



An
Bord
Pleanála

Inspector's Report

ABP-320576-24

Development

Construction of a dwelling house on western side of property including a new boundary wall to subdivide the property and all associated site works.

Location

Renescra, Cross Avenue, Blackrock, Co. Dublin, A94 P6Y7

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0381/WEB

Applicant(s)

Karin Crofton

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party v Refuse

Appellant(s)

Karin Crofton

Observer(s)

Daniel and Maura Tierney

Date of Site Inspection

24th October 2024

Inspector

Gerard Kellett

1.0 Site Location and Description.

- 1.1.** The subject site comprises the side garden of an existing dwelling, known as Renesca, located at Cross Avenue, Blackrock, Co. Dublin. Renesca was built in c. 2007 on the lands formerly associated with Chesterfield House to the south. This property is served by a sizeable mature landscaped garden which includes an artificial pond to the west of the dwelling. The site is flat/level with the adjoining public road.
- 1.2.** This is a mature residential area comprising a mix of large, detached dwellings on large sites. The site is bounded by the lands of Chesterfield House to the south. The original drawing room of Chesterfield House is designated as a Protected Structure. The western boundary of the site adjoins the roadway which serves Chesterfield House. The southern boundary site is formed by a low open wooden fence. The eastern boundary adjoins 'Derravaragh' a large detached two-storey dwelling. The surrounding area is defined by a mix of two to three storey dwellings. There are several Protected Structures located on Cross Avenue.

2.0 Proposed Development

- 2.1.** Permission is sought for the subdivision of the subject site and construction of a new three storey, five bed, detached dwelling on the western side of Renesca house, with new vehicular and pedestrian access via Cross Avenue to the north. The stated total floor area is circa 432sqm. The existing stone boundary wall, metal railings, and hoarding are to be retained. Part of the stone wall to the north is to be removed to facilitate the opening of the new vehicular entrance. The site has a stated site area of 0.074hectares.

3.0 Planning Authority Decision

3.1. The Planning Authority refused permission on the 22nd of July 2024 for the following reason:

1. The subject site is located within 1km/10minute walking time of high capacity public transport at Booterstown Dart Station and the high quality bus corridor located along the N11/ Stillorgan Road, where it is a policy objective of the Council to ' increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to the proximity and accessibility considerations'- PHP 18 Residential Density of the County Development Plan and where it is also a policy of the Sustainable Residential Development and Compact Settlement Guidelines to apply the recommended density ranges as set out in Section 3.3 of the Guidelines, which promotes residential densities in the range of 50dph to 250dph. Having regard to the single dwelling proposed in this application, it is considered that the proposed development constitutes an unacceptable low density of development within this city - urban neighbourhood, which would constitute an unsustainable use of this accessible and fully serviced site and, as such, would contravene Policy PHP18 Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. Therefore, to permit the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse permission. stating:
 - Density - The subject site is within 1km of Booterstown Dart Station where it is an in Policy PNP 18 'Residential Density' of the County Development Plan and

the Guidelines, to promote compact urban growth and encourage higher density development's suitable locations.

- Higher densities of minimum of 50 units (net density) per hectare will be encouraged.
- The policy considers constraints to achieving the higher density and the Planning Authority acknowledges same in their assessment stating the justification by the applicant for such a low density is acknowledged but it has not been deemed sufficient on this occasion.
- Policy and objective 3.1 of the compact guidelines recommend residential density ranges set out in Section 3.3 are applied within Statutory Development Plans and in the consideration of individual planning applications and that these density ranges are refined further at a local using the criteria set out in Section 3.4 where appropriate.
- Density ranges for the city and suburb areas of Dublin are set out in Table 3.1 of the compact guidelines and it is considered that the above site can be identified as a city or urban neighborhood having regard to its highly accessible urban location with good access to employment education and institutions uses of public transport.
- The Planning Authority note the planning history of the site particularly the development permitted under ABP 304913-19 (DLR ref: D19A/0292) for which was permission to demolish Renesca house to the east and construct 33no. apartments.
- Recommendation to refuse permission due to low density of housing proposed on the site which fails to accord with policy PHP18 and Policy Objective 3.1 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- As the principle of development has not been established at the site it is not considered necessary to thoroughly assess the remainder of the proposed development
- Visual impact – the established sylvan character of Cross Avenue is considered to make a positive contribution to the streetscape and the planning authority retained concerns and respect of the impact of the proposed development on the existing mature trees on site.

- Design – the proposed built form of the proposed dwelling it is still considered that the proposed house designed may not represent the best design solution with the subject site and concerns arise in respect of the visual impact of seeing having regard to the established character of the area. However, as planning permission for the purpose is not forthcoming at this time this matter does not warrant in an in adept assessment.
- Access - access to the junction of Chesterfield Avenue and the inadequate visibility splays proposed is noted. The report from the Transportation Section also notes the loss of an onsite streetcar parking space and recommends a reduction in height of the site boundary treatment or a bell mounted shape entrance or a further information request in respect of the proposed access.
- No concerns with respect to AA or EIA.

3.2.2. Other Technical Reports

- Drainage Report: No objection subject to conditions.
- Transportation Report: Seeking amendments via further information or by conditions.
- Parks & Landscape Services Report: No objection subject to conditions

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One number third-party submission was made on the application making from Daniel and Maura Tierney of Rossmore House (To the west) making the following points:

- Design
 - Design, scale and height would be entirely out of character and inappropriate for Cross Avenue.
- Residential Amenity
 - Overlooking from western elevation

- Overshadowing
- Other
 - Concerns regarding third level roof void will be altered to provide for accommodation at a later stage.

4.0 Planning History

Renesca

PA REF: DLR D23A/0778 – Refers to a refusal of permission (12.02.2024) for 5-bed detached dwelling on the western side garden of the property at Renesca, Cross Avenue, Blackrock, Dublin – the main reason for refusal relates the proposed development constitutes an unacceptable low density of development within this city - urban neighbourhood.

PA REF: DLR D19A/0292 / ABP-304913-19 – Refers to a grant of permission by ABP to the immediate east (06.12.2019) for demolition of the existing dwelling, ‘Renesca’, along with associated outbuildings and entrance pillars. Construction of an apartment block providing 33 no. apartments with associated balconies, comprising 9 no. 1-bed units, 19 no. 2-bed units and 5 no. 3-bed units. The development will be part 3-storey, part 4-storey and part 5-storey over basement. Basement level accommodating 37 no. car parking spaces, bicycle parking, storage lockers, refuse stores and plant rooms. Vehicular and pedestrian access at Cross Avenue, landscaping, boundary treatments and all associated site works and services – Permission is due to expire on the 6th of December 2024.

Permission was originally refused for the apartment scheme by DLR CC stating, *“The proposal by reason of its scale, height, form, massing and architectural expression is not considered to accord with Section 8.2.3.4(vii) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 in relation to infill development and in its current form fails to respect and compliment the established character of the area. In addition, the proposal, by reason of its scale, height, massing and insufficient southern boundary setback, does not provide an appropriate transition in height to properties within the vicinity and will severely compromise and be seriously injurious to the*

residential amenity of these properties by reasons of overlooking, overshadowing and being overbearing...”

PA Reg. Ref. D08A/0245 & PL06D.211878 – Permission was granted for two-storey over basement house with garage, swimming pool and boundary walls, within curtilage of protected structure at Chesterfield, Cross Avenue, Blackrock, Co. Dublin.

Relevant planning history to the immediate south

ABP Ref. 313252-22: Refers to recent SPLIT DECISION (12/09/2024) for an SHD application to ABP for development consisting of demolition of the non-original fabric of Chesterfield House and sheds, construction of 366 no. residential units (8 no. houses, 358 no. apartments), creche and all associated site works.

- Permission was granted for demolition of non – original fabric of Chesterfield House and change of use of the remaining structure from office to caretaker residence to residential use and the construction of 11no. residential units *inter alia*.
- Permission was refused for the construction of 355 Build-to-Rent residential units and childcare *inter alia* due having regard to the relative proximity of ABP-31190—21 (244.no units Build-to-Rent) circa 220metres to the northeast of the site which is under construction would result in the over proliferation of Build-to-Rent at this location.

ABP-302921-18 – Refers to grant of permission (13.02.2019) for an SHD application for demolition of non-original fabric of Chesterfield House (a protected structure) and derelict sheds. Construction of 221 no. residential units, resident’s amenity facility and all associated works. The decision was subsequently quashed by the High Court following a Judicial Review (10.07.2019).

5.0 Policy Context

5.1. National Policy

National Planning Framework

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Regional Policy

Regional Spatial and Economic Strategy 2019-2031.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartment's Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

5.3. Development Plan

The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 is the relevant Development Plan for the subject site.

The subject site is zoned “Objective A” which has zoning objective *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

The zoning maps shows ‘Tree Symbol’ to the south of the subject site which is indicative of a County wide objective to protect and preserve trees and woodlands.

Chapter 4: Neighbourhood – People, Homes and Place

- 4.3.1.1 Policy Objective PHP18: Residential Density
 - Increase housing (houses and apartment supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
 - Encourage higher residential densities if proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.
- 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaptation
 - Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
 - Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

Chapter 12 – Development Management

- 12.3.1.1: Design Criteria
- 12.3.3.2: Residential Density
 - In general, the number of dwellings (houses or apartments) to be provided on a site should be determined with reference to the Government Guidelines document: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009) and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020). As

a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. (See policy PHP18, Chapter 4).

- 12.3.7.5: Corner/Side Garden Sites
 - Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):
 - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
 - Impact on the amenities of neighbouring residents.
 - Accommodation standards for occupiers.
 - Development Plan standards for existing and proposed dwellings.
 - Building lines followed, where appropriate.
 - Car parking for existing and proposed dwellings provided on site.
 - Side/gable and rear access/maintenance space.
 - Adequate usable private open space for existing and proposed dwellings provided.
 - Level of visual harmony, including external finishes and colours.
 - Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
 - Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
 - Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
 - Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

- 12.3.7.7: Infill
 - In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early mid-20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).
- 12.4.8: Vehicular Entrances and Hardstanding Areas
- 12.8.3.3 (i): Private Open Space for Houses
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries
- 12.8.11: Existing Trees and Hedgerows

5.4. Section 28 Guidelines

Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).

5.5. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024), approximately 635m north of the site.
- The South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), approximately 664m north of the site.

5.6. EIA Screening

Refer to Form 1 in Appendix 1. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.

Refer to Form 2 in Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- The site is small and cannot reasonably accommodate more than one dwelling without seriously injuring the established character of the area by way of tree loss and giving rise to impacts on adjoining properties.
- The developable site area is 0.0164ha (circa 61 units to the ha) and will accommodate a new infill dwelling.
- The proposal would comply with the current Density Guidelines and exceptions.
- The Planning report acknowledges that the site is constrained in the context of higher density development.
- The protection of the existing trees on site is key to maintain the character of the area which has been detailed in the Arboricultural Assessment submitted.
- Impact to residential amenity was not raised by the Local Authority.
- Reference various precedents for a similar type of infills site granted under ref: such as D22A/0325.

- A 'Traffic Report' has been submitted with the appeal documentation addressing the Transportations Section concerns.

6.2. Planning Authority Response

Response received dated 4th September 2024 requesting the Board to uphold the decision of the Planning Authority.

6.3. Observations

One observation has been received on the appeal from Daniel and Maura Tierney (Rossmore House (To the west)) making the following points:

- Density
 - Site is not suitable for higher density.
- Residential Amenity
 - Overlooking/loss of privacy from windows on western elevation
 - Overshadowing (lack of shadow studies)
 - Overbearing on neighbouring property
 - Loss of sunlight and daylight
- Design
 - Scale, massing and overall height is uncharacteristic and inappropriate for Cross Avenue.
- Other Matters
 - Removal of trees from the site that will detract from the streetscape.
 - Concerns regarding third level roof void will be altered to provide for accommodation at a later stage.
 - Precedent/examples provided by the appellant are a more suitable form of development which respected the character and residential amenity of the area.
 - Contravention of zoning objectives – residential amenity must be protected

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

- Principle of Development
- Compliance with Development Standards for Corner/Side Garden Sites
- Design & Visual Impact
- Residential Amenity
- Other matters

7.1. Principle of Development

- 7.1.1. The subject site is in an area zoned 'Objective A' as per the Dun Laoghaire – Rathdown Development Plan 2022 – 2028 which has a zoning objective *'To provide residential development and improve residential amenity while protecting the existing residential amenities'*.
- 7.1.2. The subject site as per the public notices is seeking permission for a new dwelling to the side garden area of Renesca. I note section 12.3.7.5 (Corner/Side Garden Sites) of the Plan supports the sub-division of an existing house curtilage for an additional dwelling(s) in existing built-up areas, subject to the criteria set out in Section 12.3.7.5 of the Plan. This refers the following should be taken in consideration when assessing a planning application such as, the size, design, layout of the proposal, relationship with existing dwelling and impact on the amenities of neighbouring residents. Therefore, having regard to the development description before me being a dwelling to the side of an existing garden area, it is my opinion the principle of the development is acceptable.

7.2. Compliance with Development Standards for Corner/Side Garden Sites

- 7.2.1. The Planning Authority's reason for refusal is based on the need to increase the density of the site, citing policy PHP 18 'Residential Density' of the County Development Plan and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities which seek, to promote compact urban growth and encourage higher density development's suitable locations.
- 7.2.2. I note the reason for refusal however it is my view the Planning Authority misapplied policy PHP 18 'Residential Density' in their assessment having not taken into the consideration the constrained nature of the site and the development description, being permission for one dwelling to the side garden of Renesca. As such, it is my opinion this application should be assessed against Section 12.3.7.5 (Corner/Side Garden Sites).
- 7.2.3. The subject site, located in the side garden of Renesca, has a stated site area of 0.074 hectares. However, due to its constrained nature and the requirement to retain as many trees as possible, the effective net developable area is significantly reduced. Based on the site layout plan provided, the net developable area is approximately 0.016 hectares, which I believe is the portion available for any potential built development.
- 7.2.4. The immediate built environment in my opinion is characterised by large, detached dwellings on single plots fronting onto Cross Avenue. Renesca to the east, which is a large three-storey dwelling, further east is 'Derravaragh' a large detached two-storey dwelling. To the west is Rossmore House which is dormer bungalow with an extensive front lawn area. To the north is The Hermitage and Killoran House, which are both Protected two-storey dwellings.
- 7.2.5. In that context, it is my opinion the proposed development being three storeys responds to the scale and form of the surrounding built environment. With the proposed dwelling sited between Rossmore House to the west and Renesca to the east, would in my view represent a corner/side garden opportunity for Renesca which

I consider acceptable. Furthermore, I consider the proposed development would primarily follow the established building line along Cross Avenue despite the siting of Rossmore House sited further south.

- 7.2.6. I highlight to the Board that permission is sought for a detached dwelling to the side garden area of Renesca where the surrounding built environment is characterised by large dwellings either side of the subject site. I also bring to the attention of the Board their recent decision to grant permission for 8.no three storey semi-detached houses to the immediate south. under ABP-REF: 313252-22. (12/09/2024).
- 7.2.7. Therefore, in that context, it is my view the proposed development to the side garden of Renesca is appropriate for this location and complies with Section 12.3.7.5 (Corner/Side Garden Sites) of the Dun Laoghaire – Rathdown Development Plan 2022 – 2028.

7.3. Design & Visual Impact

- 7.3.1. The observer at Rossmore House to the west has raised concerns relating to the design in particular the height and visual impact.
- 7.3.2. Permission is sought for the construction of a dwelling to the side garden of Renesca to the east. The immediate built environment as stated above is mainly characterised by individual large, detached dwellings fronting onto Cross Avenue. Renesca, is a modern three storey dwelling, further east is 'Derravaragh' a large detached two-storey dwelling. To the west is Rossmore House which is a dormer bungalow with an extensive front lawn area. To the north is The Hermitage and Killoran House, which are both two-storey dwellings and on the Record of Protected Structures. The proposed dwelling would be sited between Renesca a three-storey dwelling and Rossmore house a dormer bungalow with Chesterfield Road in between. To the south are the recent permitted semi-detached houses under ref: ABP-REF: 313252-22.
- 7.3.3. I am of the view that the proposed development by reason of the size, scale and massing being a pitched roof design (12.7 metres in height) relative to the existing

dwellings in the streetscape (Renesca 11.5 metres in height) and the recent permitted semi-detached houses to the immediate south (granted under ABP-REF: 313252-22) that have a similar height and design, and the use of the proposed materials would in my view complement the existing streetscape. Therefore, I consider the design is acceptable.

7.3.4. I note the concerns raised by the observer pertaining to visual impact. I have visited the site and viewed the proposed development from Cross Avenue to the approaching east and west. I am of the view that by reason of the retention of the existing mature trees along the front, the siting of the proposal behind these trees, the set back of the proposal from the adjoining public road of 19.4 metres which I consider acceptable and the pattern of development in the immediate area, it is my view the proposed development would not appear excessively dominant in the streetscape and could be reasonable be assimilated due to the built character of the area. Furthermore, if the trees were removed it is my view this would not be an issue given the proposed set back from the public road. I also note the contextual photomontages submitted with the application which in my view provides an accurate view of the proposed development from the public road.

7.3.5. Having regard to the foregoing, it is my view that the design and appearance of the proposed development would not cause any visual impact to the built environment and would be in accordance with Sections 12.3.7.5 (Corner/Side Garden Sites) of the Dun Laoghaire Rathdown Development Plan 2022 – 2028.

7.4. Residential Amenity

7.4.1. The observer at Rossmore House to the west has raised concerns relating to overbearance, overlooking/loss of privacy, loss of sunlight/daylight and overshadowing which I address in turn below.

7.4.2. In terms of overbearing, the proposed development would be set back circa 2 metres from the site boundary to the west and in my view would have a satisfactory separation distance of over 25 metres from the southwestern corner of the proposed development

to the front corner/ side elevation of Rossmore House which is positioned further back than the subject site. Having regard to this orientation and separation distances which in my opinion are acceptable, I consider that the proposed development would not result in any undue overbearing when viewed from this property.

- 7.4.3. With regard to overshadowing, the siting of the proposed dwelling in my view would follow the established building line along Cross Avenue. Rossmore House to the west is sited further south behind the established building line. The subject site would have an east to west orientation. Having regard to the siting and the separation distances as previously discussed which I consider acceptable, it is my view that the proposed development would not adversely impact on the adjoining properties by way of undue overshadowing.
- 7.4.4. Overlooking and loss of privacy has been raised. Section 12.8.7.1 (Separation Distances) of The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 refers to a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This has been superseded and reduced to 16 metres as set out under SPPR 1 (separation distances) of the Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024).
- 7.4.5. Rossmore House, as stated, is sited behind the existing building line, would be set back by over 25 metres from opposing first floor windows of the proposed development. Furthermore, separated by an existing road, Chesterfield Avenue which in my view is acceptable. The proposed development is set back circa 2 metres from the eastern boundary. Windows locations in my view would be appropriately designed and positioned not to cause any adverse overlooking to Renesca or Rossmore House. I consider the separations distances and positioning of windows acceptable.
- 7.4.6. Loss of privacy relating to private gardens areas has been raised. Rossmore House is sited behind the established building line and separated by Chesterfield Avenue. The private garden area to Rossmore House is in my view sited to the rear garden to the south and would have a separation distance in excess of 22 metres from the

proposed side/western elevation to the rear garden area of this property which I consider is acceptable. There is also existing boundary treatment and mature hedging along the western boundary that would be retained which I consider to be acceptable and that would aid screening of the proposal. Having regard to these setbacks, which in my opinion are acceptable, it is my view that the proposed development would not result in any undue loss of privacy when viewed from this property.

7.4.7. In terms of loss of sunlight and daylight, the siting of the proposed dwelling in my view would follow the established building line along Cross Avenue. Rossmore House to the west is sited further south behind the established building line. The subject site would have an east to west orientation. Having regard to the siting and the separation distances as previously discussed which I consider acceptable, it is my view that the proposed development would not adversely impact on the adjoining properties by way of undue loss of sunlight or daylight.

7.4.8. Having regard to above, it is my view that the proposed development would not adversely impact on the adjoining properties by way of overbearance, overshadowing, overlooking or loss of privacy when viewed from this property and would be in accordance with Section 12.8.7.1 (Separation Distances) of the Development Plan.

7.5. Other Matters

7.5.1. In terms of the proposed access, the proposed site layout plan provides vehicular access onto Cross Avenue. I note the comments from the Transportation Section indicated no objection subject to the option of concave bell mouth or a 45-degree splayed shaped entrance to be provided onto Cross Avenue. Entrances in the immediate area in my view are characterised mainly by bell mouth shaped entrances. The proposed entrance is located onto a straight section of roadway where the road width is circa 7.5metres. Cross Avenue has a speed limit of 50km/h. As per Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) 45metres of forward visibility is required at the junction with the public road which in my view is achievable. Given this, I am satisfied the required sightlines are available in both directions from the proposed entrance onto Cross Avenue. A bell mouth shaped entrance in keeping

with the immediate built environment area can be conditioned if the Board is minded granting.

- 7.5.2. I note the concerns raised by the observer regarding the protection of the trees on the site. To facilitate the proposed development, 2 no. mature trees are required to be removed (no. 933 & 931). It is proposed to provide replacement planting as part of this development. The applicant had submitted a detailed Arborist report and Tree Protection Plan to the Planning Authority of which I deemed to be acceptable. This outlines the trees to be retained and protected throughout the pre and post construction phases. The Parks and Landscape Section of the Local Authority raised no objection subject to the works being carried out. It is my view that the cluster of existing trees provide amenity value to the streetscape and should be retained in this case. If the Board is of minded to grant, I consider it necessary to attach conditions regarding the safe guarding of trees in the interest of visual amenity.

8.0 Appropriate Assessment Screening

- 8.1. Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that permission should be granted for the reasons and considerations as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the nature, scale, location and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would comply with the 'Objective A' zoning for the site, Section 12.3.7.5: Corner/Side Garden Sites, as set out in the Dún Laoghaire-Rathdown Development Plan 2022 – 2028, would not seriously injure the visual or residential amenity of the area, 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 lodged with the application, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: **In the interest of clarity.**

2. (a) Prior to commencement of development, the developer shall submit details for the written agreement of the Planning Authority which comply with the following:
 - i. The proposed access shall be recessed by a minimum of 1.0metre with concave bell mouth shaped entrance, with walls and piers. Any gates shall open inwards.
 - ii. The proposed access shall not exceed 3.5metres in width inside the splayed entrance.
- (b) Development shall not commence without the prior written agreement of the Planning Authority and shall there after only be authorised to commence in accordance with the agreed plans.

Reason: In the interest of pedestrian and traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

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

Reason: To prevent flooding and in the interests of sustainable drainage.

5. 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.

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

6. The tree works and protection measures shall be implemented and retained throughout the construction period in accordance with the approved recommendations detailed within the Arboricultural Assessment & Impact Report by CMK Hort + Arb Ltd, received 31st May 2024. No tree removal shall be permitted to occur during the period of 1st March – 31st August, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

7. The site development and building works required to implement the development shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, 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.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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

Gerard Kellett

Planning Inspector

17th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320576-24		
Proposed Development Summary	Construction of a dwelling house on western side of property including a new boundary wall to subdivide the property and all associated site works.		
Development Address	Renesca, Cross Avenue, Blackrock, Co. Dublin, A94 P6Y7		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
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			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320576-24
Proposed Development Summary	Construction of a dwelling house on western side of property including a new boundary wall to subdivide the property and all associated site works.
Development Address	Renesca, Cross Avenue, Blackrock, Co. Dublin, A94 P6Y7
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area and is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.</p>

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

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development of a storage warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. An Appropriate Assessment Screening was undertaken by the Planning Authority as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. The Planning Authority concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description is presented in Section 2 of my report. In summary, permission is sought for the construction of a two-storey dwelling with total floor area of circa 432sqm on a stated site area of 0.074 hectares. Foul drainage is proposed to drain to the public main and surface water is proposed to drain to a soakpit within the site. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

The proposed development site is not located within or adjacent to any European site. The closest European site is sites being:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately circa 635m north of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately circa 665m north of the site.

A summary of European Sites is presented in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)

<p>The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024)</p>	<p><u>Habitat</u></p> <ul style="list-style-type: none"> • None <p><u>Species</u></p> <ul style="list-style-type: none"> • Turnstone - <i>Arenaria interpres</i> • Brent Goose - <i>Branta bernicla</i> • Sanderling - <i>Calidris alba</i> • Dunlin - <i>Calidris alpina</i> • Knot - <i>Calidris canutus</i> • Ringed Plover - <i>Charadrius hiaticula</i> • Oystercatcher - <i>Haematopus ostralegus</i> • Common Gull - <i>Larus canus</i> • Mediterranean Gull - <i>Larus melanocephalus</i> • Black-headed Gull - <i>Larus ridibundus</i> • Bar-tailed Godwit - <i>Limosa lapponica</i> • Red-breasted Merganser - <i>Mergus serrator</i> • Curlew - <i>Numenius arquata</i> • Cormorant - <i>Phalacrocorax carbo</i> • Grey Plover - <i>Pluvialis squatarola</i> • Great Crested Grebe - <i>Podiceps cristatus</i> • Roseate Tern - <i>Sterna dougallii</i> • Common Tern - <i>Sterna hirundo</i> • Arctic Tern - <i>Sterna paradisaea</i> • Redshank - <i>Tringa totanus</i> 	635metres	No direct
<p>South Dublin Bay SAC (IE0000210)</p>	<p><u>Habitat</u></p> <ul style="list-style-type: none"> • None <p><u>Species</u></p> <ul style="list-style-type: none"> • Turnstone - <i>Arenaria interpres</i> • Brent Goose - <i>Branta bernicla</i> • Sanderling - <i>Calidris alba</i> 	665metres	No direct

	<ul style="list-style-type: none"> • Dunlin - <i>Calidris alpina</i> • Knot - <i>Calidris canutus</i> • Ringed Plover - <i>Charadrius hiaticula</i> • Oystercatcher - <i>Haematopus ostralegus</i> • Bar-tailed Godwit - <i>Limosa lapponica</i> • Roseate Tern - <i>Sterna dougallii</i> • Common Tern - <i>Sterna hirundo</i> • Arctic Tern - <i>Sterna paradisaea</i> • Redshank - <i>Tringa totanus</i> 		
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Due to the enclosed nature of the development site and the presence of a significant buffer area (urban lands) between the site and the designated sites, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA and SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no

significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required in this case.

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites, namely:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 635m north of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 664m north of the site.

or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The separation distance between the subject site and the European and the absence of a direct hydrological connection between the sites.