



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322290-25

#### Development

Amendment permission to the permitted development granted under DLRCC Reg. Ref. D21A/1135, including decrease in area, omission of basement and garden and other works.

#### Location

a c.0.034 Ha site at York House, No. 30 York Road, Dun Laoghaire, Co Dublin

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D25A/0091/WEB

#### Applicant(s)

Niamh Ryan

#### Type of Application

Permission

#### Planning Authority Decision

Grant permission

#### Type of Appeal

Third Party

#### Appellant(s)

Tivoli Road Residents

#### Observer(s)

None

**Date of Site Inspection**

1 July 2025

**Inspector**

Natalie de Róiste

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## **1.0 Site Location and Description**

- 1.1. The rectangular site measures c. 0.034 Hectares (340 sqm) and contains a vacant two-storey house, York House, on York Road, Dun Laoghaire, in close proximity to the crossroads junction with Tivoli Road, Mounttown Road Upper, and Mounttown Road Lower.
- 1.2. The site is bordered to the north by a two-storey detached house, Avila; to the south and east by a development site formed by part of its own back garden and by Tivoli Lodge, a single-storey former nursing home to the south. The area is largely residential, with Saint John the Evangelist Roman Catholic Church located at the junction, to the south-west, and St Helen's (former monastery) located across the street.

## **2.0 Proposed Development**

- 2.1. The proposed development is an amendment to a permitted but unimplemented planning permission, (D21A/1135), which permitted the demolition of the existing extension to York House, and the construction of a new two-storey over basement rear extension, a new pitched roof and increased roof height, and widened vehicular entrance and two car parking spaces. The proposed amendments include:
  - Reduction in site area from 0.039 ha to 0.034 ha
  - Omission of basement (97.6 sqm) and garden at same level
  - Increase to rear ground floor garden area (from 42.2 sqm to 52 sqm)
  - Addition of winter garden (c. 16 sqm) to ground floor rear
  - Reduction in second floor balcony to west (8.3 sqm to 4.5 sqm), new balcony (4.5 sqm to east)
  - Two new balconies at first floor (18 sqm to east, 3.5 sqm to south)
  - Overall reduction from 408 sqm gfa to 294 sqm gfa
  - Amendments to internal layout, to elevations, landscaping, and associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission.

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

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

The planning report considered the principle of development; the permitted baseline; climate action; residential amenity and visual impact; access and parking; and drainage. It noted the concurrent live application, and overlapping site boundary with Tivoli Lodge to the south (D25A/0092). It considered the development acceptable, subject to an amending condition to one balcony.

#### **3.2.2. Other Technical Reports**

- Transportation Planning – no objection subject to conditions on vehicular entrance and gates.
- Drainage Planning – no objection subject to conditions as per parent permission.
- Conservation Division - no objection.

#### **3.2.3. Conditions**

13 conditions were attached, the majority of which were standard conditions.

- Condition 3 limited the duration of permission to that of the parent permission.
- Condition 5 increased the height of a terrace balustrade in the interests of neighbouring privacy.

### **3.3. Prescribed Bodies**

No reports.

### 3.4. Third Party Observations

Two received, with concerns regarding overlooking, noise, visual impacts, drainage, traffic, impacts of the development at Tivoli Lodge, and omission of seating feature to new Tivoli Lodge development due to boundary realignment.

## 4.0 Planning History

- DLRCC D21A/1135 (Parent permission)

Permission granted for works to the existing vacant York House (330 sq. m) to provide a 2 No. storey over part basement, 4 No. bedroom house with an attic floor level (428 sq. m). The works proposed include (a) the demolition of the existing rear extensions (225 sq. m) and the removal of the existing roof; (b) the construction of new-build floor area including a two storey extension to the rear (164.1 sq. m), a new basement under the new build element (97.6 sq.) and a new pitched roof and attic level (62.4 sq. m) incorporating a west facing terrace; and (c) the rationalisation of the internal layout. The development will increase the height of the building from c. 8.73 No. metres to c. 11.2 No. metres. The proposed development also includes a total of 79.6 sq. of private amenity space, comprising a private rear garden (c. 42.2 sq. m), a garden at basement level (c.25.7 sq. m) and a roof terrace at attic level (c. 11.7 sq. m); 2 No. car parking spaces; the provision of 2 No. pedestrian entrances off York Road; an upgraded and widened vehicular entrance; hard and soft landscaping; and all other associated site works above and below ground at York House, 30 York Road

- On Tivoli Lodge site to south
  - ABP-322291-25 (D25A/0092/WEB)

Live current application for amendment to the permitted residential development granted under Reg. Ref. D21A/1137 (ABP-314896-22) consisting of an increase in the number of apartment units from 8 to 13 and all associated site works.

- ABP-314896-22 (D21A/1137)

Permission granted for demolition of single-storey building (205 sqm) and construction of part-two- part-three-storey over partial basement apartment block,

with 4 one-bedroom units, 2 two-bedroom units, and one 3-bedroom unit, and 1 two-bedroom live-work unit.

- On combined site (Tivoli Lodge and York House)
  - D18A/0370 Permission refused for demolition of Tivoli Lodge and construction of 3-4 storey apartment block with 7 apartments, and partial demolition of York House to provide a 4-bedroom 2-storey house.
  - ABP PL.06D.219573 (D06A/0072) – Permission granted for demolition of Tivoli Lodge and construction of 14 apartments in a three-storey block, and for change of use of York House from nursing home to two apartments.
  - ABP PL06D.211265 (D05A/0001) – Permission refused for demolition of all buildings on site and construction of five-storey building comprising 20 apartments in 2005.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown County Development Plan 2022-28

- 5.1.1. The site is zoned 'Objective A' in the Development Plan where the stated objective is to *“provide residential development and improve residential amenity while protecting the existing residential amenities.”*
- 5.1.2. Policies, objectives, and guidance of relevance are as follows:

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

#### Section 12.3.7.1 Extensions to Dwellings

This sets out further guidance on front, side, and rear extensions, as well as alterations to roofs and attics.

## 5.2. **Natural Heritage Designations**

South Dublin Bay and River Tolka Estuary SPA 004024 – 850 metres

South Dublin Bay SAC 000210 – 850 metres

South Dublin Bay pNHA 000210 – 850 metres

## 5.3. **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 (or Part V of the 1994 Roads Regulations). 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.

## 5.4. **Water Framework Directive Screening**

- 5.4.1. The subject site is located in a built up area in the Greater Dublin Area, c. 600 metres southeast of the Brewery Stream, within the Brewery Stream\_010 sub basin (IE\_EA\_09B130400). The site is located on top of the ground water body Kilcullen (IE-EA-G-003). It is c. 800 metres south of the coastal waterbody Dublin Bay.
- 5.4.2. The proposed development comprises amendments to permitted alterations to a house.
- 5.4.3. No water deterioration concerns were raised in the planning appeal.
- 5.4.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 5.4.5. The reason for this conclusion is as follows:
  - the small scale and nature of the development



- the distance from the nearest water bodies and the lack of hydrological connections

5.4.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One third party appeal was received, from Tivoli Road Residents. Issues raised were as follows:

- The proposed realignment of the boundary wall is to the benefit of the York House applicant, and will impact negatively on the proposed neighbouring development at Tivoli Lodge.
- It will create a long narrow corridor route into and through the permitted Tivoli Lodge apartment block. It will eliminate an attractive open air seating feature, one of the few common amenities at ground floor level, which enlivens the otherwise narrow and constricted entrance.
- The proposed realignment of the boundary is unnecessary, and benefits York House at the expense of the denser and more heavily populated Tivoli Lodge.
- There are no concerns with the other amendments.
- The commission is referred to the submissions of objection to the council.

### **6.2. Applicant Response**

The applicant has made a response summarised as follows:

- The case planner considered the revisions to the development, including the revisions to the reconfiguration of outdoor space, as a positive development. They responded to the objections regarding the boundary change by noting

that the amendments to the layout of the proposed neighbouring development are considered in the assessment of that application.

- The appeal raises no relevant matters, and should be dismissed.
- Notwithstanding that, the development at Tivoli House is adequately provided with communal open space, and the revisions have no material impact on the proposed development there.
- Additional communal open space has been provided at second floor level. The ground floor provides an accessible route to the public footpath, as well as a route to the bins and parking area. It is not intended as an area for congregation, which would risk impeding sunlight to the lower ground floor apartments.

### **6.3. Planning Authority Response**

The Planning Authority did not consider that the grounds of appeal raised any new matter which would justify a change of their attitude, and referred the Board to their previous report.

### **6.4. Observations**

None received.

### **6.5. Further Responses**

None received.

## **7.0 Assessment**

- 7.1. 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:

- Nature of the appeal

- Changes to site boundary

## **7.2. Nature of the appeal**

- 7.2.1. The applicant contends that the appeal has no merits and should be dismissed. Having considered the totality of the appeal and noting the planning issue raised (impact on the neighbouring residential development), I do not consider the appeal to be frivolous or vexatious, or designed to delay development, and do not consider that it should be dismissed under Section 138.

## **7.3. Changes to site boundary**

- 7.3.1. The appellant has raised a single issue, the impacts on the neighbouring proposed development to the south as a result of the boundary change. I note at the outset that the amendments to the neighbouring development (subject of a live concurrent application (ABP-322291-25 (D25A/0092/WEB)) currently under appeal) are assessed under that appeal.
- 7.3.2. As noted in the planning history, there is a grant of permission on the York House site (DLRCC D21A/1135), and a separate grant of permission on the Tivoli Lodge site (ABP-314896-22 (D21A/1137)). Neither permission has been commenced. The red line boundaries in those applications overlapped; the red line boundary for the York House application reflected the physical boundary between the two sites, and included the rear garden and rear extensions of that property, while the red line boundary for the Tivoli Lodge application included parts of the rear garden and rear extensions of York House, which it was intended to demolish to create an enlarged site for the apartment development.
- 7.3.3. Notwithstanding the overlapping sites, the developments were designed to knit together, with the demolitions on the York House site facilitating the expansion of the Tivoli Lodge site.
- 7.3.4. This amending application for York House has a revised site boundary, which omits the part of the site (the former rear garden) which also formed part of the permitted Tivoli Lodge site (providing its car park). It further rationalises the boundary between the two sites, providing a straight line boundary to the south of the gable wall of York

House, with no overlap between the two sites, creating a rectangular site for the York House development.

- 7.3.5. The Tivoli Lodge site has reduced in size from 860 sqm to 849 sqm, a reduction of 11 sqm or 1.3%. The revisions to the boundaries have not created a ransom strip or affected servicing of the Tivoli Lodge site.
- 7.3.6. A revised application has been submitted on the Tivoli Lodge site, reflecting the revised site boundary. This is a reasonable approach, and that application is assessed separately.
- 7.3.7. The proposed revised boundaries are acceptable.

#### **7.4. Other Issues**

I note that the development proposed is an amendment to a permitted development, and certain elements (for example access and car parking) are not subject to any changes, and are not the subject of the application or the appeal. A number of conditions were attached to the permission which repeated or replicated conditions of the parent permission in a redundant manner. These should be omitted for clarity.

### **8.0 AA Screening**

- 8.1.1. 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 a grant of permission for the following reasons:

### **10.0 Reasons and Considerations**

Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including the residential zoning objective; the permitted development on the

site; the massing, scale, and form of the proposed amended development; it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. 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.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference D21A/1135 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The obscure glazed balustrade along the northern elevation of the first-floor east-facing terrace shall be increased to a minimum height of 1.8 metres above finished floor level. REASON: In the interest of safeguarding neighbouring residential amenity and prevent overlooking.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Natalie de Róiste  
Planning Inspector

10 July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322290-25
<b>Proposed Development Summary</b>	Amendments to permitted development, including decrease in floor area and omission of basement
<b>Development Address</b>	c.0.034 Ha site at York House, No. 30 York Road, Dun Laoghaire, Co Dublin
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here   
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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