) – approx. 1km to the north-east
- Dalkey Coastal Zone and Killiney Hill pNHA (Site Code 001206) – approx. 2.5km to the north-east.

5.3 EIA Screening

5.3.1 The proposed development to be retained is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 One third party appeal submission was received from William Condon of No. 2 Windsor Park, Monkstown – the immediately adjoining property to the south-east. The grounds of appeal can be summarised as follows:

Drawings

- Inaccurate, inconsistent and misleading in their depiction of the built footprint and POS arrangements to the rear of No. 2 Windsor Park.

- Don't provide roof/ finished floor level dimensions as required in accordance with the Planning and Development Regulations 2001 (as amended).

Residential Amenity

- Scale, height and length of the proposed store/ garage is excessive and this, combined with its siting and proximity to the shared boundary, would give rise to undue overbearance on, and excessive enclosure of, No. 2's adjoining rear POS and rear living space.
- Appellant seeks that structure be set back further from the shared boundary and that its roof profile be amended from pitched to flat.

Property Value

- Adverse impact on the residential amenity of No. 2 would give rise to a depreciation in its property value together with that of neighbouring properties.

Wastewater

- Provision of an additional WC is likely to exacerbate existing pipe blockages/ wastewater capacity issues in the vicinity of the site.

Use

- Proposed structure may be used for a use other than as a domestic store/ garage on account of its size, location and ensuite nature.
- Appellant seeks to ensure that conditions are applied in the event of a grant of permission to ensure its operational use remains ancillary/incidental to the use of the main dwelling only, and also to control noise/ activity levels.

6.2 Applicant Response

6.2.1 The applicant's response to the grounds of appeal can be summarised as follows:

Drawings

- Site location map serves to illustrate the location of the applicant property only.
- Footprint for No. 2 illustrated on the application drawings was based on publically available information and not on a measured survey of that property.
- Site layout is based on a survey and measurement of the application site.

- Levels and height information provided on the application drawings is appropriately detailed and compliant with Planning and Development Regulations 2001 (as amended).

Residential Amenity

- Existing store and WC are being replaced like-for-like.
- Proposal is Development Plan compliant and would not have an overbearing impact on No. 2 on account of its relative height, positioning, and roof profile.
- Proposal provides for a modestly scaled 2-car domestic garage of a height which marginally exceeds that allowable under exempted development Class 3.
- Proposed roof profile minimises the structure's height and mitigates its impact on neighbouring property.
- A pitched roof profile is required to respond to that of the main dwelling; to facilitate access between the garage and store; and, to provide for a low eaves level.

Property Value

- Proposal will not give rise to undue overbearance, overshadowing or impact on sunlight/ daylight penetration to No. 2 and would not set an undesirable planning precedent.
- Appellant has not submitted any evidence to illustrate how the proposal would give rise to a depreciation in the value of their property or surrounding properties.

Wastewater

- WC in the proposed store will replace the external WC to the rear of property only.
- No's 1-3 Windsor Park discharge their foul and surface water to a common combined drain which runs through all three properties before discharging to the public sewer.
- Wastewater discharges from No. 1 would not give rise to the blockages which are stated to affect No. 2 on the basis that the latter property is further down the common drain line.
- Concerns raised about how the capacity issues affecting No. 2 may affect the flow of wastewater from No. 1.

- Appeal response is accompanied by drawings which illustrates how an external store to the rear of No. 2 has been constructed over this common drain line and what measures are needed to address the drainage capacity issues.

Use

- Appellant's precedent case (ABP-303566-19) re: attachment of an operational noise condition is irrelevant to the proposal on basis that it concerns a commercial development rather than a domestic garage/ store adjoining a main road.

6.3 Planning Authority Response

None.

6.4 Observations

None.

6.5 Further Responses

None.

7.0 Assessment

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

- Principle of Development
- Impact on Residential Amenity
- Other Matters

7.1 Principle of Development

7.1.1 The proposed development is located in an area zoned for residential development. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2 Impact on Residential Amenity

7.2.1 The 3rd party appellant raises concerns with the scale and proximity of the proposed structure and calls attention to its potential to impact on the residential amenity of No. 2 Windsor Park by increasing the enclosure of, and overbearance on, their compact rear POS and rear living space. They request that the roof profile is revised from pitched to flat and that a greater setback is provided from the shared boundary (a blockwork wall of circa. 1.8m-2m in height which is lined with mature vegetation and trellising).

7.2.2 The applicant contends that the proposal's pitched-roof profile, which reaches a maximum height of 4.62m at its ridge falling to a height of 2.5m/ 2.1m at its front/ rear eaves, minimises the structure's height, massing and impact on the neighbouring property. They also note that the new garage would be setback (between 0.35m – 2.2m rear to front) from the shared boundary, with the new store generally replicating the position/ siting of the existing store.

7.2.3 Having reviewed the file, I note that the new structure is much larger in scale than the pre-existing storeroom and would extend approx. 1m further into the rear garden and 5.3m beyond the line of the pre-existing screen wall bringing it generally in line with the main dwelling's front building line. The proposal will also, in effect, increase the expanse of built form adjoining No. 2's rear amenity space from a length of 3.5m as per the pre-existing arrangements to 10m as proposed.

7.2.4 The drawings illustrate how the side gable of the proposed single-storey structure would be visible above the party boundary that separates No's 1 and 2 Windsor Park, with the apex of its pitched roof rising approx. 1.5m above the level of No. 1's adjacent storeroom and rear extension which both feature flat roof profiles. Whilst I would agree with the appellant's contention that this would increase the sense of enclosure to the rear of their property, I would also note that this change in built context and visual character would primarily affect their rear/ side garden rather than

the living space in their existing rear extension which is located on the north-east side of the garden and to the immediate south of their rear store which adjoins the shared boundary.

7.2.5 Furthermore, while the gable wall of the new shed/ garage structure would be visible from No. 2's private amenity space, I would not consider its side profile to be incongruous or unacceptably visually obtrusive and I would not share the appellant's view that it would be unduly overbearing on their POS for the following reasons:

- Its relative single-storey height and triangular gable profile serve to mitigate its overall bulk and mass when viewed from the side;
- The 2-storey side gable of No. 1 is already visible from the POS (notwithstanding the greater separation distance involved);
- The L-shaped arrangement of No. 2's private amenity space (which features a substantial portion of good quality useable space to the side of the dwelling); and,
- The existence of a band of mature planting (incl. what appears to be tall evergreen hedging) and trellising on the south side of the properties' shared boundary which will likely function to screen a substantial portion of the structure from view.

On this basis, the appellant's suggestion to amend the positioning and roof profile of the garage/ store to provide for a flat roof is not a proposal which needs to be further considered as I am satisfied, having viewed the appeal site together with the neighbouring site (No. 2), that the potential for undue overbearance, enclosure and visual dominance is not so significant as to merit it.

7.3 Other Matters

7.3.1 Wastewater

The appellant contends that there are existing capacity issues within the common combined drain which serves No's 1-3 Windsor Park and raises concerns that the provision of a new WC may lead to further blockages of this shared infrastructure.

The applicant clarifies that the new WC in the store will replace the existing external WC to the rear of the property only (i.e. giving rise to no net increase in wastewater loading on the combined system) and they note that the discharges from No. 1 could

not give rise to blockages in the vicinity of No. 2 on the basis that the latter is further along the drainage network.

I note that wastewater management was previously raised by the observer at initial planning stage with the local authority's Drainage Department determining that there was no issue in this regard, subject to the attachment of standard drainage conditions.

7.3.2 Drawing Issues

The appellant contends that the application drawings are technically inaccurate, so inconsistent as to be misleading, and are therefore inadequate in terms of their compliance with the requirements of the Planning and Development Regulations (2001) as amended. The applicant in their response states that the drawing details submitted are sufficiently detailed.

Whilst I note that not all of the application drawings accurately reflect the contemporary as-built arrangements to the rear of No. 2, and certainly not the existing arrangements site as per the recent works outlined in paragraph 1.3 of this report, having regard to the thorough nature of my site inspection, I am satisfied that the information before me is of an adequate standard to allow me to continue to assess the application.

7.3.3 Future Use

The appellant raises a concern about the potential for the proposed garage/ store to be used for commercial or residential habitation purposes and seeks the attachment of a condition to manage operational noise and disturbance impacts. I am satisfied that the issue of use can be addressed through condition.

7.3.4 Unauthorised Development

The applicant raises the matter of the appellant's existing rear storeroom being constructed over a common drain line (which is shown to run to the rear of No. 2). The planning authority have not raised this as an issue and furthermore, this is a matter for the planning authority to pursue through the appropriate channels.

7.3.5 Devaluation of Property

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.

8.0 AA Screening

- 8.1 I have considered the proposal for permission at 'Dromore', 1 Windsor Park in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2 The subject site is located in an established mixed-use area on zoned and serviced lands and is approx. 1km to the south of the nearest European Site (South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)) where the qualifying interests are Light-bellied Brent Goose (*Branta bernicla hrota*) [A046], Oystercatcher (*Haematopus ostralegus*) [A130], Ringed Plover (*Charadrius hiaticula*) [A137], Grey Plover (*Pluvialis squatarola*) [A141], (*Calidris canutus*) [A143], Sanderling (*Calidris alba*) [A144], Dunlin (*Calidris alpina*) [A149], Bar-tailed Godwit (*Limosa lapponica*) [A157], Redshank (*Tringa totanus*) [A162], Black-headed Gull (*Chroicocephalus ridibundus*) [A179], Roseate Tern (*Sterna dougallii*) [A192], Common Tern (*Sterna hirundo*) [A193], Arctic Tern (*Sterna paradisaea*) [A194], Wetland and Waterbirds [A999]. It is also located approx. 1km to the south-west of South Dublin Bay SAC (Site Code 000210) where the qualifying interests are Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], *Salicornia* and other annuals colonising mud and sand [1310], Embryonic shifting dunes [2110].
- 8.3 The proposed development comprises of minor demolition works within the curtilage of an existing dwelling, the widening of an existing vehicular access and related boundary works, and the construction of a replacement store and new domestic garage within the side garden of the existing dwelling.
- 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:
- The minor nature of the proposed development.
 - The location-distance from the nearest European Site and lack of connections.
 - Taking into account the screening report/ determination by the planning authority.

- 8.6 I conclude that, on the basis of objective information, the proposed development to be retained would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7 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 a GRANT of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the zoning objective of the site 'Objective A' the objective for which is 'To provide residential development and improve residential amenity while protecting the existing residential amenities', and to the planning policies, objectives and development standards of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the nature, scale and design of the proposed development relative to the existing dwelling and adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions. Reason: To clarify the plans and particulars for which permission is granted.
2.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or

	<p>replacing them, the use of the proposed development shall be restricted to use as a domestic garage/store (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: To protect the amenities of the adjoining property to the south-east.</p>
3.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services and a minimum of one third of the front garden area shall be maintained as soft landscaping. 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> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
5.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Gosnell
Planning Inspector

2nd December 2024

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320521-24		
Proposed Development Summary	Demolition of the existing external store, construction of a new garage and external store along with the widening of the existing vehicular entrance and all associated site works.		
Development Address	Dromore, 1 Windsor Park, Monkstown, Blackrock, Co. Dublin, A94 A9T3.		
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 ✓	Proceed to Q2.
		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)?			
Yes		State the Class here.	Proceed to Q3.
No	✓		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	✓	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____