



An
Bord
Pleanála

Inspector's Report

ABP-322272-25

Development

Permission for the construction of new 2 storey 2 bedroomed flat roofed dwelling to the rear of site on Beaumont Avenue and associated works. Ground floor accommodation consists of living room, hallway, utility, wc, store and dining/kitchen area. First floor accommodation consists of 2 bedrooms, main bathroom, store, terraced area with 1.8m high solid screens. Current right of way access will be maintained to 62,64 Beaumont Avenue as well as car parking facilities for residents of 60 Beaumont Avenue. Car parking space is proposed for the new dwelling to the front. New 1.8m perimeter boundary wall is proposed in rear garden to both sides and rear.

Location

60 Beaumont Avenue, Churchtown, Dublin 14,
D14A029

Planning Authority Ref.

D24A/0915/WEB.

Applicant(s)

William and Martina Price.

Type of Application

Permission

PA Decision

Grant Permission

Type of Appeal

Third Party

Appellants

Paul and Orla O' Grady

Observer(s)

None

Date of Site Inspection

29-05-2025

Inspector

Adam Kearney

1.0 Context

1.1 Site Location/ and Description.

The site of the proposed development is located to the rear of a two-storey detached dwelling (No. 60 Beaumont Avenue/ 'The Grange') on the eastern side of Beaumont Avenue which links Churchtown Road and Barton Road East. The existing built environment is residential and predominantly single storey with attic type development commonplace

The linear site to the rear of No. 60 with a stated area of 0.08 Hectares fronts onto Orchard Way which is a narrow laneway (partly one way) that loops around onto Beaumont Avenue and provides access to various commercial business and dwellings on the northern side of the lane opposite the subject site and also access for the occupants of No. 62 via a right of way between the site and the rear of No. 60.

1.2 Description of development.

Applicant is seeking to construct a 2-bedroom two storey, flat roof dwelling accessing onto Orchard Way

1.3 Planning History

Site Specific

D14A/0119 – 58 Beaumont Avenue - Permission was for "change of use from existing commercial offices to reinstatement as residential two-storey detached dwelling house, including timber fence to rear garden and gate at existing vehicular entrance to rear."

Proximate and of Relevance

DI5A/0573 – 58 Beaumont Avenue - Permission was granted by Dun Laoghaire-Rathdown County Council for 58 Beaumont Avenue for "A. Extension to existing bungalow, to include; demolition of garage to rear, construction of new dormer extension to rear, provision of bedrooms in roof space, new dormer in roof to front and rear, raising of ridge line to front, new porch to front with alterations to front windows, new vehicular access and driveway onto Orchard Way, associated internal alterations, drainage and external works, Construction of new detached 3-bedroom dormer bungalow on the site to the rear off Orchard Way, relocating

vehicular access and raising height of boundary wall on Orchard Way, associated drainage and external landscaping works."

Note: Appealed to ABP (PL06D.246044) Decision upheld with revised conditions.

DI5A/0111 Permission was granted by Dun Laoghaire-Rathdown County Council for 58 Beaumont Avenue for "Permission to construct a two storey plus attic dwelling with garden, located at the rear of existing house with pedestrian access off Beaumont Drive and vehicular access from lane at rear.

1.4 Local Planning Policy

DUN LAOGHAIRE-RATHDOWN COUNTY DEVELOPMENT PLAN 2022-2028

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022, and is the relevant Plan.

The site is in an area with Zoning Objective 'A' – 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

12.3.7 refers to 'Additional Accommodation in Existing Built-up Areas'.

Section 12.3.7.5. refers to 'Corner/Side Garden Sites'. It lists parameters to which the Planning Authority shall have regard when assessing applications including size, design, layout, relationship with existing dwelling and immediately adjacent properties, and impact on the amenities of neighbouring residents. For larger corner sites there may be more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may 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.

12.3.7.7. refers to Infill. The Plan states that infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units.

S28 Ministerial Guidelines

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

Espouses compact and efficient development and reduces previous minimum separation distances and areas of private open space required in the interests of increasing densities nationally.

Quality Housing for Sustainable Communities – Best Practise Guidelines

Sets out minimum areas and requirements for new dwellings

1.5 Natural Heritage Designations

- None in the vicinity of the site
- Nearest South Dublin Bay Special Area of Conservation (000210) 4.5km

Development, Decision and Grounds of Appeal

1.6 PA Decision

Planning Authority decided to Grant Permission subject to 12 Conditions.

The conditions in the main are standard with Condition 4 stipulating some minor revision including that the car parking space is to be offset from the proposed dwelling by 0.5m and that 4 secure long term bicycle spaces be provided as well as EV charging infrastructure

1.6.1 Planners Report (first)

In the initial planning report the area planner was largely in favour of the proposed development but identified some issues that required a further information request namely;

- The quality of the finish
- The boundary treatment including Privacy screen to first floor terrace
- Surfacing and entrance treatments
- Shadow and sunlight assessment

1.6.2 Planners Report (second)

Further information received that was deemed satisfactory

- Setback the northern boundary and to utilise a chain fence similar to existing
- Shadow and sunlight report received was acceptable
- Material change including white brick to first floor southern elevation, dark louvre to terrace and retention of boundary fence deemed acceptable
- Permeable paving proposed for car parking space and brick to first floor facade of north and east elevation
- 1.8m rendered block wall to rear of dwelling

1.6.3 Other Technical Reports

Drainage Planning Report

No objection subject to standard conditions pertaining to SUDS and around surface water run off and permeable hardstanding

Uisce Eireann

No Objection subject to standard conditions

1.7 Third Party Appeal. Grounds:

- Unacceptable overlooking from the first floor balcony/roof terrace, alternative option to omit louvred in favour of a brick wall 2m above roof terrace surface
- Right of way misrepresented at 3.1m whereas the correct dimension is 4.8m
- Site boundary incorrectly includes shed which forms part of the property of 62 Beaumont
- request that garden boundary wall be brick facing as per dwelling
- request that attention is given to the interface between different brick types at the corners of the building

1.8 PA Response

- email response – ‘Board is referred to the previous Planners Report’...’grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development’

1.8.1 Applicants First Party Response

- In response to observations on original application, a screen at 1.8m was introduced and accepted by the planning authority
- Contends that the Right of Way (ROW) is 3.0m and not 4.8m and this is supported by legacy applications that refer to 3.0m. willing to lay kerbing to clearly delineate the vehicular access through to no. 62
- In the planning application(s) by the appellants at various times since 1998, they have shown only a 3.0m wide RoW on their documents. (Ref: D98B/0905)
- The site boundary as it pertains to the proposed new dwelling is completely accurate. The area in question relates to the ROW, which would not be impacted by the proposed dwelling
- happy for An Bord Pleanála to stipulate that the brick corners “be constructed in a visually satisfactory manner” as requested.

2.0 Environmental Screening

2.1 EIA Screening

The proposed development is for a detached two-storey dwelling in an established urban area and sited on a vacant plot to the rear of an existing dwelling with access via a public laneway. Schedule 5, Part 2, Section 10(b)(i) of the Planning and Development Regulations 2001, as amended, lists the “Construction of more than 500 dwelling units’ as a Class of Development for the purposes of Part 10. As such, the proposed development is sub-threshold for the purposes of EIA. Having regard to the nature of this sub-threshold development, and the location of the site removed from sensitive locations or features it can be reasonably concluded that the proposed development would not be likely to have any real likelihood of significant effects on the environment either by itself or in conjunction with other developments. As such, no EIAR or screening for assessment is required. (See

attached Appendix 1 Form 1 Pre-screening and Appendix 2 Form 2 Preliminary Examination).

2.2 AA Screening

Having regard to nature, scale and location of the proposed development and remoteness from 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. I have considered the construction of a 2 storey 2 bedroomed flat roofed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network is South Dublin Bay Special Area of Conservation (000210) is circa 4.5km northeast.

3.0 Assessment

3.1. I have reviewed the application and the appeal inclusive of first party response and have visited the site. I am satisfied that the appeal can be considered under the following headings

- Principle of Development
- Design & Layout
- Visual Impact
- Other matters

3.2. Principle of Development

The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The development of additional housing is permissible in principle under this zoning.

The vacant site to the rear of No. 60 is long and narrow and notwithstanding the partial use of same for a Right of Way for adjacent dwellings there is sufficient area to allow for development once neighbours amenity is protected.

3.3. Design and Layout

- 3.3.1. The proposed two-bedroom, two storey, flat roof dwelling responds to the narrow site configuration and in terms of the internal area of the dwelling comfortably exceeds the minimum area required for a 2 bedroom dwelling in Quality Sustainable Housing Guidelines. The dwelling is sufficiently offset 23m from the rear wall of the primary dwelling and with an overall height at 6.3m is low impact in terms of height given the proposed flat roof. Further all rooms are substantially within or comfortably exceed minimum requirements.
- 3.3.2. Parking provision and Private Open Space provision for a 2 bedroom dwelling complies with both the CDP and the Sustainable Residential Development and Compact Settlements Guidelines.
- 3.3.3. Further information received during the application clarified and improved upon the initial siting with the incorporation of defensible space, clarified external surface and elevational finishes inclusive of the Louvre screen which the appellants would prefer to see as a brick wall. I am satisfied that the Louvre screen in a dark colour will integrate with the design thrust and will not compromise the privacy of neighbouring property. I am also satisfied that the boundary treatment detail offered at FI stage including the retention of the common boundary fence is acceptable,
- 3.3.4. A minor concern is the north facing fenestration particularly at first floor level, The bathroom window opening conflicts with the overall fenestration design approach on this elevation and I feel that this should be revised but can be done so by way of condition.
- 3.3.5. The appellants raised a concern about the brick construction detail on the corner where the angle is not at 90 degrees. I am satisfied that the angle is not such a challenge that an acceptable engineering solution cannot be implemented and that the resultant detail would be insignificant aesthetically.

3.4. Visual Impact

- 3.4.1. Given the separation from the dwellings on Beaumont Avenue and the mixed use context of the area with commercial uses interspersed with residential I am satisfied the the dwelling as proposed with a flat roof and relatively low level at 6.3m will not serve to be a discordant feature on the urban landscape and anticipate that the structure subject to conditions will service to improve the existing streetscape.

3.5. Other Matters

The appellants raised questions around the specific siting and the width afforded to the Right of Way. The appellant in their first party response confirmed that the width is 3.0m and made reference to previous applications by the appellant that support this contention. They also committed to defining the exact location and edges with kerbing for the avoidance of doubt. I am satisfied that the ROW will not be impacted by the proposed development.

- 3.5.1. In respect to the above, I note that issues to do with title or Rights of Way are not matters which can be adjudicated by the Board. I refer to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. I also refer to Section 34(13) of the Planning and Development Act 2000 (as amended) states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.
- 3.5.2. The appellants raise the issue of inaccurate site boundaries and specifically point to the inclusion of a garden shed in the red line area which they state is not under the applicants ownership. The applicant did not respond directly to this assertion in their response referring to the ROW only. In this regard the issue is unresolved as to whether the shed should come within the red line area or not but irrespective, the including of the shed footprint has no material bearing on the siting of the dwelling and as per section 3.5.1 I again refer to Section 34(13) of the Planning and Development Act 2000 (as amended) states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'

3.6. Recommendation

3.6.1. I recommend that Permission for the development be Granted.

4.0 Reasons & Considerations

Having regard to the zoning objective for the site as set out in the Dun-LaoghaireRathdown County Development Plan 2022-2028, the design and scale of the proposed dwelling, it is considered that the proposed development, subject to compliance with the attached conditions, would constitute an acceptable form and scale of development which would integrate with the established pattern of development in the area, would not be injurious to the amenities of residential property in the vicinity, and would be consistent with the proper planning and sustainable development of the area.

1.	<p>The development shall be carried out and completed 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The bathroom window design on the first floor of the north elevation shall be changed to a high-level window as per the first floor north facing bedrooms windows. A revised north facing elevation to be submitted and agreed with the Planning Authority prior to commencement.</p> <p>Reason: In the interest of visual amenity</p>
3.	<p>The Details of the materials, colours, and textures of all the external finishes of the proposed development shall be submitted to and agreed in</p>

	<p>writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity</p>
4.	<p>Proposals for a naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.</p> <p>Reason: In the interest of urban legibility.</p>
5.	<p>Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working,</p>

	<p>noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.</p> <p>Reason: In the interest of public safety, environmental protection, and residential amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Name: Adam Kearney

Planning Inspector

Date: 12-06-2025

Appendix 1

Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-322272-25		
Proposed Development Summary	Construction of a two storey detached dwelling to the rear of an existing dwelling		
Development Address	60 Beaumont Avenue, Churchtown, Dublin 14, D14A029		
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	√	The development is of a Class (Class 10(b)(i)) – Schedule 2	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	✓	The relevant threshold for Class 10(b)(i) is the 'Construction of more than 500 dwelling units'	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	At 1 no. dwelling unit the proposed development is substantially below the threshold	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-Screening conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Adam Kearney

Date: 12-06-2025

Appendix 2

FORM 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-322272-25
Proposed Development Summary	Construction of a two storey detached dwelling to the rear of an existing dwelling
Development Address	60 Beaumont Avenue, Churchtown, Dublin 14, D14A029
<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>	
Characteristics of proposed development (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).	The development is the construction of a single two storey detached dwelling in an urban area predominantly residential, it does not require any significant demolition works and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.
Location of development (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	The application site comprises a vacant urban plot to the rear of an existing dwelling in a suburban area. It is removed from sensitive natural habitats and designated sites inclusive of any archaeological features or monuments

<p>natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>or protected structures. I do not consider that there is potential for the proposed development to negatively affect environmental sensitivities in the area</p>						
<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).</p>	<p>The site is in a suburban built up location with predominantly low rise residential dwellings. An additional single dwelling is not likely to give rise to any significant impacts locally. Construction impacts will be short term and can be mitigated and managed.</p>						
<p>Conclusion</p>							
<p>Likelihood of Significant Effects</p>	<table border="1"> <thead> <tr> <th data-bbox="663 999 1157 1106">Conclusion in respect of EIA</th> <th data-bbox="1157 999 1452 1106">Yes or No</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 1106 1157 1290">EIA is not required.</td> <td data-bbox="1157 1106 1452 1290">NO</td> </tr> <tr> <td data-bbox="663 1290 1157 1494"></td> <td data-bbox="1157 1290 1452 1494"></td> </tr> </tbody> </table>	Conclusion in respect of EIA	Yes or No	EIA is not required.	NO		
Conclusion in respect of EIA	Yes or No						
EIA is not required.	NO						
<p>There is no real likelihood of significant effects on the environment.</p>							

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)