



An
Bord
Pleanála

Inspector's Report ABP-321732-25

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| Development | Construction of a new two storey flat-roof domestic extension to the existing dwelling with repositioning of 2 high level east boundary windows and all associated site works. |
| Location | Tara, Brighton Lane, Blackrock, Co. Dublin, A94 P2E1 |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D24A/0853/WEB |
| Applicant(s) | Irene Kelly & Jonathan Newman |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Irene Kelly & Jonathan Newman |
| Observer(s) | Sandra & Michael Quinn Siobhan O'Dwyer & Rosaleen Blair Margaret Quinn |
| Date of Site Inspection | 3 April 2025 |
| Inspector | Natalie de Róiste |

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1.0 Site Location and Description

- 1.1. The subject site, Tara, is located to the rear of 3 Brighton Terrace, and accessed via an integral arch in 3 Brighton Lane, in Blackrock, Co. Dublin. It was built c. 1880 as a billiard room associated with no 3 Brighton Terrace (a protected structure), and was subsequently severed from the site and converted into a three-bedroom home in the 1940s. It is a single-storey structure with a hipped flat-topped roof, and a lean-to extension at the north end. It is currently unoccupied.
- 1.2. The site is bordered to the north by 3 Brighton Terrace; to the west by the rear gardens of 4 Brighton Terrace; to the east by the rear gardens of 2 Brighton Terrace; and to the south by 3 Brighton Lane, a mews house. The garage and pedestrian entrance at the west end of this property form part of the subject site. The site slopes downward slightly from south to north.
- 1.3. Brighton Lane is a mews lane off Brighton Avenue, which connects Monkstown Road to Seapoint Avenue. The five houses 1-5 Brighton Terrace are also known as 1-5 Seapoint Avenue, and look onto Seapoint Park, the linear park between Seapoint Avenue and the railway line, and beyond that onto Dublin Bay. The site is c. 6 minutes' walk from Salthill and Monkstown Dart Station.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey extension at the north end of the building, largely within the existing footprint of the building. The extension is 3.5 sqm at ground floor level, and c. 40 sqm at first-floor level. The works include internal reconfiguration of the building to remove non-original partition walls and expose original roof timbers, alterations to existing fenestration, and site works.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reasons:

- 1. The proposed first-floor extension by reason of its size and location is considered to be visually obtrusive, and would have a significant overbearing*

and overlooking impact on No. 3 Seapoint Avenue to the north and would therefore detract from the residential amenity of adjoining properties and would be contrary to the proper planning and sustainable development in the area.

2. The proposed first-floor extension by reason of its scale, height, massing and proximity from the adjoining boundary would have a significant negative visual impact when viewed from the northern elevation which would have a detrimental impact on the setting and character of the protected structure No. 3 Seapoint Avenue and would contravene Section 12.11.2.3 of the Dun Laoghaire County Council Development Plan 2022-2028. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One report, summarised as follows:

- Internal reports, submissions, and policy noted, repurposing of structure welcomed, refusal recommended as above. Any future application should submit a Construction Management Plan and letter of consent from owners of 3 Brighton Lane re access/works.

3.2.2. Other Technical Reports

- Conservation report – supportive of reinvention and refurbishment of building. Unique nature of building, necessity for adaptation, and constraints of form, internal layout, and site noted. Further Information with revised designs to minimise visual impact and perceived bulk on protected structure requested. Further clarification on proposed treatment of decorative panelling to principal rooms.
- Drainage – no objection.

3.3. Prescribed Bodies

An Taisce – site falls within ACA of Monkstown, and within curtilage of 3 Brighton Terrace, a protected structure. Concerns regarding impact on 3 Brighton Terrace, due to two-storey extension, and impact on views from Seapoint Avenue.

3.4. Third Party Observations

Six received, all from adjoining neighbours. Issues raised include overlooking, overbearing, overshadowing, conservation impacts, and construction impacts.

4.0 Planning History

Planner's report notes no planning history on site. On adjoining sites:

ABP-303059-18 (D18A/0721) Permission granted for conversion from multiple units to single family dwelling with granny flat at lower ground level, and amendments to existing structure (a protected structure) at 3 Brighton Terrace.

D20A/0574 Retention permission granted for single-storey extension to the rear and partial conversion of existing garage, at 3 Brighton Lane.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan 2022-28

The zoning objective for the subject development site is "A": To provide residential development and improve residential amenity while protecting the existing residential amenities.

The site lies within Monkstown Architectural Conservation Area.

All five houses on Brighton Terrace are protected structures, each given the description 'House Terrace'.

Chapter 3 addresses Climate Action.

Policy Objective CA6: Retrofit and Reuse of Buildings

It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

Policy Objective CA8: Sustainability in Adaptable Design It is a Policy Objective to promote sustainable approaches to the improvement of standards for habitable accommodation, by allowing dwellings to be flexible, accessible and adaptable in their spatial layout and design.

- 5.1.1. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

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 the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- 5.1.2. Chapter 11 Heritage and Conservation sets out policies, objectives, and guidance on protected structures, Architectural Conservation Areas, and buildings of heritage interest.

- 5.1.3. *Policy Objective HER8: Work to Protected Structures*

(i) Protect structures included on the RPS from any works that would negatively impact their special character and appearance

(ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to Architectural Heritage Protection Guidelines for Planning Authorities (see below guidance).

(iii) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.

(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.

(v) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features or views and vistas from within the grounds of the structure are respected.

(vi) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.

(vii) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

(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.

(ix) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(x) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES)..

Policy Objective HER13 Architectural Conservation Areas.

(i) Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.

(ii) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.

(iii) Ensure that any new development or alteration of a building within an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.

(iv) Seek a high quality, sensitive design for any new developments that are complementary and/or sympathetic to their context and scale whilst simultaneously

encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style. []

Policy Objective HER20: Buildings of Vernacular and Heritage Interest

It is a Policy Objective to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.*
- ii. Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features.*
- iii. Ensure that appropriate materials be used to carry out any repairs to the historic fabric.*

Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features:

It is a Policy Objective to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.*
- ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.*
- iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.*

5.1.4. Chapter 12 gives detailed guidance on Development Management.

Section 12.11.2.3 Development within the grounds of a Protected Structure

Any proposed development within the curtilage, attendant ground or in close proximity to a Protected Structure, has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials, and design which both respects and complement the Protected Structure and its setting.

Section 12.11.4 New Development within an ACA

(i) Where proposals include modifications and/or alterations, extensions or roof alterations affecting structures within an ACA these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development which would be detrimental to the character of either the structure, or its setting and context within the ACA.

(ii) When considering development of a site within an ACA (including backland sites) proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to the historic streetscape pattern.

Section 12.3.7.1 Extensions to Dwellings provides guidance on various types of extensions (front, rear, side, and at roof level).

The following Section provides guidance with respect to porches, front extensions, side extensions, rear extensions, roof alterations, attic conversions and dormer extension.

(i) Extensions to the Rear:

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house. First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the Planning Authority is satisfied that there will be no significant

negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:

- *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.*
- *Remaining rear private open space, its orientation and usability.*
- *Degree of set-back from mutual side boundaries.*
- *External finishes and design, which shall generally be in harmony with existing.*

(iii) Extensions to the Side: Ground floor side extensions will be evaluated against proximity to boundaries, size, and visual harmony with existing (especially front elevation) and impacts on adjoining residential amenity.

First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable. However, in certain cases a set-back of an extension's front façade and its roof profile and ridge may be sought to protect amenities, integrate into the streetscape, and avoid a 'terracing' effect. External finishes shall normally be in harmony with existing.

Any planning application submitted in relation to extensions, basements or new first/upper floor level within the envelope of the existing building, shall clearly indicate on all drawings the extent of demolition/wall removal required to facilitate the proposed development and a structural report, prepared by a competent and suitably qualified engineer, may be required to determine the integrity of walls/structures to be retained and outline potential impacts on adjoining properties. This requirement should be ascertained at preplanning stage. Side gable, protruding parapet walls at eaves/gutter level of hip-roofs are not encouraged. []

(iv) Alterations at Roof/Attic Level: Roof alterations/expansions to main roof profiles - changing the hip-end roof of a semi-detached house to a gable/ 'A' frame end or 'half-hip' for example – will be assessed against a number of criteria including:

- *Careful consideration and special regard to the character and size of the structure, its position on the streetscape and proximity to adjacent structures. Existing roof variations on the streetscape.*

- *Distance/contrast/visibility of proposed roof end.*

Harmony with the rest of the structure, adjacent structures, and prominence.[]

5.2. Monkstown Architectural Conservation Area Character Appraisal & Recommendations (July 2012)

- 5.2.1. The site falls within the Seapoint Avenue Character Area of the ACA, which is characterised by waterfront buildings with rendered finishes and features typical of the late-Georgian early-Victorian Italianate style.

5.3. Ministerial Guidelines

- 5.3.1. Architectural Heritage Guidelines for Planning Authorities (2011)

Chapter 7 addresses Conservation Principles, and notes (among other things) the importance of keeping historic buildings in use; the importance of research; the principle of minimum intervention and respecting earlier interventions of interest, and the perils of uninformed works and conjectural restoration. Chapters 8-11 deal specifically with walls, roofs, openings, and interiors in turn.

5.4. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA 004024 – 130 metres

South Dublin Bay SAC 000210 – 130 metres

South Dublin Bay pNHA 000210 – 130 metres

5.5. 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.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal was received, from the first party against refusal. Issues raised are summarised below.

- *Existing relationship between Tara and neighbouring buildings* – there is a high degree of mutual overlooking between Tara and no 3 Seapoint Avenue, and between 3 & 4 Seapoint Avenue. The outdoor area of no 3 was originally a service area, was never conceived as a formal garden, and is overlooked from three sides. It does not comply with BRE sunlight standards (2 hours of sunlight on March 21st) although it improves in summer, and the espalier trees along the boundaries with Tara and with no 4 mitigate overlooking. Recent works to 3 Seapoint Avenue (the addition of an external staircase and enlargement of windows) have impacted on Tara's privacy, and the proposed works will mitigate against them to mutual benefit. The proposed sea window looks over a side passage with a wayleave which is already overlooked.
- *Mitigation of proposal – scale* – it is proposed to reduce the height of the extension by 250 mm, by reducing the first floor bedrooms' floor-to-ceiling height from 2650 mm to 2400. The sawtooth windows have been reduced in height by 730 mm, and the (ground floor) corner window and (first floor) sea window have both been reduced in size. The revised proposal is no taller than the existing billiard room, and maintains the same building line (built on the same footprint). Integrated poles for climbing plants, a window planter, and three sculptural trees are proposed to further mitigate impacts, creating a vertical garden effect. Photographs from a short-term letting website have been used to show views from the windows of 3 Seapoint Avenue in the submitted Impact Assessment Schedule, and changes are minimal and acceptable.
- *Mitigation of proposal – fenestration* – it is proposed to recess the sea window behind a deep reveal of 500 mm, preventing side views over the patio of 3 Seapoint Avenue. The window is reduced in size, with a timber panel to the side, and a planter to the sill, to a similar size to those recently granted in no 3

Seapoint Avenue. The reveal also prevents overlooking of the garden of 4 Seapoint Avenue by the sea window, or the neighbouring sawtooth window, throwing sightlines towards the sea. A timber shutter to the inside will address An Taisce concerns regarding visibility of the window from the seafront in the dark. The sea window does not directly oppose any window, does not materially increase overlooking to the already overlooked terrace, and is an integral part of a scheme to restore a deteriorating structure, to the mutual benefit of all parties. The sawtooth windows provide light without overlooking neighbours, and with no glazing in sight from 3 Seapoint Avenue.

- *Location Justification* – the proposed first floor extension is planned at the north end as this minimises loss of original fabric – roof timbers have already been lost here, and the lean-to roof is not original – minimises loss of legibility of the original pavilion form, and conserves and exposes the important segmental arches and double cube volume. It minimises expansion of footprint and loss of outdoor space, with environmental and ecological benefits. The quiet areas (bedrooms and bathrooms) are located adjacent to 3 Brighton Terrace, with the active, noisier, area kept to the south, and an open-plan possible to the main building, with views of the roof timbers afforded from the first floor. It is superior to a basement alternative.
- *Inaccuracies in objections* – one of the observations from 3 Seapoint Avenue used inaccurate out-of-scale images, and unwarranted assertions. Statements of support for the restoration with objections to the small element of new build are unrealistic, as the latter supports the former. An Taisce's submission which foregrounds 3 Seapoint's Avenue importance while ignoring Tara's is disappointing. Some issues raised were non-planning issues, or not pertinent; boundary issues and legal rights for access for construction.
- *Economic Viability* – a Schedule of Condition report shows that this will be a costly endeavour. The viability of the restoration depends on the provision of a family home suitable for the applicant, and the attainment of a sea view.
- *Treatment of Panelling* – the Conservation Officer requested further information on this issue. The panelling is to be dismantled and relocated where necessary, and incorporated into the new design. The proposed new

scheme has enough wall space to accommodate it. The panelling was not part of the original incarnation of the building.

A large volume of additional information was submitted as part of the appeal:

- Revised elevation drawings, showing amended design.
- A model of the proposed revised elevation relative to 3 Seapoint Avenue, and annotated photographs of the model
- Built Heritage Letter of Support – this letter notes the historic symbiotic relationship and intervisibility between Tara and 3 Seapoint Avenue, the charm and social significance of the former billiard room, and the benefits of reuse in securing the future of the building, complying with Development Policy.

Planning Consultant Report – this sets out the policy context, refutes each element of the decision to refuse permission, and notes the modifications of the revised design further address the issues raised in the refusal.

- Landscape Report – this provides imagery showing existing and proposed views from the terrace of 3 Seapoint Avenue, both summer and winter, and proposes 3 x Cork Oak (*Quercus Suber*) trees and a climber in the form of Star Jasmine (*Trachelospermum Jasminoides*) to the north, and Ivy (*Hedera Helix*) to the east elevation. Evergreen perennials, ferns, and grasses are proposed to the planter to the sea window. The existing pleached trees to 3 Seapoint Avenue are hornbeams/beechness, which retain their dead leaves in winter.
- Environmental/Energy Consultant letter of support – this notes that the target BER for the new element is A2, and that the reuse of unused buildings is in accordance with Development Plan policy.
- Daylight Sunlight Impact Report – this shows that impacts to all but the three basement windows to the rear of 3 Seapoint Avenue are within the acceptable limits under BRE 209 assessment for daylight, and with the revised scheme, all but one window meets the standard (with the espalier trees excluded; if the espalier trees are included, all but one window meet the standards). Impacts on sunlight to all living rooms are within the acceptable range. The existing

outdoor space fails to comply with BRE standards for sunlight (50% of the area receiving two hours of sunlight on March 21st), and the impacts to the upper courtyard area would be imperceptible with the revised scheme. Impacts are negligible in the most important summer months.

- Impact Assessment Schedule showing views from protected structure – this shows views from no 3 Seapoint Avenue, using images from the third party observation, and from a short-term letting website. This shows that the proposed works are an improvement on the current situation, with increased planting providing a verdant backdrop, and Tara (already visible) no longer being vacant and at risk of dereliction. The images submitted with the third-party observation were inaccurate.
- Construction Management Plan – this is an indicative CMP. It notes construction access will be via Brighton Lane.
- Conservation approach to restoration of the stained glass windows – this includes a detailed description of the stained glass, and proposals for its restoration.
- Photographic record of restoration of East Wing (including billiard room) of Castletown House.

6.2. Planning Authority Response

Response received from the Planning Authority, summarised as follows:

- Notwithstanding the proposed mitigating measures (reduction in height, reduction in scale of windows, landscape screening), and the additional information provided, the Planning Authority still has concerns re overbearing impact on the protected structure.

6.3. Observations

Three valid observations received, from neighbouring residents.

Sandra and Michael Quinn

- Restoration welcomed in principle, vision and ambition commendable, use as family home preferable to dereliction.
- The provision of a sea view and a two-storey extension to create a four-bedroom house might be a 'red line' issue for the applicants, but they are not essential to the restoration of the building, which could be undertaken within the existing envelope. The building provided a single-storey family home for five people for many years.
- The appellant erred in suggesting that third party observations to DLR were considered unfounded – no such finding was made, and the reason for refusal refers to the residential amenity of 'adjoining properties' in the plural.
- There may be a historic mutual visibility between no 3 and Tara, but no 4 Brighton Terrace has never been overlooked by Tara, and the proposed sea window would injure the residential amenity of no 4. The sawtooth windows are redirected from 3 Brighton Terrace to look towards 4 Brighton Terrace.
- The views of a modern two-storey extension will not provide any planning gain to the public domain.
- This is not NIMBYism, but an expression of concern regarding impacts of the development.
- The submitted letter from Sheridan Woods refers to modest visual impacts of development on 2 and 3 Brighton Terrace, with no assessment of impacts on 4 Brighton Terrace.
- The model on display in ABP is limited, showing a single elevation to the north, and is of no assistance in assessing impacts on 4 Brighton Terrace.

Siobhan O'Dwyer and Rosaleen Blair

- The proposal contravenes the zoning objective, (as it does not protect existing residential amenities), and Development Plan policies and guidance, with the

excessive scale and overdevelopment failing to have due regard to the amenities of neighbouring property, contrary to *Policy Objective PHP19 Existing Housing Stock – Adaptation*, and failing to comply with *Section 12.3.8.1 Extensions to Dwellings*.

- The increase in height, and the proximity to the boundary is inappropriately scaled and insensitive to surrounding architectural context, in proximity to a large number of protected structures, within the Monkstown ACA, and visible from the historic streetscape. An Taisce considered it to be within the curtilage of a protected structure, and it should be assessed as such. The references to Castletown House are irrelevant to this constrained urban site.
- The proposal contravenes *SPPR1 – Separation Distances* of the Compact Settlement Guidelines, with less than 16 metres between the properties, and just 1.5 metres from the boundary with 3 Brighton Terrace.
- The negative overbearing and overshadowing impacts will diminish amenity to 3 Brighton Terrace. The rear garden (not a yard) is the main amenity space for the house. The use of interior photographs of 3 Brighton Terrace is an inappropriate invasion of privacy, and overemphasise existing overlooking. The new sea window would introduce a new line of sight directly into the observers' amenity area. The proposed revisions do not provide adequate mitigation.
- The proposed development has unacceptable and substantial visual and overbearing impacts, with impacts on its residential amenity, and its character as a protected structure. The claim that the first floor extension is essential is misleading and inconsistent with the aims to restore the structure, demolishing part of the roof, its supposed most important feature.
- A Daylight and Sunlight Assessment was submitted with this response – it confirms breaches of BRE and BS standards, with unacceptable impacts on daylight to 3 windows, with or without the hedging.
- A landscape response was submitted – this noted that the pleached Hornbeam do not retain their leaves in winter on this site, are bare from November onwards, and only leaf up in late April. The proposed mature *Quercus suber* would have very restricted space to thrive, and would be subject to the same sea breeze and salt burn that affects the Hornbeams.

- The proximity of the extension and the additional overshadowing will affect the health of the hornbeams.
- The proposal, with the minimal separation distance, restricts any future development potential of 3 Brighton Terrace.
- The development should be refused due to impacts on residential amenity, impacts on architectural heritage, and inappropriate precedent.

Margaret Quinn

- The proposed increase to a two-storey building would not be in keeping with the receiving environment, and would not be beneficial to Monkstown ACA.
- No consultation has been undertaken with neighbours.
- There is nothing to stop renovations to the existing structure, without a two-storey flat-roofed structure.
- There has been no access from the sea front to Tara since the early 1960s, despite references to a historic connection between Tara and the seafront.
- No 4 Brighton Terrace does not overlook the yard of no 3.
- Issues of economic viability and the requirements of the applicant for four bedrooms are not relevant to planning.
- The proposed Construction Management Plan is unachievable, and the site is practically landlocked.

6.4. Further Responses

None received.

7.0 Assessment

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

- Residential amenity of proposed development
- Impacts on neighbouring residential amenity
- Impacts on built heritage

7.2. Residential amenity of proposed development

- 7.2.1. The conservation report indicates that this house was converted to residential use in the 1940s. The established use is a residential one. A plan of the existing building is shown on p. 44 of the appeal. Two of the three bedrooms have a high level window only, with no possibility of providing standard windows, as the building is constructed hard against the boundary with No 4 Brighton Terrace's garden. The retrofit and reuse of the dwelling, and its improvement and adaptation is supported by Development Plan policy including Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation.
- 7.2.2. While the Ministerial Guidelines referred to in the planner's report (Housing Guidelines 2007 and Compact Settlement Guidelines 2024) are for new houses, rather than extensions to existing ones, the proposed development would nonetheless provide good sized bedrooms, and adequate living accommodation for a four-bedroom house, with a south-facing garden of c. 80 sqm. I note that some of the proposed bedrooms might be poorly lit, due to the proximity to the boundary at ground floor (bedroom 2), the sawtooth windows at first floor (bedroom 3), the northern orientation, the neighbouring trees in summer, the angle of elevation and proximity to 3 Brighton Terrace, and the proposals for additional planting to mitigate visual impacts. I also have concerns regarding mutual overlooking (discussed further below).
- 7.2.3. However, the main open-plan living area would have high ceilings and be well lit, and the proposed development would be a significant improvement on the existing very limited residential amenity.

7.3. Impacts on neighbouring residential amenity

- 7.3.1. The billiard room was built at a time when No 3 Brighton Terrace (like its neighbours) had an additional garden area on the north side of what is now Seapoint Avenue

(then a cul-de-sac). This garden is shown on the ordnance survey mapping extracted in the conservation report as having terraces, a summer house, and a fountain.

These subdivided gardens have since been amalgamated and now form the linear public park to the north, and Tara has been severed from the main house. This has left no 3 Brighton Terrace with a small garden relative to its size and character; c. 75 sqm, and c. 7 metres in depth. This area is laid out as a patio and surrounded by pleached hornbeam trees in a raised bed. As the land slopes from south to north towards the seafront, the sitting out area of 3 Brighton Terrace is c. 1.0 metre lower than the ground level at the north end of the Tara site.

- 7.3.2. The existing building is located 1.5 metres from the boundary with 3 Brighton Terrace, and has an eaves height of c. 3.1 metres above ground level, which rises to a ridge height of c. 6 metres, at a c. 30 degree angle. It is proposed to increase the height to c. 6.3 metres, with a flat-roofed two-storey extension on the same footprint. The sawtooth windows would project c. 600 mm from the elevation. While the overall increase in height relative to the roof ridge is minimal (and negligible in the revised plans submitted with the appeal), the increase in height (relative to the eaves) in such close proximity to the boundary is significant. The angle of elevation between the lower ground floor windows of 3 Brighton Terrace and the facing building would be sharply increased, with resulting perceptible impacts on daylight to these windows (which serve the granny flat permitted under ABP-303059-18 (D18A/0721)).
- 7.3.3. Due to the shallowness of the rear garden, the buildings are c. 8.5 metres from each other. Overbearing impacts would be exacerbated by the width of the proposed extension, which runs nearly the full width of the shared boundary, and the projecting sawtooth windows which would be within 950 mm of the boundary wall. I note the existing mitigating factors (the pleached hornbeams, which provide a visually softer backdrop) and the proposed mitigation measures (reduction in height of the extension by 250 mm, the reduction in height of the sawtooth windows, and additional planting and creeper plants). I would have concerns about the impacts of additional planting on the daylight, sunlight, and outlook to the new bedrooms, as well as concerns regarding the feasibility of tree planting in this narrow space, as shown in the submitted model.
- 7.3.4. Regarding overlooking, the existing elevation has three windows facing 3 Brighton Terrace. These serve a bathroom, a wardrobe, and the kitchen, and all three are

obscured (the kitchen window being lightly obscured). As such, there is currently minimal direct overlooking between the two properties. It is proposed to provide two bedrooms and two bathrooms, with the existing windows extended to ground floor level, and new windows inserted. I would not typically have concerns regarding privacy impacts from the provision of windows at ground floor level; however, in this instance, due to the level differences between the sites, there are potential views over the boundary wall, to directly opposing windows serving a kitchen and dining area in the upper ground floor at a distance of c. 8.5 metres, increasing mutual overlooking between both properties. The pleached trees would adequately mitigate this issue outside of the winter months.

- 7.3.5. The proposed sea window is not directly opposing existing windows, but it is at a higher level and (while I accept the economic arguments in favour of a sea view) it would nonetheless have uncomfortable overlooking impacts on the rear windows and on the private open space, particularly in the winter months, being 1.5 metres from the boundary. The appellant states that the terrace is already overlooked by no 4 Brighton Terrace, and from Seapoint Avenue. I did not find any meaningful view of the terrace from Seapoint Avenue, with only glimpsed views of part of the rear wall on the date of my site visit. The nearest above ground windows in 4 Brighton Terrace are c. 9-10 metres away from the boundary, at oblique angles, and I consider the overlooking impacts from the proposed much closer window, parallel to the boundary, to be significant.
- 7.3.6. I note the concerns of the neighbour at no 2 Brighton Terrace regarding the high level windows on the boundary – given the proximity of these windows to the stairwell, and the proposal for a railed balustrade to the mezzanine, there would appear to be potential for overlooking when descending the staircase. In the event of a grant of permission, these windows should be obscured.
- 7.3.7. Regarding the concerns of the neighbour at no 4 Brighton Terrace regarding overlooking of their garden from the sawtooth windows, given the distance to the mutual boundary from the bedroom window (c. 9 metres), and the narrow angle of the view, impacts are acceptable.

- 7.3.8. The patio of 3 Brighton Terrace already underperforms relative to the BRE standard for sunlight (failing to meet the 50% sunlit for 2 hours on March 21st), and the proposed near-full-width extension would exacerbate this issue.
- 7.3.9. On the whole, considering the combined impacts of overshadowing, impacts on daylight, overbearing impacts, and overlooking impacts, I consider the impacts on the residential amenity of no 3 Brighton Terrace to be unacceptable.

7.4. Impacts on Built Heritage

- 7.4.1. The appropriate conservation of the building and its protection from dereliction, would comply with Development Plan policy HER20 and HER21, and would have positive impacts on the built heritage of Dun Laoghaire Rathdown. The planning/conservation report submitted with the application sets out the history of the building, which was converted from a billiard hall to be used as a dance hall and then a scout hall, before being converted to residential use in the late 1940s. As noted by the council conservation report, it is an unusual building with an interesting history, set out in extensive original research in the submitted conservation report.
- 7.4.2. Neither the application nor the appeal includes a photographic survey of the existing building, or a systematic record of its features or character. Photographs of the roof structure (hidden above the suspended ceilings) are shown on drawing PLA-009 and p. 27 of the submitted planning/conservation report, and ceiling plans and photographs of a model are shown on the subsequent pages. The leaded toplight of one window is illustrated on p. 12. A plan of the existing building is shown on p. 44 of the appeal, with the location of the panelling which was referred to in the Council Conservation Division report. The following page shows photos of the extant panelling. Given the original use of the building as a billiard room, which requires large floor areas, and given the roof structure, the applicant surmises that the panelling is not original, and this appears more than likely. Nonetheless, I noted on the site visit that the panelling was well-designed and well-fitted to the spaces in question, with a matching doorcase in one room, with the panelling closely matched to the window reveals of the heritage windows. The character of these rooms is materially different to the other rooms in the building, and the panelling all the more unusual if it dates from the subdivision of the building in the 1940s.

- 7.4.3. I note the Ministerial Guidelines on Built Heritage refer to later interventions as follows: *In order to appreciate the integrity of a structure, it is important to respect the contribution of different stages of its historical development. Concentration on whether or not various parts of a building are 'original' can obscure the fact that later alterations and additions may also contribute to the special interest of the structure.*
- 7.4.4. The applicant states (responding in the appeal to the conservation office Further Information request) that the panelling will be retained within the proposed scheme, and that there exists enough wall space in the proposed scheme to incorporate this.
- 7.4.5. I have examined the plans and the sections of the proposed scheme. The majority of the panelling (some 25 metres in length) would need to be removed to provide the open plan scheme, with an incomplete section on the entrance elevation possibly retained in situ. Given the large amounts of glazing to the south elevation and the new north elevation, the demolition of the original north wall, and the lack of internal partition walls, there is limited wallspace to reincorporate the panelling. While this is unfortunate, it must be weighed against the requirements to provide additional fenestration and daylighting in terms of residential amenity that would allow for the continued use of the property, and the heritage benefits of exposing the decorative roof structure and restoring the volume.
- 7.4.6. The proposed works would affect the symmetry of the entrance elevation. This symmetry is evident in elevation drawings, but does not feature in any long views of the building, due to the location and orientation of the building on the site.
- 7.4.7. Regarding impacts on 3 Brighton Terrace, I consider the overbearing impacts referred to above to be detrimental to the setting of the protected structure. The appellant states that the proposal (with the additional proposed mitigating planting) would be an improvement on current views from the house, providing no 3 with a verdant backdrop. I do not consider the existing view of the former billiard room to be detrimental to the setting of 3 Brighton Terrace; rather it provides interesting visual historical context.

7.5. Other Issues

- 7.5.1. One of the observers expresses concerns regarding the developability of the site, due to the limited access. The current access is pedestrian only; the garage has vehicular access on the exterior only, with a pedestrian door to the rear wall. The garage has limited headroom, and the Construction Management Plan acknowledges the limitations of the site access. Regardless of any proposed extension, works are required to the building if dereliction is to be avoided. A construction management plan to mitigate impacts is the appropriate measure, rather than a refusal of permission.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

I recommend permission be refused for the following reason:

10.0 Reasons and Considerations

1. The proposed first-floor extension by reason of its size, scale, and location in proximity to the boundary is considered to be visually obtrusive, and would have a significant overbearing and overlooking impact on no. 3 Seapoint Avenue (also known as 3 Brighton Terrace) to the north, and would exacerbate existing overshadowing. The cumulative effects would therefore seriously injure the residential amenities of the property. It would have a detrimental impact on the setting of the property (a protected structure) in contravention of Section 12.11.2.3 of the Dun Laoghaire County Development Plan 2022-28. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

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.

Natalie de Róiste
Planning Inspector

15 April 2025

Form 1

EIA Pre-Screening

| | | | |
|--|--|--|---|
| An Bord Pleanála Case Reference | ABP-321732-25 | | |
| Proposed Development Summary | Two-storey extension | | |
| Development Address | Tara, Brighton Lane, Blackrock, Co. Dublin | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | <input checked="" type="checkbox"/> |
| | | No | <input type="checkbox"/> |
| 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 | <input type="checkbox"/> | State the Class here. | Proceed to Q3. |
| No | <input checked="" type="checkbox"/> | | Tick if relevant. No further action required |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | <input type="checkbox"/> | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required |
| No | <input type="checkbox"/> | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | | State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold. | Preliminary examination required (Form 2) |
| 5. Has Schedule 7A information been submitted? | | | |
| No | Tick/or leave blank | Pre-screening determination conclusion remains as above (Q1 to Q4) | |
| Yes | Tick/or leave blank | Screening Determination required | |

Inspector: _____

Date: _____