



An  
Bord  
Pleanála

## Inspector's Report ABP-321469-24

<b>Development</b>	Retention is sought for widening vehicular access gate and additional timber privacy screening over existing site boundary		
<b>Location</b>	Mount Verona House, 6 Summerhill Road, Dún Laoghaire, Co. Dublin, A96 K302		
<b>Planning Authority Ref.</b>	D24A/0793/WEB		
<b>Applicant(s)</b>	Mathieu Pfiffer		
<b>Type of Application</b>	Retention	<b>PA Decision</b>	Split decision
<b>Type of Appeals</b>	First & Third party	<b>Appellants</b>	Mathieu Pfiffer (first party) John & Marie Curtin (third party)
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	7/3/25	<b>Inspector</b>	Rosemarie McLaughlin

### 1. Site Location/ and Description.

Mount Verona House, No. 6 Summerhill Road, is located at the junction of Summerhill Road and Martello Avenue (cul-de-sac), in a mature residential area in central Dun Laoghaire. The site (c.0.045ha) consists of an end of terrace, two storey over semi-basement, Victorian style villa with a gable roof profile. Further details are provided in the assessment.

## 2. Proposed development

- Retention is sought for widening a vehicular access gate (to 4.46 m) to the side of the site accessed from the cul de sac Martello Avenue.
  - Retention is sought for additional timber privacy screening over the existing site boundary.

## 3. Planning Authority Decision

The PA issued a SPLIT DECISION. The PA **refused** retention for the development of widening of the vehicular entrance for three reasons as summarised below.

1. Endanger public safety by reason of traffic hazard or obstruction of road users or otherwise as a result of obstruction of the adjacent public footpath by overhanging vehicles parked in the proposed hard standing area/vehicular entrance.
2. Having regard to the proximity of the subject site from the Dart Station c. 100m and SPRR 3 – Car Parking Standards in the Sustainable and Compact Settlements Guidelines, the site would be considered an ‘Urban Neighbourhood’ and therefore it is a specific planning policy requirement of these Guidelines that car-parking provision should be minimised, substantially reduced or wholly eliminated. The PA is not satisfied that there is a need for a car parking space at this location which is also in the vicinity of the Dun Laoghaire Neighbourhood Centre.
3. The vehicular entrance st 4.46m fails to accord with Section 12.4.8.1 of the Dun Laoghaire-Rathdown County Development Plan (CDP) 2022-2028

The PA **granted** retention for the timber privacy screening for the reason summarised below.

Having regard to the residential zoning of the site, and policies and objectives as set out in the CDP, it is considered that the development to be retained, subject to compliance with conditions, would not significantly detract from the amenities of the area.

## 4. Planning History

Relevant site history:

**DLRCC Reg. Ref. D21B/0389:** The PA refused permission for demolition of the upper section of the side gable and chimney stack, removal of pitched roof, new

attic room and new pitched slate roof and associated works for one reason that the development would detract from the existing visual amenities of the area.

**ABP-313006-22 D21B/0677:** Permission was granted by the Board for changes to the attic area, (raising ridge by 0.98m.) (31/05/2023)

## 5. Planning Policy

**Relevant Guidelines:** SPPR3 of the Compact Settlement Guidelines for Planning Authorities, DHLGH 2024.

**Local Policy:** The Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 (CDP) came into effect on the 21st April 2022 and is the applicable development plan.

- Site is zoned objective 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.
- Chapter 4 Neighborhood- People, Homes and Place.
- Chapter 12 - development management details.
- 12.4.8.1 Maximum width of an entrance is 3.5 m.
- 12.4.8.3 Driveways to be constructed in accordance with SuDs.
- 12.3.7.1 Extensions to dwellings.
- The Metals, located at the end of Martello Avenue, is a Candidate Architectural Conservation Area.

### 5.2 Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

To the northwest: South Dublin Bay and River Tolka Estuary SPA (site code: 004024) c.1.5 km and South Dublin Bay SAC (site code:000210) c 1.9 km.

To the southwest: Dalkey Island SPA (site code: 004172) and Rockabilly to Dalkey Island SAC (site code: 003000) c. 2.4 km.

## **6. The Appeals**

### **6.1 First Party Appeal**

- There is an historical access to the rear and a 1920 lease is submitted to illustrate this. A vehicle could fit through the previous access but the on-street parking introduced by the LA have rendered the previous 3.5 m access insufficient. This is an application for widening an access not creating a new one as considered by the PA.
- The policy is to reduce parking, not to eliminate it. The on-street parking to facilitate visitors has harmed the applicant.
- All of the Summerhill Road houses have off street parking except No.6. The PA have granted permission for off street parking in other decisions.
- This is a unique situation, and the Board is requested to consider the circumstances.
- The landscaping at the boundary will soften in time.
- The Board is requested to grant the entirety of the application.

### **6.2 Third Party Appeal.**

- An appeal has been received from John and Marie Curtin, No. 5 Summerhill Road, adjacent to the appeal site.
- The fence on top of the stone wall detracts from the character of the area.
- There is no overlooking from No. 5 and there is no privacy issue. The timber screen adds nothing to privacy. It is uncomfortable, intimidating, overpowering and unpleasant to be adjacent to a wall/screen 3.35 m high and sets a dangerous precedent where old stone walls are interfered with. It is requested that the offending screen be removed. As there is no privacy issue then the amenity impact should have been considered.
- The observation to the PA with dimensions/sections and photographs are included as part of the appeal.
- There is no encroachment from the appellant onto the neighbouring property.
- Details are provided about past works at the boundary.
- The house is not located over a basement as the rear of the property is at garden level.
- The drawings are incorrect in several ways and do not show the full extent of the screening to be retained.

- The access would be a traffic hazard and endanger public safety. Photographs are provided showing traffic movements from the site. A redesign is necessary.

### **6.3 P.A. Responses (6<sup>th</sup> and 9<sup>th</sup> January 2025)**

- The PA had no further comments to make for both responses.

### **6.4 First Party Response to third party appeal.**

- The history of the development on the neighbouring site is set out. The applicants require privacy owing to the work that took place on the adjacent site.
- The points about access are reiterated.

## **7. EIA Screening**

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

## **8. AA Screening**

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 small scale and minor nature of the development.
- The urban location in an existing residential area.
- The distance to the nearest European site and lack of pathways between the development and the European Site.

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

I have read the file, the appeals and associated documents and have inspected the site. Having regard to the relevant planning policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Access and parking
- Privacy/residential amenity
- Other

### 9.1 Access and parking

The public notices state, “*retention is sought for widening vehicular access gate*”. The access is located on a narrow cul de sac, where parallel parking is located directly opposite the access to be retained. Martello Avenue provides pedestrian access to the Metals, and a footbridge over the rail line connecting to the coast. Footpaths are located on both sides of the cul de sac. Houses are located on both sides of the road, some with off-street parking. The first party has made a point that parking in the general area can be extremely difficult to find and as a family they need a vehicle for shopping and family life.

In the split decision, the PA refused permission for retention of the access for three reasons as summarised in section 3 above. The Transport Section report (6/11/24) considered that the widened vehicular entrance does not afford adequate visibility for vehicles accessing/egressing the site onto both the carriageway and footpath and considered the widening of the entrance and associated vehicular intensification of use to create a traffic hazard.

The application drawings include a c. 4.6m wide access and parking area illustrating one car with no details of the surface materials of the parking area. The appeal contends that if the on-street parallel parking were not in place, it would be possible to revert to a smaller access of 3.5 m. While only one vehicle is illustrated on the application drawings, photographs provided in the third-party appeal show two cars parked in the space, one behind the other. The appeal maintains that historical Google maps are unclear, and that previous paving was limited to the area of the wheels of a vehicle. A drawing of a historic lease shows pillars in the vicinity of the original access.

On visiting the site, I observed a new hard-surfaced area for parking with the remaining rear garden recently landscaped. The footpath is dishd for a section of approximately

half of the access to be retained.

The application drawings do not include any drawing of the situation before the development to be retained took place, or any photographs to support the contention that this was an established vehicular parking area. The site plans in the planning history (section 4 above) illustrate a side access but no parking spaces and what appears as rock in a section of the current parking area to be retained. It would be common practice to include a parking area and any paved area on an existing site plan. The planning history files submit photographs of all parts of the application site except the rear garden area.

The appeal claims a lack of clarity in historical Google maps, which I have examined. The historical street views of the previous access are clearly available and demonstrate a significantly smaller side access located between two substantial pillars. The existing markings in the footpath demonstrate the location of the pillar removed which corresponds with the sloping section of footpath which leads to the level area that includes a manhole. The historical street view shows a mature garden with a clothesline extending from the rear of the house to the rear boundary in 2014 (across the parking area to be retained). The rear area of No. 6 also appears fully landscaped in 2016-2017 Google maps. The appeal points to the fact that the applicants purchased the site in recent years but did not submit details of the sales documents or any evidence to show the rear garden was used for parking. I also consider that parking has been demarked on Martello Avenue opposite the access prior to the development to be retained and this is not a new situation.

The 1920 lease shows piers indicating side access, and I note the house is included in the first ordinance survey and subsequent historical maps. There is no mews associated with the house and rear or side access for deliveries of coal etc. would have been common for such houses.

While the application drawings show one parked vehicle, there is evidence of two vehicles parking on the site and I believe the garden layout could also facilitate parking encroachment onto the landscaped grass section as it is level with the parking area.

The Planner's report considered the historical situation and considered the application for a new vehicular access. Having reviewed this issue raised in the Planner's report and the submission in the first party appeal, I do not consider that the applicants have made the case based on the materials provided, that there was an established parking area in

the rear of the property prior to the works sought to be retained. I also consider that details of the width of the access prior to the work being carried out should have been provided. Vehicular access and vehicular parking are interconnected and both require assessment. While the public notice states this is a widening of vehicular access, the applicant must also demonstrate that there was a vehicular parking area and details of the previous access to the satisfaction of a planning authority. Furthermore, it is clear from the design of the new hard-surfaced area that two cars can be facilitated, and I consider the level layout of the area between the house and the parking area could facilitate further vehicular encroachment. The letter accompanying the appeal states the pillar was removed because it was unsafe, and I note the replacement pillar was relocated to provide a widened access rather than in the original location.

The reason for refusal included that obstruction of the adjacent public footpath by overhanging vehicles parked in the proposed hard-standing area/vehicular entrance would endanger public safety. In this regard, I consider that a condition to ensure all parking is located within the curtilage of the site would prevent overhanging the footpath.

I accept the application site is unique and the standards in the CDP can be relaxed in some circumstances. However, I consider that the design and layout of the development to be retained in the context of the on-street parking and pedestrian access to the footbridge at the south of Martello Avenue as unsatisfactory in terms of pedestrian safety. No vehicle turning paths have been provided for the proposed retention to assist in an assessment. The proposal has restricted sightlines where cars would reverse out of the site, and there is nothing to prevent more than one car from being accommodated. Other permitted developments for off-street parking are not relevant in this appeal as this is site-specific situation and context. Accordingly, I consider that permission for retention of this access should be refused.

If the Board disagrees with refusing retention of the access, I recommend that the garden should be redesigned to allow only one parking space, to be agreed in writing with the PA. Conditions would also be required regarding SuDs details, dishing the pavement and details of the gate arrangement.

The Transport Section considered the provision of 2 No. car parking spaces and widened vehicular entrance as contrary to SPPR3 of the Compact Settlement Guidelines for Planning Authorities, DHLGH 2024. This SPPR requires in neighbourhoods such as the appeal site, that car-parking provision should be minimised, substantially reduced or



wholly eliminated. While this SPPR would be applied to a new house, I believe there is flexibility for established large houses on larger plots for limited parking provision despite the proximity to public transport, but this is qualified by the provision of safe access and traffic safety.

## **9.2 Privacy/residential amenity**

The grounds of the first party appeal contend there are no privacy issues between the properties. The response to the appeal contends the rear development on the adjacent property and new roof and the Velux window on the former piggery have caused privacy issues. The third party has a new rear extension (orangery) at ground level with high glazing and a raised large roof light. No. 5 Summerhill is set back from the rear of the house on the appeal site, having been constructed at a later date, and has a double pitch roof and I note, like Number 6, it also has an upper floor, bay window. While I do not consider that there is any significant overlooking of the appeal site, I accept there is a degree of overlooking of both properties which I consider as normal in a compact urban context.

Mature planting has been planted on the wall bounding No.5 and the erection of horizontal timber slats raises the boundary by 1 m to c. 3.25m high. This dimension is provided at the higher level of the site and the site slopes down towards the houses. The screening has been attached to the original rubble wall and screens the shed (historical piggery) and new roof and the top part of the extension (orangery) of the adjacent property, the home of the third party appellants, No.5 Summerhill Road.

The application drawings are incorrect, and the length of the timber screening on site extends for an additional c 4.37 m, as far as the rear wall of the house and includes a screen on the higher section of the original wall. This was raised in the observation by the third party to the PA and the Planner's report considered this error as acceptable and assessed the development as constructed. While the screen on the higher section of wall has less impact on the neighbouring property and is most directly in front of the orangery adjacent, this is not part of the planning application, and I do not consider the error to be de minimis as it represents circa one third of the development to be retained. I do not consider that permission may be granted for something that is not illustrated on the application drawings save in a de minimis context.

I consider the original wall at c. 2.24 m as adequate to prevent any significant overlooking in an urban situation and also note the sloping nature of the site. The development is

located adjacent to the southeast boundary of the third party. I consider the residential amenity of the rear of No.5 Summerhill Road as impacted negatively by this development as the height of the screening is overbearing and causes an additional level of overshadowing of the rear space, particularly in the mornings. I do not consider that a Velux window in a single storey shed structure as causing any significant overlooking of appeal site, and the height of the boundary prevents any significant overlooking from the ground floor extension at No.5. I also consider that such a development of increasing the boundary wall could lead to a precedent of increasing the height of rear boundaries in this area.

Having regards to the above, I recommend that retention for the screen be refused.

### **9.3 Other**

Both parties have raised points about the party wall. Development outside of the application site is not a matter for this appeal and boundary issues are a matter between the parties. Further, section 34(13) of the Planning and Development Act applies, where a person shall not be entitled solely by reason of permission to carry out any development.

The third party appeal contends the screening alters the character of the area. As the site is not a protected structure or located in an Architectural conservation area, I consider that the principle of a timber extension to a rubble wall as acceptable, subject to an assessment of the impact on neighbouring property. I consider that the screening negatively impacts the residential amenity of the neighbouring property as set out in the previous section of this report.

## **10. Recommendation**

I recommend that permission for both elements of the application for retention be refused.

## Reasons & Considerations

1. It is considered that the traffic movements generated by the access to be retained onto Martello Avenue which has restricted width and parallel parking opposite, and the restricted sightlines in both directions, would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists and would be contrary to the proper planning and sustainable development of the area. Furthermore, the Board is not satisfied on the basis of the submissions, that vehicular parking is an established use in the rear garden of Mount Verona House, 6 Summerhill Road, Dún Laoghaire, Co. Dublin.
2. Having regard to the height and length of the proposed screening to be retained on top of an existing wall as illustrated in the planning application documentation, and the proximity to the boundary with No. 5 Summerhill Road, it is considered that the proposed development would seriously injure the residential amenities of property in the immediate vicinity, by reason of overbearing impact and overshadowing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for other similar developments. Furthermore, the Board considers that it is precluded from assessing any part of the development that has been constructed on site which is not included in the application drawings.

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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Rosemarie McLaughlin

Inspector  
9<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321469-24</b>		
<b>Proposed Development Summary</b>	Retention is sought for widening vehicular access gate and additional timber privacy screening over existing site boundary		
<b>Development Address</b>	Mount Verona House, 6 Summerhill Road, Dún Laoghaire, Co. Dublin, A96 K302		
<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> X	Tick if relevant and proceed to Q2.
		<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>			Proceed to Q3.
<b>No</b>	X		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	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>			Preliminary examination required (Form 2)

**5. Has Schedule 7A information been submitted?**

<b>No</b>	<b>x</b>	Screening determination remains as above (Q1 to Q4)
<b>Yes</b>		Screening Determination required

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Rosemarie McLaughlin