



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320570-24

#### Development

Demolition of outbuilding for the construction of 2 dwellings and all associated site works in accordance with designs granted permission under D16A/0783. The subject site was within the curtilage of a Protected Structure at the time of the grant of D16A/0783.

#### Location

Rear of Mountainview House, Beaumont Avenue, Churchtown, Dublin 14.

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D23A/0482

#### Applicant(s)

L'Ombre Property Ltd.

#### Type of Application

Retention and Permission for Completion

#### Planning Authority Decision

Grant

#### Type of Appeal

First and Third Party

#### Appellant(s)

L'Ombre Property Ltd.

	Rachel Maunsell and Rónán Maher
<b>Observer(s)</b>	Sasha Smolin and Iwona Bednarska Samantha Kenny and Keith Bradley
<b>Date of Site Inspection</b>	10 <sup>th</sup> December 2024
<b>Inspector</b>	Emma Gosnell

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## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.06ha, is located to the west of Beaumont Avenue, which links Churchtown Road and Barton Road East, in Churchtown, Dublin 14.
- 1.2. The site is adjoined to the north by No. 78C Beaumont Avenue (an end-of-terrace dormer townhouse), to the west by a surface car park serving the Churchtown Business Park complex, to the south by No. 84 Beaumont Avenue (a detached bungalow) and to the east by Mountainview House, a detached two/ three-storey Georgian property and protected structure (RPS No. 1007) which is sited perpendicular to the adjoining public road.
- 1.3. The site is cleared of all structures and is rectangular in shape with a dog leg to the south-east where its gated vehicular entrance off Beaumont Avenue adjoins the south boundary of Mountainview House.
- 1.4. The site is generally enclosed by blockwork boundary walls on all sides with portions of the south-east and north-east boundary to Mountainview House having been removed and replaced with temporary metal fencing.

## **2.0 Proposed Development**

- 2.1. The applicant applied for permission for the retention of site works (with no buildings having been constructed) carried out pursuant to, and prior to the expiry of, the permission granted under P.A. Ref. D16A/0783/ ABP Ref. PL06D.248429, including elements of partly constructed walls and the demolition of outbuildings. Permission was also sought for development comprising of the completion of 2 no. part two-storey, part three-storey semi-detached townhouses with individual gardens and parking arrangements, with access from an existing (modified) site entrance to the south - all in accordance with designs granted under the aforementioned permission. The subject site was deemed to be within the curtilage of a protected structure (PS) at the time of the grant under this permission.
- 2.2. The planning authority (PA) issued a further information (FI) request on the 08/09/2023 seeking that the applicant provide a full suite of up-to-date drawings in respect of their retention and development proposals. The applicant submitted FI to the PA on the

24/06/2024 which amended the nature and extent of the development for which consent was being sought to such a degree that it was deemed significant and had to be re-advertised. They had proposed revisions to the height, fenestration and siting of the development. They were also no longer seeking permission for retention for site works, for the demolition of the pre-existing outbuildings or for the part construction of the walls of the townhouses as previously permitted.

- 2.3. The PA subsequently granted permission for the construction of 2 no. semi-detached dwellings (with parking, landscaping and all ancillary site works), together with a new boundary wall between the site and Mountainview House.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 14 no. relatively standard conditions.

Condition No. 2 attached to the grant required the 3<sup>rd</sup> storey element of each dwelling to be omitted in the interests of visual harmony and to mitigate visual impact on Mountainview House.

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

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

###### *Planner's Report (08/09/2023) – Initial Application Stage*

The report sets out the planning history, policy context, issues raised in the submissions, by prescribed bodies and in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Points of note raised include:

- Development acceptable in principle due to zoning and PL06D.248429 permission
- Acceptable density and generally compliant with Dun Laoghaire Rathdown County Development Plan 2022-2028 (DLRCDP) policy on climate, backland development and private open space.
- Impact on neighbouring residential amenity re: overlooking and mitigations.

- Design/ separation to Protected Structure and unacceptable height difference.
- Insufficient detail on nature/ quantum of works carried out and proposed and concerns raised about quality and currency of drawings.

A request for FI issued on the 08/09/2023 in relation to 1 no. item:

- *The Applicant is requested to provide a full suite of up-to-date, and fully dimensioned, architectural drawings that accurately reflect the exact nature of the works seeking retention, and the full and final extent of the proposed development. Reliance on scanned versions of drawings submitted with the previous applications will not be acceptable. Clarity as to whether any departure from the permitted plans has also occurred should also be provided.*

A subsequent 3-month extension of time on the FI was granted in February 2024.

The applicant's response to the FI request was submitted on the 24<sup>th</sup> June 2024. It comprised of, inter alia, conservation and engineering reports and revised architectural, engineering and site survey drawings. It also clarified that a full topographical survey of the site and its environs had been carried out by the applicant together with a review of the plans approved under PL06D.248429 which were also assessed for compliance with building regulations, and following this review, the partially constructed buildings on site were demolished on the grounds that they were substandard/ dangerous.

The FI response was deemed significant, and the applicants re-advertised the proposal given that the applicant was no longer seeking retention permission/ permission for completion and wished only to seek permission for the construction of 2 no. semi-detached dwellings (slightly revised from those permitted under PL06D.248429), in addition to a new boundary wall between the site and Mountainview House (which the applicant would complete prior to commencing construction on the 2 no. houses).

#### *Planner's Report (19/07/2024) - Post-Receipt of Further Information Stage*

This report assessed the SFI received together with a summary of the submissions and technical reports received. Points of notes include:

- Provision of additional windows at 2<sup>nd</sup> floor level – PA raised concerns about negative impact of opaque glazing on future residential amenity & potential for flat roofs to first-floor bedrooms to be used as outdoor amenity spaces. They addressed these risks by condition.
- Depth of structures & increased setback – not of concern to the PA.
- Building height & finished floor level (FFL) – PA had concerns re: cumulative visual impact on Beaumont Avenue streetscape & on setting of PS.
- Tree line along north side boundary –reinstated by PA by condition.

Overall, whilst accepting that there was a precedent for 3-storey development established on the site, having regard to the planning and design considerations under PL06D.248429, the PA considered that the increased building height and finished floor FFL were material planning considerations. In this regard, concerns were raised relating to the increased height and the consequent dominance/ disharmonious visual impact of the revised proposal on the streetscape of Beaumont Avenue and on the setting of Mountainview House. A specific concern was raised about the townhouses' parapet level given that this would exceed the eaves level of the PS and the PA determined that this disparity in levels rendered the PS visually subservient to the proposal and, in turn, non-compliant with Section 11.4.1.2 (iv) and (viii), and Policy Objective HER8 (Works to Protected Structures) of the DLRCDP. In order to address these concerns, the PA attached a pre-commencement condition requiring the omission of the 3<sup>rd</sup> storey level and the clarification of internal area layouts for each floor to the grant of permission.

The planner's report concluded by recommending that permission be granted.

### 3.2.2. Other Technical Reports

#### *Initial Application Stage*

- Transportation Planning (07/09/2023) – no objection subject to conditions.
- Drainage Planning (15/08/2023) – no objection subject to conditions.

#### *Post-Receipt of Further Information Stage*

None.

### 3.2.3. Conditions

Conditions were broadly standard in nature. Those of note include:

- Condition No. 2 which required the applicant to omit the third-storey element of each of the proposed dwellings and to provide revised architectural drawings to the PA showing same in addition to any internal revisions required to the layout of the ground and first-floor levels, all in order to mitigate negative visual impacts/ impacts on the setting of Mountainview House.
- Condition No. 7 to ensure DMURS compliance. This is dealt with in further detail in Section 7.5.8 of this report.

### **3.3. Prescribed Bodies**

#### **3.3.1. Initial Application Stage**

Uisce Eireann (15/08/2023) – recommend that the applicant submit a pre-connection inquiry to them in order to determine the feasibility of connecting to public water/ wastewater infrastructure and instructed that the applicant submit the resulting confirmation of feasibility to the PA as part of the FI request.

Note: the PA did not incorporate this requirement into their FI request and, as such, no confirmation of feasibility was provided by the applicant as part of their FI response.

#### **3.3.2. Post-Receipt of Further Information Stage**

None.

### **3.4. Third Party Observations**

#### **3.4.1 Initial Application Stage**

3 no. third party submissions were received at application stage on behalf of the following observers (neighbouring property owners). The issues they raise are summarised in turn:

*Rachel Maunsell & Rónán Maher (third party appellants)*

- Application documentation/ procedural/ construction issues
- Infrastructure/ boundary issues

*Samantha Kenny & Keith Bradley (appeal observers)*



- Construction/ infrastructure issues
- Design/ residential amenity issues

*Sasha Smolin & Iwona Bednarska (appeal observers)*

- Construction/ procedural/ drawing issues
- Design/ residential amenity issues
- Infrastructural issues

### 3.4.2 Post-Receipt of Further Information Stage

5 no. third party submissions were received at FI stage on behalf of the following observers (neighbouring property owners). There was a notable overlap with many of the issues raised at application stage:

*Rachel Maunsell & Rónán Maher (third party appellants)*

*Samantha Kenny & Keith Bradley and Sasha Smolin & Iwona Bednarska (appeal observers)*

- Construction/ procedural/ drawing issues
- Design/ residential amenity issues
- Infrastructural issues/ boundary issues

*Allan & Tara Sullivan*

- Design/ infrastructure issues

*Heidi Morgan*

- Design issues.

## 4.0 **Planning History**

### 4.1. Site

The application site has an extensive planning history which is covered in full in the PA case planner's report. The most recent and relevant applications are as follows:

*Reg. Ref. D16A/0783/E1* – Permission to extend the appropriate period of this permission by 12 months (permission was due to expire on 24/03/2023) refused for 2 no. reasons relating to uncertainty over the extent of works carried out and the

likelihood of the permitted development being completed within a reasonable timeframe.

*Reg. Ref. D16A/0783/E* – Permission to extend the appropriate period of this permission by 12 months (permission was due to expire on 24/03/2023) refused for 3 no. reasons relating to uncertainty over the site's legal ownership; the extent of works carried out; and, the permitted development not being completed within a reasonable timeframe.

*Reg. Ref. D16A/0783 & ABP Ref. PL06D.248429* – Permission granted on 15<sup>th</sup> December 2017 subject to 10 no. conditions for the change of use of Mountainview House from offices to residential use, the demolition of existing non-original single storey rear extension and construction of a 1-2 storey rear extension, refurbishment and renovation of existing building, reinstatement of separate garden, demolition of existing derelict outbuildings within the grounds and construction of 2 no. 4 bedroom, part 2 storey, part 3 storey townhouses with individual gardens and parking to be accessed via the existing entrance to the south.

*Reg. Ref. D15A/0374 & ABP Ref. PL06D.245829* – Permission refused for the demolition of extension to rear of Mountainview House, alterations and renovations to house and removal of outbuildings and construction of 3 no. houses, for 1 no. reason relating to overdevelopment and detrimental and irreversible impact on the character and setting of Mountainview House.

*Reg. Ref. D14A/0445* - Permission granted subject to 2 no. conditions for the demolition of derelict outbuildings subject to conditions.

## **5.0 Policy Context**

### **5.1. National Policy Guidance**

#### **5.1.1 National Planning Framework (2018)**

NSO 1: Compact Growth

#### **5.1.2 Section 28 Guidance/ Other National Guidance**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024).

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007).

Architectural Heritage Protection: Guidelines for Planning Authorities (2011).

## **5.2. Local Policy**

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

### **5.2.1 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'.

### **5.2.2 Density/ Protection of Residential Amenity**

Section 4.3.1.1 (Policy Objective PHP18: Residential Density)

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

Section 12.3.8 (Additional Accommodation in Existing Built-Up Areas)

### **5.2.3 Housing Development**

Section 12.3.1 (Quality Design)

Section 12.3.3 (Quantitative Standards for All Residential Development)

Section 12.3.4 (Residential Development – General Requirements)

Section 12.8.2 (Open Space Categories for Residential Development)

Section 12.8.3.1 (Public Open Space)

Section 12.8.7 (Private Amenity Space – Quality Standards)

Section 12.8.7.1 (Separation Distances)

### **5.2.4 Backland/ Infill Development**

Section 12.3.7 (Additional Accommodation in Existing Built-up Areas)

Section 12.3.7.5 (Corner/Side Garden Sites)

Section 12.3.7.6 (Backland Development)

Section 12.3.7.7 (Infill)

### **5.2.5 Protected Structures**

Section 11.4.1.2 (Policy Objective HER8: Work Protected Structures)

iv. Ensure that any development, modification alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

Section 12.11.2 (Architectural Heritage - Protected Structures)

Section 12.11.2.3 (Development within the Grounds of a Protected Structure)

Appendix 4 – Table 4.1 (Record of Protected Structures) – RPS No. 1007.

The Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2023-2028 also applies – Section 6.0 (Contribution in Lieu of Public Open Space).

### **5.3. 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:

- Fitzsimon's Wood pNHA (Site Code 001753) - approx. 2.8km to south-east.
- Dodder Valley pNHA (000991) - approx. 4.9km to south-west.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) – approx. 4.5km to north-east.
- South Dublin Bay SAC (Site Code 000210) – approx. 4.5km to the north-east.
- South Dublin Bay pNHA (Site Code 000210) – approx. 4.5km to the north-east.

### **5.4. EIA Screening**

See completed Form 2 (Preliminary Examination) in Appendix 2 which concludes that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

A first party appeal was received against condition No. 2 attached to the PA's grant of permission. A third party appeal was received on the PA's decision to grant planning permission for the proposal.

### 6.1. First Party Appeal

#### 6.1.1 Context

A first party appeal was received against condition No. 2 attached to the PA's grant of permission which mandated the removal of the dwellings' 3<sup>rd</sup> storey levels.

The appeal submission gives an overview of the site's planning history and focuses in on the residential scheme permitted under PL06D.248429. It equates the dwellings proposed in the SFI response to those permitted under this previous 2016 application – save for some differences in the floor levels and overall height of the structures. The submission is supported by a letter from the appellant's consulting engineers which provides further clarity on the scheme drainage proposals and explains why the ground floor FFL is required to be increased to achieve a gravity connection to the public foul drainage network. 2 no. photomontages of the proposal as viewed from Beaumont Avenue – one from the north (front of PS) and one from the south (rear of PS) – are also submitted in support of the appeal.

#### 6.1.2 Grounds of Appeal

##### *Height and Impact on Protected Structure*

- It is submitted that the PA's concerns regarding the height of the proposal relative to Mountainview House and its visual impact on the setting of the PS, are new issues which were not raised in the previous planning assessments or cited in any of the previous refusals.
- The appellant rejects the PA's reasoning that the proposal's exceedance of the eaves height of the PS would render the latter visually subservient to the former, thereby negatively affecting its setting.
- A concern is also raised that the case planner's assessment of what constitutes visual subordination and a negative impact on the PS is overly subjective, given

that it was not informed by any input from the Council's Conservation Officer (CO) and is not sufficiently broad/ holistic.

- The proposal would be positioned to the side of, and at a lower level relative to, Mountainview House and that the 3<sup>rd</sup> storey level is setback further from the gable (which is not the principal elevation of the PS) when compared to the 2016 proposal. On this basis, the appellant makes the case that the proposal's additional height/ revised levels will not give rise to a negative visual impact or materially affect the setting of Mountainview House to such an extent that would justify the removal of the 3<sup>rd</sup> storey.

#### *Visual Impact on Streetscape*

- The appellant takes issue with the PA's contention that the proposal, on account of its height, would be visually dominant on the Beaumont Avenue streetscape and point out that it would be located at a relatively lower ground level, setback from the public road and would not occupy a prominent or highly visible location. Having regard to site's zoning and planning history, they also note that none of the previous planning assessments raised a concern about visual impact on the avenue, and it is pointed out that no special architectural conservation or visual designations apply to the streetscape.

#### *Administrative Matters*

- First party appeal raises a query as to the appropriate appeal fee due given that the SFI response excluded the original retention proposals. The appellant seeks a refund where an overpayment is deemed to have arisen.

## **6.2. Third Party Appeal**

### **6.2.1 Context**

A third party appeal was received from Rachel Maunsell and Rónán Maher of No. 78C Beaumont Avenue which adjoins the appeal site to the immediate north.

### **6.2.2 Grounds of Appeal**

#### *Impact on Neighbouring Residential Amenity*

- Detrimental impact on No. 78C's residential amenity not adequately addressed or assessed in preceding applications.

- Additional height, which equates to half a storey, will be taller/ closer to No. 78C's garden than the 2016 proposal.
- SFI proposals will give rise to negative impacts on the appellant's residential and visual amenities in terms of overlooking, overbearance/ visual intrusion, impact on sunlighting to rear amenity space, and impact on property value.
- Note that PA failed to attach condition re: opaque glazing/ louvred screens to the grant of permission and seek clarification on why this was omitted.
- Concerns about overlooking/ visual obstruction arising from windows in side gable which is not adequately addressed by conditions re: opaque glazing and screening whose implementation cannot be controlled by the PA long term.
- Concerns raised about the applicant's reliance on louvred screens and on the look, materiality and visual impact of same.
- Proposal represents overdevelopment of the site and will give rise to design and construction problems and adverse impacts on neighbouring properties.

*Procedural Issues/ Planning Assessment/ Planning Conditions*

- Proposal is non-compliant with DLRCDP policy on backland and infill development and PA has not given sufficient weight to same in their assessment.
- Omission of 3<sup>rd</sup> storey level is insufficient. Permission should be refused on basis of overdevelopment/ material deviations from 2016 scheme.
- Contradictory information on distances/ levels/ height provided and FI stage lacunae/ procedural/ validation issues in respect to omission of retention and landscaping elements.
- Concerns raised about implement-ability of some of PA's planning conditions.
- Grant of permission directly conflicts with a recent PA decision to refuse permission for a 2-storey rear dormer under D22A/0660 at 72 Beaumont Avenue.

### **6.3. Further Responses**

#### **6.3.1 First Party Response to Third Party Appeal (12/09/2024)**

The applicant seeks that the Board reject the third party grounds of appeal for the following reasons:

*Planning Assessment/ Planning Conditions*

- Reiterates that FI proposal is very similar to permitted 2016 scheme albeit with revised ground floor level, slight height increase and minor change to positioning.
- PA adequately assessed proposal against applicable local and national policy.
- Planning precedents cited at No. 72 Beaumont Avenue are not relevant.
- Invite the Board to attach Conditions No. 4 and 5 of PA decision and notes that submission of a construction management is a standard condition.

*Impact on Neighbouring Residential Amenity*

- Note that appellants do not object to principle of residential development on site.
- The PA gave due consideration to the likely impacts on 78C re: amenity, privacy and visual intrusion and found that proposal would not give rise to undue impacts.
- Urban location of site means transient overshadowing and views of neighbouring properties to be expected/ are acceptable.
- Rejects appellant's criticism of first party appeal narrative on PL0D.245829 and re-assessment of 2016 proposal granted and its drainage conditions.
- Contend that appellants are incorrect/ misunderstand the reasoning, extent and nuances of FI stage design changes re: height, ground levels, setbacks etc.

**6.3.2 Third Party Response to First Party Appeal (15/09/2024)**

The response reiterated a number of points made in the third party grounds of appeal and also raised the following additional points:

- Exclusion of Mountainview House and reduced site area mean proposal is not substantially the same as permitted 2016 scheme and is a material deviation from same in terms of height, reduced separation to appellant's property and nature of adverse impacts on neighbouring residential amenity.
- Height of proposal relative to ridge/ eaves height of Mountainview House and impact of design on the character/ setting of the PS are not new issues and were considered under previous applications with input from CO.



- Photomontages provided as part of first party appeal are inadequate and don't illustrate relationship with 78C or the visual character of the proposed louvres.

The third party response was accompanied by supporting aerial photos, technical sketches re: daylight and sunlight impacts, and DLRCDP policy extracts.

#### **6.4. Planning Authority Response**

The PA in their response of 26<sup>th</sup> August 2024 refer the Board to the application and SFI documentation together with their internal reports, planners' reports, decision letters, managers orders and the submissions/ observations received.

#### **6.5. Observations**

2 no. observations were received from Samantha Kenny & Keith Bradley of No. 84 Beaumont Avenue (immediately adjoining property to south) and from Sasha Smolin & Iwona Bednarska of Mountainview House, Beaumont Avenue (immediately adjoining property to east). They support the grounds of the third party appeal, seek that permission is refused and reiterate many of the issues raised in their observations submitted at application and FI stage:

- Photomontages – residents of No. 84 contend that they fail to demonstrate the impact of proposal on No. 78C, No. 84 or on Mountainview House itself. Residents of PS critical of the angles chosen for the submitted photomontages, together with the detail provided in same, and contend that they are purposely misleading and fail to present the real impact of the height/ proximity of the proposal on neighbouring properties.
- Negative Impact on PS – No. 84 raises concerns about the negative impact of the proposed design, bulk, & mass and proposed/ permitted height on the character and setting of the PS.
- Impact on Residential Amenity of No. 84 – residents reiterate concerns with height/ adjacency of proposal & potential for overlooking.
- Procedural issues – No. 84 highlight what they consider to be fundamental flaws in the assessment of previous site proposals & the adverse impact arising for the reasonable enjoyment of their property.

- Retaining wall – residents of PS critical of lack of consideration afforded to their house's need for a suitable retaining wall arrangement and to the safeguarding of their main private amenity space (located to the front of the property).
- Drainage – residents of PS raise a number of issues with the implement-ability of conditions and with the scheme's proposed access and servicing arrangements.

## **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, 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
- Architectural Heritage and Character
- Residential Amenity
- Public Open Space (New Issue)
- Other Matters

### **7.1. Principle of Development**

7.1.1. The proposed development is located in an area zoned for residential development and on a site that was previous subject to a grant of permission from An Bord Pleanala for 2 no. infill residential units under PL06D.248429. The principle of development is therefore acceptable, subject to the detailed considerations below.

### **7.2. Height and Impact on Protected Structure/ Beaumont Avenue**

7.2.1. The first party appellant's technical explanation for the increased FFL/ floorplate depth/ overall building height is noted as is the third party appellant's/ observers' comments on same.

7.2.2. I also note the concerns raised by the third party appellants and observers in respect to the proposal's non-compliance with various aspects of DLRCDP policy. Having reviewed the relevant policy parameters, it is my opinion that whilst the proposal does not fit neatly into any of the typologies of development catered for under Section 12.3.7 (Additional Accommodation in Existing Built-up Areas) of the plan which are outlined

in section 5.2.4 of this report, it is most akin to 'backland development' as it involves the establishment of a building line (albeit at a perpendicular angle) to the rear of an existing line of houses i.e. those fronting Beaumont Avenue to the east and west and/or in the same general alignment as the PS which also sits at a perpendicular angle to the avenue. I have therefore taken the general principles and policy intent outlined in Section 12.3.7.6 into consideration in my assessment of the proposal.

- 7.2.3. The concerns with the scheme expressed by the third party appellant and observers broadly centre around the scale and detailed design of the proposal and its relationship with adjoining properties. Given that an increase in the overall height of the townhouses is unavoidable if applicable drainage and Part L requirements are to be complied with, having considered the nature and extent of development previously permitted on site under PL06D.248429, I consider the crux of the issue in this appeal is the acceptability of the height increase on this site and the revised proposal's impact on adjoining properties (Beaumont House, No. 78C and to a lesser extent No. 84) and on the wider Beaumont Avenue Streetscape (which I note is not a designated architectural conservation area).

#### Impact on Protected Structure

- 7.2.4. The PA cite concerns in respect to the negative visual impact of the proposal on the PS and the need for visual harmony in their reasoning for condition No. 2 which required the omission of the townhouses' 3<sup>rd</sup> storey.
- 7.2.5. The first party appellant submits that PA's concerns pertaining to the scheme's height relative to the eaves height of Mountainview House is a new and subjective planning issue that was only raised in the context of this application. They consider that their proposal is substantially the same as the permitted 2016 scheme and that it has no potential to give rise to negative visual impact on the PS, or to materially affect its setting, to such an extent that it would justify the removal of the 3<sup>rd</sup> storey.
- 7.2.6. The third party appellant and observers raise various concerns with the proposed increase in the height of the dwellings and note that the omission of the 3<sup>rd</sup> storey by condition does not go far enough to mitigate or address the impact of the proposal's design/ bulk/ mass on the character and setting of the PS.
- 7.2.7. It is apparent to me that the height (eaves/ ridge etc.) of the proposed structures on the site relative to the PS was a consideration in the planning assessment of each of

the recent residential proposals outlined in Section 4.1 of this report. I therefore do not agree with the applicant's assertion that the PA's consideration of height and its visual relationship with the PS created a new issue in the context of their application.

7.2.8. In considering the 2016 application plans together with the contemporary SFI proposals, I note that the height of the 2<sup>nd</sup> floor level of the proposed dwellings at c. 8.8m would sit at c. 1.2m above the eaves height of the PS (c. 7.6m). Having visited the site and considered the SFI section and elevation drawings together with the 2 no. photomontages submitted as part of the first party appeal, it is apparent to me that there would be a significant difference in massing and in the shoulder/ eaves height between the proposed dwellings and Mountainview House – with the latter structure having a lower height and a much slimmer side profile. This disparity in height and massing would be readily apparent when the structures are viewed from the public road at Beaumont Avenue. It is my opinion that this height and massing differential would render the PS visually subservient to the proposal, with the visual dominance of the townhouses' 3<sup>rd</sup> storey giving rise to a negative effect on the PS's character and setting when viewed from the south-east, from directly east and from the north-east, notwithstanding the existing mature trees and foliage which exist to the front of Mountainview House. This impact, which can most clearly be seen in the proposed north-south section drawing submitted as part of the SFI response, is not in compliance with the Architectural Heritage Guidelines or with Sections 11.4.1.2 (Policy Objective HER8 (Works to Protected Structures (subsections (iv) and (viii))) and 12.11.2.3 (Development within the Grounds of a Protected Structure) of the DLRCDP. On this basis, I am of the view that the PA's condition requiring the omission of the 3<sup>rd</sup> storey of the townhouses is appropriate and I recommend the application of the same condition in the event of a grant of permission.

#### Impact on Beaumont Avenue

7.2.9. The PA raised concerns about the design of the 2 no. houses proposed and their dominant and disharmonious visual impact on the Beaumont Avenue streetscape. The third party observers on the application noted that the modern roof profile, design and materiality proposed was unlikely to harmonise with the cottages along Beaumont Avenue.

- 7.2.10. The first party appellant is of the view that the proposal would not be visually dominant on the streetscape on account of its level and siting, and they note that no special visual or architectural protections apply to this typical residential street.
- 7.2.11. Having reviewed the drawings and photomontages of the 2-3 storey proposal, and having visited the site and considered its immediate surroundings, I note that the built character of the western side of Beaumont Avenue adjacent to the appeal site is varied (being characterised by a mix of terraced, semi-detached and detached residential properties of varying 1-2 storey heights with pitched and hipped roof profiles and mixed materiality), and is also set against the backdrop of a business park. I also note that longer range views of the site from Beaumont Avenue (i.e. looking from the south-west and from the north-east) are partially obscured by hedges and what appear to be evergreen trees located in the front gardens of the adjoining properties. In considering this mixed built context, I consider that the removal of the 3<sup>rd</sup> floor level (as recommended in Section 7.2.8 of this report) would also lessen the townhouses' visibility from the public road and would address the potential for a negative visual impact on the streetscape.

### **7.3. Residential Amenity**

- 7.3.1. In their response to the third party appeal, the first party argue that the PA gave due consideration to the likely impacts on 78C Beaumont Avenue in terms of amenity, privacy and visual intrusion and found that the SFI proposal would not give rise to any undue impacts. They also highlight the urban location of the appeal site, noting that transient overshadowing and views of neighbouring properties are acceptable and to be expected in such areas.
- 7.3.2. I note that the PA's assessment does not make specific reference to the impact of the proposal on the residential amenity of the property at No. 78C and, in considering the issue of impact on residential amenity generally, it notes that the principle of the site's development for 2 no. 2-3 storey dwellings was established by the decision to grant under PL06D.248429. The assessment subsequently focuses on safeguarding neighbouring residential privacy and concludes that, where a condition is attached to provide for obscured glazing (as per Condition no. 2 attached to the aforementioned grant), the siting provides for an appropriate separation and the layout, design and orientation of the proposal would not give rise to overlooking.

7.3.3. The third party appellants contend that the proposal's detrimental impact on their residential amenity, in terms of the overlooking, undue overbearance/ visual intrusion and the overshadowing of their rear amenity space which would arise from the proposal's revised design, height and proximity to their property, has been not adequately addressed to date. It is also their position that the omission of 3<sup>rd</sup> storey would not be sufficient to address their concerns.

Overbearance/ Visual Intrusion/ Overshadowing

7.3.4. The residents of No. 78C state that the photomontages submitted in support of the first party appeal are inadequate as they don't illustrate relationship with their property and they raise concerns that the revised height of the proposed townhouses, when coupled with their length/ bulk/ mass and proximity to the shared boundary, will give rise to an unacceptable level of undue overbearance and visual intrusion on their property (this matter is also raised in the appeal observation made by the residents of No. 84). They also contend that the same factors would give rise to overshadowing of their rear amenity space and would block sunlight to their garden for 50% of the year which would not be in compliance with the 209 Guidelines (2022 edition), which recommend that at least half of a garden or amenity area should receive at BRE least two hours of sunlight on March 21<sup>st</sup> (the equinox) to appear adequately sunlit throughout the year.

7.3.5. Whilst the DLRCDP deals with overshadowing in the context of apartment development and house extensions, it does not provide any specific guidance on same in respect to infill development. Notwithstanding, the general policy approach appears to be that 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. In respect to the potential for the proposal to give rise to overshadowing of the adjoining garden, I note that whilst the proposal is located at 90 degrees due south of No. 78C's rear amenity space, there is a c. 2-2.5m boundary wall separating the properties which is already likely to give rise to overshadowing of the southern side of the neighbour's rear garden on account of its height relative to the c. 8m width of the garden. The main rear elevations of the townhouses would be setback a further c. 7m - 7.4m (west to east) from this wall and c. 10m from the side of No. 78C. The supporting sketches submitted in Appendix B of the third party appeal illustrate the appellant's calculations of how the proposal is likely

to affect sun lighting penetration to their garden based on the technical advice set out in the abovementioned BRE Guidelines. In considering the advice on the correct location of point P set out in Appendix G of the Guidelines, I note that the sunpath indicator methodology does not appear to have been correctly applied by the appellant in this instance. Notwithstanding, having considered the nature and location of the pre-existing outbuildings (and partially constructed townhouses) which previously occupied the appeal site together with the height and siting of the boundary wall as illustrated in the section drawing contained in the appendix to the appeal, I am of the opinion that the omission of the 3<sup>rd</sup> storey of the townhouses, as per the recommendation made in Section 7.2.8 of this report, would address the potential for undue overshadowing of the third party appellant's property. I consider that the removal of this top storey would also address any perceived overbearance on No. 78C and would ensure a more appropriate built relationship between the properties.

- 7.3.6. In respect to the concerns raised by the residents of No. 84 in relation to overbearance and visual intrusion, I note that the front elevation of the townhouses would be setback c. 7.5m to 9m from the shared southern boundary and over c.17m from the main side elevation of that property and, having regard to the nature of the relationship previously permitted by the Board under PL06D.248429, I am satisfied that such a relationship is appropriate and not in need of further modification.

#### Overlooking

- 7.3.7. The third party appeal calls attention to the potential for overlooking of No. 78C from windows in the townhouses' side gables and raises concerns about the scheme's reliance on mitigation in the form of opaque glazing/ louvered privacy screens. They also criticise the lack of detail provided in respect to the look, materiality and likely visual impact of these screens on their property. Overlooking of adjoining properties/ potential loss of privacy are also raised as concerns in both observations on the appeal.
- 7.3.8. Section 12.8.7.1 (Separation Distances) of the DLRCDP requires a minimum 22m separation distance between directly opposing first floor windows which may be reduced for new developments where the privacy and protection of adjoining residential amenities is protected, or increased where there is potential for the proposal to overlook existing residences adjoining the site.

7.3.9. As noted in Section 7.3.5 above, the properties would be located at a 90 degree angle to one another and there would be no directly opposing rear windows. Given this relationship together with the c. 2-2.5m height of the shared boundary, no overlooking would arise at ground floor level. Whilst there may be potential for some overlooking at first floor level on account of the siting of the properties relative to one another, I consider that the obscured glazing and louvred privacy grille proposed to the bathroom/ terrace at rear first floor level are sufficient to ensure the privacy of No. 78C is adequately maintained (this would also be the case for the bedroom/ bathroom arrangement at 2<sup>nd</sup> floor level). Whilst it is unclear what the appellants mean when they refer to overlooking from windows in the townhouse's side gable, I note that there would be no direct overlooking of Mountainview House as no opens are proposed on the east elevation at first floor level (and those which do exist at 2<sup>nd</sup> floor level (which I am recommending be omitted) comprise of escape windows treated with obscured glazing). Whilst the 'side wings' of the townhouse do feature north-facing windows serving bedrooms at first floor level, these are setback a further 5m from the main rear elevation and therefore could not be reasonably considered to have the potential to give rise to overlooking of No. 78C. In respect to the front elevation, I note that equivalent treatments are also proposed and will safeguard the privacy of No. 84 to the south. On balance, I am of the opinion that the risk of overlooking of neighbouring properties is adequately mitigated by the scheme's existing design measures – with their provision being ensured through the application and implementation of standard condition No. 1 and I also recommend the application of a further (more bespoke) condition to require that the townhouses' windows on the front (southern) elevation serving the bedrooms at first floor level of and the first floor terraces to the front (southern) elevation and rear (northern) elevation to be fitted with obscured glazing.

#### **7.4. Public Open Space (New Issue)**

- 7.4.1. Section 12.8.3.1 (Public Open Space) of the DLRCDP sets out the public open space requirements which apply to all residential schemes and states that where the required standards cannot be met, the Council may levy a contribution in lieu.
- 7.4.2. The PA did not raise the issue of non-provision of public open space in their assessment of the proposal or in their consideration of the Section 48 development contributions that would apply, and it was also not raised by third parties.



7.4.3. Section 6.0 (Contribution in Lieu of Public Open Space) of DLR's current Section 48 Development Contribution Scheme states that, in the event that the standards for public open space referred to in the DLRCDP are not met and/ or where public open space cannot be facilitated within a development, an additional financial contribution (of €7,500,000 per hectare calculated on a pro rata basis on the basis of the shortfall) may be required by way of condition when granting planning permission.

7.4.4. Whilst no public open space has been provided on the 0.06ha site, I do not consider the provision of 2 no. dwellings on a 0.06ha housing site infill to constitute a residential scheme having regard to the provisions of the Urban Regeneration and Housing Act 2015 which changed the minimum number of units to which Part V (Section 96 of the Planning and Development Act (2000) as amended) shall not apply from 4 no. or fewer to 9 no. or fewer. On this basis, I am satisfied that no contribution in lieu of public open space is warranted in this instance.

## **7.5. Other Matters**

### **7.5.1. Site Planning History/ Precedent**

Having regard to the various detailed points made in respect to the site's planning history and the impact of same, and also to the PA's refusal of a neighbouring 2-storey rear dormer under D22A/0660, I note that every application is considered on its own merits having regard to the sensitivity of the receiving environment, the specifics of the proposal and to the requirements of the planning policy in force at the time of the assessment.

### **7.5.2. Wastewater**

The third party appellant and observers raise various concerns in respect to the site's previous and proposed drainage arrangements with the applicant providing a detailed technical rationale for same. UE, in their submission, instructed that the applicant engage with them to establish the feasibility of the scheme connecting to the public water/ waste water infrastructure via a pre-connection inquiry. Drainage and water services concerns were previously raised at initial planning stage with the PA's Drainage Department recommending that standard drainage conditions be attached to ensure surface water-run off is not discharged into public sewer and instead managed via SuDS measures and infiltrated on site via soakaways. Given that the applicant did not submit a confirmation of feasibility from UE as part of their FI

response and did not alter their proposals sufficiently to ensure surface water run-off from the site does not discharge into the public sewer, I consider that there is not sufficient information on file to determine the suitability of the drainage arrangements as proposed. However, I consider that this matter can be addressed by the attachment of suitable drainage compliance conditions in the event of a grant of planning permission.

#### 7.5.3. Discrepancies in Application

The first party appellant and observers contend that the application drawings are inaccurate/ inconsistent to such a degree that they could be misleading. Whilst I note that there may be some inconsistencies in respect to the height of the 2 no. townhouses relative to adjoining properties etc., I note that the PA deemed the application to be valid and I am satisfied that the information before me is of an adequate standard to allow me to continue to assess the application.

#### 7.5.4. Boundary Walls

The observation from the residents of Mountainview House highlights the need for a suitable retaining wall arrangements along the north-east boundary shared with the PS (given its risk of collapse) and also to the immediate south (rear side) of the PS. Their submission also related buildability, health & safety and landownership/ legal issues.

The applicant has proposed to provide a new 2m high boundary wall (capped and pebble dashed to match the character of the roadside wall) on the north-east side of the site adjoining the PS, with a portion of this wall also acting as a habitable wall (to the ground floor garage) for the easternmost townhouse. However, it is also stated in annotations on the SFI site layout plan that the new boundary enclosure to the PS (which is proposed to be a new 2m high capped boundary wall with a roughcast finish) will be subject to a subsequent planning application to allow those works to be completed before the commencement of the development subject to the appeal.

Given the concerns raised by the residents of the PS, I am of the opinion that a more optimum solution would be to attach a planning condition requiring the applicant to submit detailed plans and particulars for the proposed boundary wall(s) to the PS together with details of any related retaining elements/ site works required and a

method statement for its construction, all to be agreed with the PA prior to commencement of development on site.

I consider the other matters raised to be civil matters to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development (2000) as amended.

#### 7.5.5. Devaluation of Property

I note the concerns raised in the third party grounds of appeal in respect of the devaluation of neighbouring properties. However, having regard to the assessment, conclusion and recommendations 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.

#### 7.5.6. Procedural/ Validation/ Administration Issues

The first party appeal raises a query as to the appropriate appeal fee that was required to be paid on foot of the omission of the retention elements at SFI stage. This is not a planning matter and is therefore not a relevant consideration for the Board in the context of this appeal.

The third party raises procedural concern in respect to the scope of change in the proposal during the planning application process, and from the scheme granted in 2016, and queries whether the omission of the retention elements at FI stage give rise to a validation issue. Given that the FI proposal was deemed significant and was subject to a re-advertisement process on the instruction of the PA.

#### 7.5.7. Planning Conditions

The third party appellant and residents of Mountainview House raise various issues in respect to the practical/ long-term implementation of the PA's standard surface water, landscaping, construction management and materials/ finishes conditions and also note that likely overlooking/ visual obtrusion arising from the dwelling's side windows was not sufficiently addressed at planning application stage i.e., given that the PA did not attach condition re: opaque glazing/ louvred screens. Any potential/ future issues relating to non-compliance with planning conditions would fall under the jurisdiction of the PA to be pursued through the appropriate channels – such as planning

enforcement. In respect to the latter visual amenity and privacy issues, I have addressed these matters in Sections 7.2 and 7.3 of this report.

#### 7.5.8. Access and Pedestrian Safety

Third parties raised a number of issues in respect to the proposal's access and parking arrangements and related concerns in respect to traffic hazard and pedestrian safety. The PA's transport department recommended conditions to ensure the proposal's compliance with DMURS to ensure driver legibility and pedestrian safety. These requirements were applied as condition no. 7 to the PA's grant of permission. I consider this matter can be addressed by condition.

#### 7.5.9. Construction Impacts

The observers raise various concerns re: site works, health and safety and issues in respect to construction impacts (noise, disturbance, alleged property damage and interference etc.). I would note that construction impacts are temporary in nature and that compliance with building regulations falls under a different statutory code.

### 8.0 **AA Screening**

8.1. The applicant originally applied for permission/ retention permission for the demolition of pre-existing outbuildings, walls and partly constructed townhouses, and for the construction of 2 no. dwellings and all associated site works in accordance with designs granted permission under D16A/0783. Following FI, the PA subsequently granted permission for the construction of the 2 no. dwellings, with this decision being appealed by the applicant.

8.2. I have considered the proposal for permission of 2 no. dwellings and related works on lands to the rear of Mountainview House in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

8.3. The subject site is located in an established predominantly residential area on zoned and serviced lands. It is also located approx. 4.5km to the south-west of 2 no. nearby European Sites:

- 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].

- 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].

8.4. The proposed development comprises the construction of 2 no. new dwelling houses in addition to a new boundary wall between the site and Mountainview House together with all ancillary site works.

8.5. The appellants did not raise any issues relevant to AA in the context of their appeal, nor were such matters raised in the observations on the appeal.

8.6. 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 development proposed.
- The urban and serviced nature of the site.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the screening report/ determination by the PA.

8.7. I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.

8.8. 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 planning history of the site 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 would not unduly impact upon the character and setting of Mountainview House, a Protected Structure, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be 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 24<sup>th</sup> day of June 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development hereby permitted relates only to:</p> <p>(a) The construction of 2 no. dwellings and all associated site works including the construction of a new boundary wall between the site and Mountainview House.</p> <p><b>Reason:</b> In the interest of clarity and the avoidance of doubt and the proper planning and sustainable development of the area.</p>

3.	<p>Prior to commencement of development, the applicant/ developer shall, for the agreement of the planning authority, provide revised architectural drawings that omit the third-storey element of each of the proposed dwellings. Should internal revisions be required to the layout of the ground and first-floor levels arising from that omission, revised floor plans shall be provided for those levels.</p> <p><b>Reason:</b> In the interests of mitigating against negative visual impact on the setting of Mountainview House, visual harmony, and of the proper planning and sustainable development of the area.</p>
4.	<p>The glazing to the townhouses' windows on the front (southern) elevation serving the townhouses' bedrooms at first floor level and the glazing to the townhouses' first floor terraces to the front (southern) elevation and rear (northern) elevation shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p><b>Reason:</b> To prevent overlooking of adjoining residential properties.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>Prior to commencement of development, the applicant/ developer shall, for the agreement of the planning authority, provide landscaping plans that provide detailed information on the landscaping measures that will be implemented at each boundary of the subject site.</p> <p><b>Reason:</b> In the interest of visual and residential amenity, and the proper planning and sustainable development of the area.</p>
7.	<p>Prior to the commencement of development, the applicant/ developer shall submit detailed plans and particulars for the proposed boundary wall(s) to Beaumont House (a protected structure) and any related retaining elements/ site works required together with a method statement for the construction of the wall(s), all for the agreement of the planning authority.</p> <p><b>Reason:</b> To safeguard the integrity of the protected structure and the residential amenity of its occupiers.</p>

8.	<p>A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
9.	<p>Prior to commencement of development, the applicant/ developer shall, for the agreement of the planning authority, provide revised engineering drawings which illustrate how the access to the proposed development to the rear of Mountainview House, Beaumont Avenue shall be a shared surface, complying with Section 4.3.4 Pedestrianised and Shared Surfaces and Section 4.2.6 Materials and Finishes of the Design Manual for Urban Roads and Streets (DMURS), to ensure that drivers upon entering the access recognise that they are in a shared space.</p> <p><b>Reason:</b> In the interest of pedestrian safety and the proper planning and sustainable development of the area.</p>
10.	<p>Prior to the commencement of development the developer 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.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
11.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
12.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which</p>



	<p>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><b>Reason:</b> In the interest of public safety and amenity.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, public lighting, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
14.	<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><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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><b>Reason:</b> 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>

16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
17.	<p>Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</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.

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Emma Gosnell  
Planning Inspector  
30<sup>th</sup> January 2025

## Appendix 1

### Form 1

#### EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP- 320570-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	The development, as originally proposed, comprised of the demolition of walls, partly constructed townhouses and pre-existing outbuildings in order to facilitate the construction of 2 dwellings and all associated site works in accordance with designs granted permission under D16A/0783. Following FI stage, proposal was revised to the construction of 2 no. dwellings only and it was this revised development proposal that was subsequently granted by the PA.		
<b>Development Address</b>	Rear of Mountainview House, Beaumont Avenue, Churchtown, Dublin 14.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i) (infrastructure – Dwelling Units)	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	500 units – proposal is for 2 no. units.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	✓	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP- 320570-24
<b>Proposed Development Summary</b>	The development, as originally proposed, comprised of the demolition of walls, partly constructed townhouses and pre-existing outbuildings in order to facilitate the construction of 2 dwellings and all associated site works in accordance with designs granted permission under D16A/0783. Following FI stage, proposal was revised to the construction of 2 no. dwellings only and it was this revised development proposal that was subsequently granted by the PA. .
<b>Development Address</b>	Rear of Mountainview House, Beaumont Avenue, Churchtown, Dublin 14.
<b>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.</b> <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	The development, as originally proposed, comprised of the demolition of walls, partly constructed townhouses, and pre-existing outbuildings to facilitate

	<p>the construction of 2 dwellings and all associated site works in accordance with designs granted permission under D16A/0783.</p> <p>Between application and FI stages, the applicant demolished all structures on site on health &amp; safety grounds.</p> <p>Following FI stage, the proposal was revised to the construction of 2 no. dwellings only and it was this revised development proposal that was subsequently granted by the PA.</p> <p>The standalone development has a modest footprint and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>	<p>The development is situated in a densely populated urban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLRCDP.</p> <p>The development adjoins a PS.</p>

Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)