



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323603-25

<b>Development</b>	PROTECTED STRUCTURE: Removal of boundary wall and construction of three three-storey town houses and on-site parking.
<b>Location</b>	Lands to the rear of No. 1 Crosthwaite Park West, Dun Laoghaire, Dublin, A96E735 (A Protected Structure)
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0486/WEB
<b>Applicant(s)</b>	Vorsprung Properties Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant</b>	Vorsprung Properties Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> November 2025

**Inspector**

Suzanne White

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	5
4.0 Planning History.....	9
5.0 Policy Context.....	10
6.0 EIA Screening.....	19
7.0 The Appeal .....	19
8.0 Assessment .....	24
8.1. Principle of development.....	24
8.2. Impact on Protected Structure and ACA .....	25
8.3. Impact on adjoining residential amenity .....	30
8.4. Development Standards for existing dwellings– new issue.....	32
9.0 AA Screening.....	34
10.0 Water Framework Directive Screening .....	35
11.0 Recommendation .....	36
12.0 Reasons and Considerations.....	37
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 - Form 2 - EIA Preliminary Examination	
Appendix 3 – Water Framework Directive Screening Determination	

## 1.0 Site Location and Description

- 1.1. The subject site comprises a 0.0444ha parcel of land which forms part of the original side garden of No. 1 Crosthwaite Park West, in the Dublin suburb of Dun Laoghaire. Access to the site is from Crosthwaite Park West, along the side of the existing building No. 1 Crosthwaite Park West. The site has frontage onto Corrig Road on its northern side.
- 1.2. No.1 Crosthwaite Park West is a Protected Structure, ref. 1209, with the description 'House Terrace' in the Dun Laoghaire Rathdown County Development Plan 2022-2028, and is situated at the end of a terrace of similarly designed protected structures on Crosthwaite Park West. There are several other protected structures in the vicinity, including those on the opposite side of Crosthwaite Park (East), to the north east on Clarinda Park West and Corrig Avenue and to the southwest on Royal Terrace East. The subject site is also located within the Crosthwaite Park Architectural Conservation Area (ACA). The Clarinda Park ACA and Royal Terrace ACA are in close proximity to the northeast and southwest, respectively.
- 1.3. The existing building on site, No. 1 Crosthwaite Park West, has been converted into 8no. apartments, which the applicant states was undertaken pre 1963. The subject site forms the original side garden to the building and is presently used for car parking associated with the apartments.
- 1.4. The site is relatively level, though slopes up slightly from Corrig Road to the southern boundary. The site has a gravel finish. There are two mature trees within the site, one to the rear of the existing dwelling and one larger tree on the boundary with Corrig Road. The boundary along Corrig Road comprises a block wall. The western boundary consists of the flank wall of the Park Lane Veterinary building, which is two storeys in height and contains no fenestration or openings facing the application site. A wall and hedge separate the site from the rear curtilage of No.3 Crosthwaite Park West. The eastern application site boundary, with the Protected Structure, in part follows the line of an existing stone and render wall which encloses a single storey side extension to that building and a small external yard and outbuilding associated with a lower ground floor apartment in the main structure.
- 1.5. The local area is predominantly residential in character, though immediately to the (west) of the site is an existing veterinary practice, Park Lane Vets.

- 1.6. The site is c. 300m walking distance to bus stops on Glenageary Road Lower, serving the 7, 7A, 45, 45A, 45B bus routes towards Dun Laoghaire, Mountjoy Square, Kilmacanogue and Brides Glen. Sandycove and Glasthule DART Station is c. 750m (9min walking distance) to the northeast. Dun Laoghaire town centre is c. 750m (9 minute walking distance) to the north.

## **2.0 Proposed Development**

- 2.1. The development as submitted consists of:

- (i) removal of non-original boundary wall fronting Corrig Road and 1no. existing tree to provide 3no. vehicular accesses to the application site. New dropped kerbs and widening of public footpath. Partial replacement of front boundary wall to match original wall adjacent to the east;
- (ii) construction of 3 no. three-bedroom, three-storey townhouses with private rear gardens and enclosed 2<sup>nd</sup> floor balcony to front;
- (iii) provision of on-site parking spaces for 1 no. car each within a carport to the front of each house. Public footpath widened;
- (iv) provision of a shared side access gate from Corrig Road and laneway giving access to the rear gardens of each dwelling;
- (v) provision of a gate and steps from Corrig Road to the rear/side garden of No. 1 Crosthwaite Park West;
- (vi) provision of bike and bin storage (1.45m height) to front of each house;
- (vii) provision of rooflights and solar panels at roof level of each house; and
- (viii) landscaping, SUDS and foul drainage, boundary treatments and all ancillary works necessary to facilitate the development.

## **3.0 Planning Authority Decision**

### **Decision**

- 3.1. The Planning Authority resolved, by order dated 13<sup>th</sup> August 2025, to REFUSE permission, for the following reason:

1. The proposed development, by reason of its height, scale, design, layout, visual bulk, separation distances, and overbearing appearance, would have a significant and negative impact on the residential and visual amenity of the area, the special interest of the Protected Structure at 1 Crosthwaite Park West, and the Crosthwaite Park ACA. The proposed development would therefore be contrary to Policy Objectives PHP20, HER8, and HER13, and Sections 12.3.7 and 12.3.11 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **Planning Authority Reports**

### Planning Reports

3.2. The main points of the Local Authority Planner's report include:

- Site is subject to zoning objective 'A'. Residential development is permitted in principle. The proposed development would therefore be acceptable in principle, subject to compliance with Development Plan policies and objectives.
- Acceptable in terms of Policy Objective CA7: Construction Materials.
- The proposed dwellings would generally comply with the relevant residential standards and provide a high standard of internal residential amenity.
- The density of 67.5uph is acceptable, having regard to the site's location within a 'City -Urban Neighbourhood' location, to which a density range of 50-250uph applies.
- Private amenity space would exceed the 40sqm minimum required by the Compact Settlement Guidelines and is acceptable.
- The non-provision of public open space is considered acceptable, having regard to the small site area, its infill nature and the de minimis level of public open space which could be required. A contribution in lieu should be sought by condition.

- The DLRCC Conservation Report is noted. While the proposed development is considered to be of high architectural quality, it has not successfully integrated with the character of the ACA and due consideration has not been given to the Protected Structure. The maximum separation distance to the RPS of 5.5m is not sufficient and would result in an overbearing and visually overwhelming effect on the RPS. Lack of screening would exacerbate the impact of the proposal's height. Issues noted with regard to the visuals submitted, which are of limited use in determining the visual impact of the development on nearby houses.
- The height and design of the development has the potential for significant and negative impacts to neighbouring property and the character of the area. There is potential for overlooking and overshadowing of neighbouring property.
- In addition to the issues raised in the Transport Report, the design of the front gardens would not be compliant with Section 12.4.8.3 of the CDP which requires one third of front gardens to remain as grass or soft landscaping.
- The need for AA and EIAR screened out.

#### Other Technical Reports

- Conservation Division: refusal recommended. Significant built heritage concerns raised. Proposal is considered overdevelopment of the site. Impacts on the Protected Structure due to the proximity of the scheme and its impact on the setting, amenity and appreciation of the RPS. The proposed dwellings would sit proud of the building line of the Protected Structure and would visually overpower and detract from it. Verified images do not show the development contextually from the entrance of Crosthwaite Park West i.e. the relationship with the façade of No. 1. There is no guarantee that the trees within the site can be retained, to minimise the impact. The trees make a valuable contribution to the sylvan setting of the Crosthwaite Park ACA. The view of the development next to the Protected Structure on approach eastwards along Corrig Road is considered inappropriate and visually incongruous with its context. Height of the dwellings is concerning,

accentuated by the gabled profiles, and does not appear subservient to the Protected Structure.

- Drainage Planning: no objection, subject to conditions.
- Transport Planning: further information requested in respect of the front curtilage of the proposed dwellings. New vehicular accesses considered acceptable.
- Parks and Landscape: no objection subject to conditions. Notes that the existing tree nos. T3 & T4, located outside the red line boundary, were purposefully planted each side of the entrance of No.1 Crosthwaite Park and play a pivotal role in maintaining the visual amenity and historical character of No.1 Crosthwaite Park RPS. The footprint of the proposed development would be built right up to the red line boundary, leaving virtually no space for any construction compound to store materials and plant machinery. It would not be acceptable for any plant machinery or materials to be situated inside the root protection areas of trees T3 and T4.

### **Prescribed Bodies**

- 3.3. Environmental Health Service: further information requested, comprising a Construction Environmental Management Plan and Resource & Waste Management Plan.

I note that there is a reference in the Planner's Report to a report received from Uisce Eireann. The Planning Authority has since confirmed that this was an error in the Planner's Report – no comments were received from Uisce Eireann.

### **Third Party Observations**

- 3.4. The Planning Authority received one submission from a third party, with an address in Dublin 8, which raised the following issue:
- The proposed development is contrary to the proper planning and sustainable development of the area.



## 4.0 Planning History

### Appeal site (partial):

D14A/0340: Permission refused for development which also includes a separate area of land between No. 1 Crosthwaite Park West (a Protected Structure) and Corrig Road. The development will consist of: the demolition of an existing two storey workshop (35 sqm) at the rear of No. 3 Crosthwaite Park West; the demolition of sheds and garages in the rear of nos. 5 and 7 Crosthwaite Park West and the partial demolition of rear and side boundary walls. The construction of: 3 no. two storey mews dwellings (ranging from 96 sqm to 105 sqm in size) each dwelling will have a courtyard and terrace and a parking space on the forecourt; construction of revised boundary treatments; hard and soft landscaping; resurfacing the lane within the site area; provision of services, including street lighting and all site development works above and below ground including connections to services. The demolition of a section of the boundary wall alongside no. 1 Crosthwaite Road and construction of a set back boundary wall, resulting in the widening of the public footpath.

The application was refused for two reasons, relating to sightlines and the inadequate condition of the adjoining laneway to support residential development.

### Rear of No.3,5,7,9 & 11, Crosthwaite Park West

D10A/0719: Permission refused for a development of 5 No. 2 storey residential units, a single residential unit being located at the rear of each of the premises No.3,5,7,9 & 11, Crosthwaite Park West which are protected structures. The application was refused for one reason, relating to the inadequate condition of the adjoining laneway to support residential development.

PL06D.236647 (D09A/0534): Planning permission refused for a development of 5 No. residential units of three storeys, with a height of 9.3m. A single residential unit being located at the rear of each of the premises No.3,5,7,9 & 11, Crosthwaite Park West, Dun Laoghaire, Co. Dublin which are protected structures. The application was refused on the grounds of prematurity in relation to the inadequate condition of the adjoining laneway and for being piecemeal in the absence of proposals for comprehensive redevelopment of the mews lane.

### Inverness, Corrig Road

D18A/1066: Split Decision. Permission refused for the construction of a new two storey dwelling house in side garden with new vehicular access from Royal Terrace East. Permission granted for a new vehicular access to existing dwelling house from Corrig Road and all associated site works.

#### Hazeldene, Corrig Road

PL06D.230452 (D08A/0600): Permission refused for the construction of a two storey 4 bed detached mews with vehicular access from Clarinda Park West with ancillary on and off site development works at lands to the rear (An Architectural Conservation Area).

PL06D223182 (D07A/0172): Permission refused for demolition of existing 2 storey 6 bed detached house and attached glasshouse / outbuildings to East gable and the construction of 4 no. dwellings fronting onto Clarinda Park West, with vehicular entrance from Clarinda Park West.

#### Leysin, Crosthwaite Park East

PL06D.248742 (D17A/0288): Permission refused for: 1. Demolition of the single storey pitched roof side extension to the side of the existing house. 2. The construction of a four bedroom flat roofed two storey to the front and three storey to the rear house. 3. The works will also consist of roof terrace to the front of the property, roof lights, new driveway entrance with landscaping, rear garden shed, drainage works and ancillary and associated works.

## **5.0 Policy Context**

### **National Policy Guidance**

National Planning Framework (2025)

NPO 20: Infill

NPO 90: Built Heritage

### **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

## **Development Plan**

### Dun Laoghaire Rathdown County Development Plan 2022-2028

The site is subject to *Zoning Objective ‘A’* – To provide residential development and improve residential amenity while protecting the existing residential amenities.

The northern boundary of the site is contiguous with the proposed ‘Dun Laoghaire Local Area Plan’ area, however there is no adopted or draft plan for this area at present.

*Objective PHP18* - increase housing supply and promote compact urban growth, including through infill; encourage higher densities, ensuring a balance with protection of existing amenities and established character.

*Objective PHP19* – objective to conserve and improve existing housing stock and densify existing built-up areas through small scale infill development having due regard to amenities of existing established residential neighbourhoods.

*Objective PHP20* - ensure the residential amenity of existing homes in the Built Up Area is protected where adjacent to higher density or height infill development

*Objective T19* - manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5

*Objective OSR4* - to promote public open space standards generally in accordance with overarching Government guidance documents

*Policy Objective OSR7: Trees, Woodland and Forestry.*

*Policy Objective HER8: Work to Protected Structures* - It is a Policy Objective to:

- 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 the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
- iii. Ensure that all works are carried out under 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* - It is a Policy Objective to:

- 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 or immediately adjoining 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 development(s) 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.
- v. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- vi. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture

*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.

*Section 12.3.7.5 Corner/Side Garden Sites* - Corner site development refers to subdivision of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

*Section 12.3.7.7 Infill* - In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features

such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

*Objective T19* - manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5

#### *Section 12.4.5 Car Parking Standards*

In reference to the Parking Zones map which forms part of the DLR County Development Plan 2022-2028, the site is located in Parking Zone 2, for which the standard is 1 space per 3bed house.

Section 12.4.8 - Vehicular Entrances and Hardstanding areas: maximum entrance width of 3.5m; parking space minimum dimensions of 3m x 5.5m; minimum access path of 1.2m width; adequate space for refuse storage and service metres, cycle storage (12.4.8.1). Vehicular entrances and on-curtilage parking should not normally dominate a property's frontage (12.4.8.2). A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties – such as small terraced dwellings this requirement may be relaxed (12.4.8.3). Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted. All proposals for off-street parking will be considered on a case-by-case basis and should:

- Minimise loss of original boundary treatment.
- Retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car. The vehicular entrance and hard-standing area should not dominate a property's forecourt or result in the loss of traditional finishes such as granite setts and flags.

- Provide surface treatments of a high quality using traditional materials compatible with the surrounding context. Bituminous and concrete surfacing are not acceptable.
- Where favourable site conditions exist minimum intervention, integration and reuse of materials will be the key considerations (12.4.8.4).

*Section 12.8.7.1 Separation Distances* - A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments.

*Section 12.8.7.2 Boundaries*

*Section 12.8.8 Financial Contributions in Lieu of Open Space*

*Section 12.11.2 Architectural Heritage – Protected Structures*

*Section 12.11.2.3 Development within the Grounds of a Protected Structure* - Any proposed development within the curtilage, attendant grounds, 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. Any development must be consistent with conservation policies and the proper planning and sustainable development of the area. Considering recent changes to National Policy, (including the 2018 DHPLG, 'Urban Development and Building Heights Guidelines for Planning Authorities', a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County.

Any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following (only relevant criteria listed):

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments.



- Any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever this.
- Have regard to the development management criteria as set out in Chapter 3 of the Department of Housing, Planning and Local Government, (DHPLG), 'Urban Development and Building Height Guidelines'; and shall indicate how the proposed development responds to its overall natural and built environment, and make a positive contribution to the urban neighbourhood and streetscape; ensure the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the proposal positively contributes to the mix of uses, and/or building/dwelling typologies available in the neighbourhood.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

All planning applications for development in proximity to a Protected Structure must be accompanied by a design statement, with supporting illustrative material, demonstrating how it has been developed having regard to the built heritage, topography, and landscape character of the site. An accredited conservation architect or equivalent should be engaged at the outset of the design process to assist in determining the appropriate siting of the development in order to minimise the impact on the Protected Structure. It may be of benefit to discuss specific requirements, at pre-planning stage.

*Section 12.11.3 Architectural Conservation Areas* - The guiding principle of ACAs is to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic to its distinctive character.

*Section 12.11.4 New Development within an ACA*

All planning applications for development within an ACA shall have regard to the following criteria:

- All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should be to a high standard of design and should have a positive contribution to the character of the ACA.
- 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 historic streetscape pattern.

Works to improve the public realm such as new surfaces, dished pavements, traffic control measures including signage and ramps shall respect and enhance the essential character of the ACA.

Appendix 4 - Table 4.1 (Record of Protected Structures) - RPS No. 1209

#### Crosthwaite Park Architectural Conservation Area Appraisal

The Crosthwaite Park ACA Appraisal includes the following descriptions relevant to the application site:

“Crosthwaite Park West is probably one of the most majestic of terraces in all of Dún Laoghaire Rathdown. Built on an extravagant scale, with exuberant architectural detailing, which is again not typical in the county. Unlike the variations, which exist on Crosthwaite Park East and South, the west side is almost fully uniform.”

“No. 1 Crosthwaite Park West has a pivotal position in the Park being located on a large corner site at the formal entrance to the park and terminating the vista of Corrig Avenue.”

“No. 1 terminates the north end of Crosthwaite Park West in the same way as those terminating the north and south ends of Clarinda Park East, and has the effect of a strong book ending to the terrace. It occupies a key location, as it is where one formally enters the park.”

## **Natural Heritage Designations**

The nearest Natura 2000 Sites are:

- South Dublin Bay SAC (Site Code: 000210) c. 1.5km to northwest
- South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which are c.2.4km to the northeast of the site c. 1.4km to the northwest
- Dalkey Islands SPA (Site Code: 004172) c. 2.7km to the southeast
- Rockabill to Dalkey Island SAC (Site Code:003000) c. 2.9km to the east

## **6.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **Grounds of Appeal**

- 7.1. The appellant's grounds of appeal are set out in a Planning Report, appended to which are an Outline Architectural Heritage Assessment (Appendix C), Daylight and Sunlight Assessment (Appendix D) and Photomontages of the revised proposal (Appendix E). The applicant also submitted a revised proposal as part of their grounds of appeal. The reports and scheme amendments are summarised below:

#### Planning Report

- Height, scale and bulk: the proposed dwellings are significantly lower than, and are subservient to, the existing protected structure. The revised design submitted would ensure that the terrace reads as subordinate and recessive,

not overbearing. Additional CGI images have been submitted to show the relationship between No. 1 Crosthwaite Park West and the proposed development

- Design and layout: the design has been refined to respect its sensitive context. High quality and robust materials have been selected. The layout respects the current gardens of No. 1 and places the new terrace in an existing car park. The applicant confirms, in their grounds of appeal, that there is no intention to remove the two existing trees at the entrance to No.1 Crosthwaite Park West, which are outside the red line boundary.
- Building line: The refusal reason criticised the building line, yet Corrig Road is characterised by irregular frontages. The terrace has been deliberately aligned with the adjoining veterinary practice, ensuring a coherent streetscape while retaining the prominence of No. 1 Crosthwaite Park West. The protected tree line in the garden of No.1 provides a visual buffer. A rigid replication of the Protected Structure's line would sterilise the site and undermine compact growth objectives. Proposal is deemed to be in accordance with Policy HER13 of the County Development Plan. It would not be feasible to replicate the building line of No.1, which belongs more properly to Crosthwaite Park West, as this would significantly constrain the developable area of the site, result in an underutilisation of serviced urban lands, contrary to compact growth objectives. The building line as proposed is therefore both contextually appropriate and policy compliant.
- Separation distances and amenity: there is no national or local policy requirement for separation distance in this context. The fenestration strategy achieves the 16m separation distance required by the Compact Settlement Guidelines 2024 with no directly opposing habitable windows and scope for obscure glazing to bathrooms if required. The proposed development would be c. 5m from an existing single storey extension to No.1, but c. 8m from the upper façade of the main house. The 5m separation functions as a physical and visual buffer between the RPS and the new dwellings which ensures that the proposed townhouses are clearly read as a distinct terrace fronting Corrig Road. The windows of the proposed dwellings do not overlook or encroach

upon the private amenity spaces of the RPS. All windows to the side and rear at 1<sup>st</sup> and 2<sup>nd</sup> floor levels provide light to bedrooms. Bedrooms are not generally considered as habitable rooms in the context of addressing overlooking or amenity impacts. The applicant is amenable to the use of obscure glazing for bathroom windows. Any potential overlooking of the rear gardens of the proposed dwellings can be dealt with by landscaping or screening, which can be conditioned. The site is a centrally located urban setting in Dun Laoghaire and flexibility must be provided when considering the context.

- The Applicant also highlights that: the site is situated in an established residential area; is c. 800m from Marine Road and within walking distance of Glasthule and Dun Laoghaire DART stations; there are multiple high-frequency bus services and other services in proximity; the lands are under-utilised, serviced and zoned; the site falls under the 'urban neighbourhood' designation according to the Compact Settlement Guidelines. The proposed density falls within and at the lower end of the density range for this area, 50-250uph.
- The Planning Authority has not given appropriate consideration to the favourable locational factors identified above and consequent support at national policy level for residential development in these types of locations.
- In response to the comments of the report of the Council's Transportation Planning Section, the applicant states that the proposal has been designed to provide 1no. parking space to the front of each dwelling and that bike and bin stores are positioned at the front for convenience. The applicant would be willing to accept a condition restricting the level of hardstanding at the front of the dwellings.
- In relation to Policy HER8: Works to Protected Structures, the applicant considers that the proposal fully accords with the policy, noting that the Protected Structure will not be altered and that the proposals will maintain its curtilage and independence. The revised proposals will ensure that the new dwellings will remain visually subordinate.

- In relation to Policy HER13: Architectural Conservation Areas, the applicant notes that the proposed dwellings are aligned with the veterinary building, will integrate with the established pattern of Corrig Road and that the revised design would sit significantly below the parapet level of the RPS.
- In relation to Section 12.3.7, the applicant states that the proposal represents an appropriate form of infill development, that the revised massing respects the surrounding scale and that private amenity spaces are provided in accordance with Development Plan Standards.
- The applicant notes that the refusal reason makes reference to Section 12.3.11, which relates to Green Belt, and is not relevant to the application.
- In relation to Objective PHP20, the applicant states that the proposed scheme and density strikes a deliberate balance between compact growth and the sensitivities of the ACA and Protected Structure.
- The applicant lists other schemes in Dun Laoghaire Rathdown which are considered relevant as precedents.

#### Outline Architectural Heritage Assessment

- The present character of the site, particularly the surface car park and un-rendered block wall detract from the protected structure.
- The existing terrace of 16 houses on Crosthwaite Park West is very attractive and impressive. The front elevation of No. 1 is a formal symmetrical 3 bay classical elevation, but the main front façade of the terrace of 16 houses is less formal and is not symmetrical. The rear of the terrace is a jumble of forms, with a variety of finishes and features rear returns which are taller than the terrace at 5 storeys. The lane to the rear has a run down appearance and would benefit from mews development, which this proposal could start.
- There are many examples of gabled profiles in the immediate area and gabled profiles would not be inappropriate for the proposed development. The issue of height is overstated in the Conservation and Planner's reports.
- The proposed development is set back from Crosthwaite Park West and is therefore subservient to the great terrace. The proposed development is

subservient to No. 1 by virtue of its smaller mass and scale. There are examples on Corrig Road and Tivoli Road of buildings stepping forward and back.

- The proposed gardens of the new dwellings will be in the position of the original rear garden of No.1 and will restore that outlook. The redevelopment of the existing surface car park will be a positive change to the character of the area. The addition of the small terrace is consistent with the pattern of development in the area. The impact on the setting of the Protected Structure is moderate.

#### Daylight and Sunlight Assessment

- The assessment concludes that daylighting and sunlighting of adjacent properties would not be significantly affected.

#### Revised proposal

The key changes from the original application submission are as follows:

- the pitched roofs are replaced by lower stepped flat and green roofs, reducing the parapet levels to 43.33m and 45.02m, below that of the Protected Structure at 48.55m.
- alterations to fenestration on the east, west and south (rear) elevations.
- reduction in number of rooflights and insertion of a clerestorey window to the front elevation instead.
- off-white brick to complement the Protected Structure.
- proposed planting of 1no. semi-mature tree in the rear garden of each new house.

#### **Planning Authority Response**

- 7.2. The Planning Authority response refers the Board (Commission) to the previous Planner's Report, noting that the 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.

## **Observations**

None.

## **Further Responses**

None.

## **8.0 Assessment**

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

- Principle of development
- Impact on Protected Structure and ACA
- Impact on adjoining residential amenities
- Development standards for existing dwellings– new issue

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including residential standards, public open space and surfacewater disposal. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

### **8.1. Principle of development**

- 8.1.1. 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 residential extensions and additional housing units is permissible in principle under this zoning.
- 8.1.2. The County Development Plan 2022-2028 makes provision for additional accommodation in existing built-up areas, and for the development of suitable corner and side garden sites. In principle, the proposal to construct additional housing on



this side garden site is acceptable on policy grounds, subject to compliance with the other objectives and standards of the Development Plan.

## **8.2. Impact on Protected Structure and ACA**

- 8.2.1. The substantive issue raised by the Planning Authority in their reason for refusal is the potential impact of the proposed development on the special interest of the Protected Structure at No.1 Crosthwaite Park West and the Crosthwaite Park ACA. The Planning Authority's decision refers to the height, scale, design, layout, visual bulk, separation distances and overbearing appearance of the proposed dwellings in their reasoning and refers to the heritage-related Policy Objectives HER8 and HER13. The Conservation Officer's report recommended refusal, highlighting concern at the proximity, height, building line and massing of the proposed development in relation to the Protected Structure, which they considered would appear visually overbearing and incongruous in the context, resulting in serious injury to the setting of the Protected Structure and failing to integrate with the streetscape of the ACA.
- 8.2.2. The Applicant's grounds of appeal highlight that: the proposed buildings would be significantly lower than the Protected Structure; Corrig Road is characterised by irregular frontages and the proposed development would align with the adjacent veterinary practice building and would not impact on the prominence of the Protected Structure; the present character of the site detracts from No.1; there are many examples locally of gabled profiles; and the proposed development is subservient to No.1 by virtue of its smaller mass and scale. They also emphasise the sustainable location of the application site, within walking distance of public transport and services, and consequent alignment with national policy to encourage higher density development. The applicant has submitted revised drawings as part of their appeal grounds. To address the issues of height and massing raised in the Planning Authority's refusal reason, the revised scheme features stepped, flat and green roofs with a lower parapet height. Amendments to the detailing of the scheme are also indicated, including an off-white colour facing brick to relate better to the Protected Structure, replacement of the rooflights with a clerestorey window and changes to fenestration.

- 8.2.3. Policy Objective HER8 requires that development has regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities', that development affecting the setting of a Protected Structure is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials; that the curtilage of protected structures is protected from inappropriate development that would adversely impact on their special character. Section 12.11.2.3 of the Development Plan, relating to development within the grounds of protected structures, is particularly relevant. Criteria listed for the assessment of such proposals include: the proximity and potential impact in terms of scale, height, massing and alignment on the protected structure; the relationship between the principal residence and its adjoining lands; positive contribution made to the urban neighbourhood and streetscape; retention of an appropriate setting for the protected structure; careful choice of palette of materials.
- 8.2.4. Policy Objective HER13 and Section 12.11.4 relate to ACAs and seek to ensure that: development proposals within an ACA will be appropriate to the character of the area having regard to the Character Appraisals and in terms of their design, scale, height, mass, density, building lines and materials and be of a high standard, sensitive design.
- 8.2.5. The Conservation Officer's report also referenced the following extracts from The Architectural Heritage Protection Guidelines for Planning Authorities (AHPG's) as relevant to consideration of the application: Section 12.5.1 *"Proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the Planning Authority as inappropriate development will be detrimental to the character of the structure"* and Section 13.5.2 *"Where a formal relationship exists between a Protected Structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. There may be a designed vista between a building and a built or landscape feature within its gardens. New works should not adversely impact on views of the principal elevations of the protected structure."*
- 8.2.6. The application site forms part of the curtilage of the Protected Structure, No. 1 Crosthwaite Park West and was the original main garden space associated with it. Ordnance Survey Maps of 1866 and 1875 included in the ACA Character Appraisal show that this area was laid out with paths and indicate that there was originally an

access from Corrig Road to the entrance stairwell of No.1. I note that a similar arrangement exists for No.2 Crosthwaite Park East. The historic mapping also indicates that the building adjoining the site to the west, now occupied by a veterinary practice, was in situ by 1866. This building and the laneway beyond it form the western boundary of the Crosthwaite Park ACA.

8.2.7. The Outline Architectural HIA submitted with the appeal notes that the front elevation of No.1 is more formal and symmetrical than the front elevation of the terrace. The Council's ACA Character Appraisal identifies No.1 as having a pivotal position at the entrance to the Park and terminating the vista of Corrig Avenue. From my site observations, I note that the structure is prominent in views from the east, west and north, owing to the undeveloped nature of the lands on either side and to its scale relative to surrounding buildings. I accept the applicant's point that the existing surface car park and rendered block wall on Corrig Road detract from the character of the Protected Structure, though I consider these to be reversible and minor in terms of impact, taking into consideration also the mature trees along the boundary which contribute to the visual amenity of the site and streetscape. Overall, I note that the Protected Structure and its curtilage remains intact and that the existing building plays an important role in the visual amenity of the existing streetscape.

8.2.8. The Crosthwaite Park ACA comprises Crosthwaite Park itself, the protected terraces of Crosthwaite Park West and East which line it on either side, a further row of protected structures along Crosthwaite Park South together with later dwellings in between. I therefore consider that the protected terraces and park contribute significantly to the character of the ACA.

8.2.9. The front building line of the proposed terrace would sit forward of the front building line of the Protected Structure by c. 11.3m, at a distance of c. 5.2m from the main western side elevation. The proposed terrace would be in line with the adjacent veterinary practice building and the applicant maintains that this will ensure a coherent streetscape and retain the prominence of No.1. They add that No.1 Crosthwaite Park West more properly belongs to Crosthwaite Park West than Corrig Road and that adopting the building line of No.1 would constrain the developable area of the site. I note that the veterinary practice building is unusual within the streetscape as it is set substantially forward of the dwellings to the west, which are set on a similar building line to No.1 Crosthwaite Park West. Buildings on the

opposite side of Corrig Road are generally set back to a similar degree, with the exception of Corrig Lodge, directly north of No.1, which is positioned closer to the footpath.

8.2.10. In my view, No.1 Crosthwaite Park West has been purposefully designed to engage with Corrig Road, noting that the entrance to the building is on this side.

Consequently, I disagree with the applicant's statement that No.1 more properly belongs to Crosthwaite Park West than Corrig Road. I also consider that No.1 Crosthwaite Park West has a greater status within the streetscape of Corrig Road than the veterinary building, which is of reduced scale, massing and decoration. I therefore consider that the front building line of No.1 is a relevant consideration for any development on the application site. I am also conscious that the proposed development would be located within the curtilage of No.1 and, as per the criteria in Sections 12.3.7.7 and 12.11.2.3 of the Development Plan, a sensitive relationship to the existing dwelling is required, particularly where the setting of a protected structure is involved.

8.2.11. In my view, the degree to which the proposed development is set forward of the Protected Structure, combined with its proximity to same, results in a level of encroachment on the curtilage of the Protected Structure which is harmful to its setting and diminishes its place within, and contribution to, the streetscape and ACA. These impacts would be particularly visible in views from Corrig Avenue, where No.1 is noted in the ACA Character Appraisal for its role in terminating the vista, and in views from the west on Corrig Road, where the Protected Structure would be largely obscured by the proposed terrace. The submitted photomontages show these views. I note that on the date of my site visit, undertaken in mid-November, the trees on site provided limited screening or separation between the Protected Structure and proposed development site and, consequently, limited mitigation for the position, massing and appearance of the proposed development relative to the Protected Structure. I therefore consider that the proposed development would be contrary to Policy Objective HER8, which seeks to protect the curtilage of protected structures and to refuse planning permission for inappropriate development that would adversely impact on the special character of the Protected Structure and contrary to HER13 which requires new development in ACAs to be appropriate in terms of its design, including its scale, mass and building lines.

- 8.2.12. While the Conservation Officer's Report queried whether the two trees adjacent to the front entrance of No.1 could be retained, I note that the Council's Parks and Landscape Services raised no concerns in this regard, subject to conditions, and the applicant has stated that they will be retained. I have based my assessment on the retention of these trees.
- 8.2.13. I consider also that the siting of the flank wall of Unit A directly on the boundary with the Protected Structure, removing the opportunity for a softer boundary treatment, combined with the irregular fenestration pattern and inclusion of a terrace and juliet balcony on this side, contribute to the intrusive effect of the proposed development on the Protected Structure. Furthermore, I consider that the treatment of the front curtilage to the proposed dwellings, due to the limited extent of any front boundary treatment and specification of tile cladding as the facing material would appear incongruous in the context of the Protected Structure and would not be sympathetic to the character of the ACA, where rendered boundary walls are typical. I therefore consider that the proposed development is contrary to Policy Objectives HER8 and HER13, which seek to ensure that development within the setting of a protected structure is sensitively sited and designed and that within an ACA is appropriate to the character of the area. With regard to the revised scheme submitted by the applicant as part of the appeal, I acknowledge the selection of an off-white brick which I consider is more sympathetic to the Protected Structure and ACA, however as the revised proposal is largely the same in terms of siting, footprint and the design of the eastern elevation and front curtilage, I do not consider that it would overcome my concerns raised above. I will address the issue of height and roof form separately below.
- 8.2.14. The issue of height and roof form feature prominently in the reports of the Planning and Conservation Officer and also in the applicant's grounds of appeal. The Conservation Officer and Planner reports state that the height of the proposed development, which is accentuated by the gabled profiles, is concerning and adds to the visual bulk of the development and its adverse visual impact on the area. The applicant's grounds of appeal maintain that the height of the proposed structures, being lower than the parapet level of No.1 Crosthwaite Park West, results in a subordinate relationship, and that the gable roof profiles would not be out of place in

the streetscape. The key revision to the scheme submitted as part of the appeal, is the alteration of the roof form from gabled to stepped flat roofs.

- 8.2.15. From my observations on site, I note that there is a mixture of roof forms in the street, both within and outside the Crosthwaite Park ACA, including gabled profiles, monopitch, hipped and flat roofs. Directly adjacent the site, the veterinary practice building presents a gabled profile to the street. Having regard to the existing context, I therefore consider that gabled roof profiles on the subject site should not be precluded.
- 8.2.16. The parapet level of the Protected Structure is 48.550. The eaves level of the proposal as submitted to the Planning Authority was 43.91, while the ridge level was 46.450. The applicant points out in their grounds of appeal that the proposed height mediates between the height of the veterinary practice (41.769) and the Protected Structure. I do not find the height and gabled roof profile to be objectionable, in themselves. I consider that the height is sufficiently set down from that of the Protected Structure so as not to compete with the existing structure in this regard and that the gabled form offers some relief to the massing at roof level. I also consider that the gable roof profile is more in keeping with the pattern of development locally and that the terrace is more successful architecturally with gabled profiles rather than with the stepped flat roof form.
- 8.2.17. Notwithstanding my conclusion in respect of height and roof form, I do not consider that this outweighs the concerns I have raised above in respect of the siting and building line of the proposed scheme. Consequently, I recommend refusal of the proposed development due to its impact on the setting of the Protected Structure and character ACA.

### **8.3. Impact on adjoining residential amenity**

- 8.3.1. The Local Planning Authority's decision cites as a reason for refusal, the impact of the proposed development on residential amenity. The Planner's Report refers to potential overlooking and overshadowing impacts on residential occupiers owing to the height and proximity of the proposed development to adjoining properties.
- 8.3.2. With regard to overlooking, the applicant, in their grounds of appeal, states that the fenestration of the proposed development achieves the 16m separation distance

required by the Compact Settlement Guidelines 2024, that there are no directly opposing habitable windows between the proposed and existing dwellings and that windows of bathrooms in the proposed development can be fitted with obscure glazing.

- 8.3.3. The rear elevations of the proposed dwellings would be set c. 8m away from the boundary with the rear garden of No. 3 Crosthwaite Park West. The rear elevations of the proposed dwellings would include bedroom windows at 1<sup>st</sup> and 2<sup>nd</sup> floor levels, which would introduce new overlooking towards the rear garden of No. 3. There is no standard separation distance between habitable room windows and private amenity spaces set out in the Development Plan or Compact Settlement Guidelines.
- 8.3.4. Objectives PHP18 and PHP19 and Sections 12.3.7.5 and 12.3.7.7 of the Development Plan support infill development, provided that a balance is struck with the protection of existing amenities. Having regard to the urban context of the site, where a degree of overlooking between neighbouring dwellings is normal, to the domestic scale of the proposed dwellings and to the separation distance proposed, I consider that the degree of overlooking of the neighbouring garden to the south is acceptable.
- 8.3.5. Due to the siting of the proposed dwellings towards the northern part of the site and the large section of blank wall on the western elevation of No.1, there are no opposing windows between the existing and proposed dwellings. The easternmost of the proposed dwellings, Unit A, has 3no. windows and an enclosed balcony in its flank elevation at 1<sup>st</sup> and 2<sup>nd</sup> floor levels which would be located on the new boundary with No. 1. The windows would serve two bedrooms and a living room, while the enclosed balcony would be accessed from a bedroom. These openings would overlook part of the retained open space around the front of No.1. As this space is essentially a front garden, and visible from surrounding properties and the street, I do not consider it to be overly sensitive to overlooking. I therefore consider that the east facing windows in the proposed development would not result in undue impacts on the amenity of the occupiers of No.1 due to overlooking. Should the Commission consider that an overlooking issue arises, I note that the windows on the eastern elevation are secondary windows to the rooms they serve and could be omitted or obscure glazed in order to resolve the issue.

8.3.6. With regard to overshadowing, the applicant has submitted as part of their grounds of appeal, a Daylight and Sunlight Assessment. The overshadowing assessment includes the gardens of Nos. 3 & 5 Crosthwaite Park West, but does not provide an assessment of the impact on the external areas of No. 1, which include a private amenity space serving the lower ground floor unit at the western side of the main building. I note though that the proposed structure would be positioned to the northwest of this space and that no change to the height of the existing western boundary wall enclosing this space is proposed. I therefore consider that the proposed development would not impact significantly on overshadowing of this private amenity space.

8.3.7. Overall therefore, I consider that the proposed development would not result in material impacts on neighbouring residential amenity in terms of overlooking or overshadowing.

#### **8.4. Development Standards for existing dwellings– new issue**

8.4.1. Section 12.3.7.5 Corner/garden sites of the Development Plan states that the Planning Authority will have regard to, among other things: development plan standards for existing and proposed dwellings and car parking for existing and proposed dwellings provided on site. I note also the Zoning Objective for the site seeks to provide for residential development while protecting the existing residential amenities as well as Objectives PHP18 and PHP19 which seek to promote compact growth, including through infill, but also to protect existing amenities.

8.4.2. According to the application documents, the site is presently in use for car parking by residents of the existing 8no. apartments in No.1 Crosthwaite Park West. On the day of my site visit, there were 12no. cars parked on site, including 1no. car which was covered and may not be in regular use. There were also two large waste bins and two bicycles stored within the area. Based on Google Streetview imagery, the car parking area was extended in 2018 to its present extent. Prior to that, approximately half of the application site was a grass lawn. Having regard to present use of the site primarily for car parking, to the number of car parking spaces that would be displaced to enable the proposed development, and to the lack of any mitigation measures, the proposed development could result in a negative impact locally due to



overspill parking. In addition, no alternative arrangements for bin or bicycle storage for the existing 8no. flats have been proposed as part of the application. As this issue was not raised in the grounds of appeal and was not assessed in the Planner's Reports, I consider that this is a new issue.

- 8.4.3. The application documentation included a Transport Statement. This statement incorrectly identifies that the site is occupied by a single dwelling, which would be demolished to enable the proposed development. It does not provide an assessment of the impact on the local area of the displacement of the existing car parking on site. The Transport Statement also incorrectly identifies that the site is located in Parking Zone 1. The standard for 3bed dwellings in Zone 1 is 1 space per dwelling, whereas it is 2 spaces per dwelling in Parking Zone 2, though under Section 12.4.5.2 of the Development Plan, a deviation from the standard may be considered subject to assessment against a set number of criteria. In this regard it is noted that the Council's Transport Planning report sought to ensure that a maximum of 1 space per dwelling was provided for the proposed development.
- 8.4.4. The Development Plan parking standard for 1 and 2bed apartments in Parking Zone 2 is 1 space per dwelling, equating to a standard requirement for 8no. parking spaces to serve the existing apartments in No. 1 Crosthwaite Park West. The Commission is also required to have regard to the Compact Settlement Guidelines 2024, SPPR3 of which relates to car parking and, in an urban neighbourhood such as the location of the subject site, sets a maximum standard of 1no. space per dwelling.
- 8.4.5. As noted above, deviation from the standard can be considered, having regard to the criteria set out under Section 12.4.5.2 (i), which are: proximity to public transport services and level of service and interchange available; walking and cycling accessibility/permeability and any improvement to same; the need to safeguard investment in sustainable transport and encourage a modal shift; availability of car sharing and bike / e-bike sharing facilities; existing availability of parking and its potential for dual use; the particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals); the range of services available within the area; impact on traffic safety and the amenities of the area; capacity of the surrounding road network; and urban design, regeneration and civic benefits including street vibrancy.

- 8.4.6. Having regard to the criteria, I note that the site: is proximate (<1km) to a high capacity public transport node (as defined by the Compact Settlement Guidelines); has access to existing walking and cycling routes with improvements planned; is proximate to a wide range of services; is limited in size; and that the proposed development: would support a modal shift towards sustainable transport modes; and as an apartment scheme of 1 & 2bed would be supported in policy terms for reduced parking provision. I therefore consider that a reduction in the level of car parking from the Development Standard would be justified having regard to Section 12.4.5.2 of the Development Plan. However, I do not consider that there is adequate justification for zero parking on site to serve the existing apartments, noting that there evidentially a demand for car parking on site at present.
- 8.4.7. The proposed development would result in the displacement of all existing parking, which could result in parking overspill locally. It has not been demonstrated within the application documentation that the site and development is suitable for zero parking and that the displacement of existing parking would not result in a hazard due to overspill, haphazard parking locally or that same could be mitigated. I consider that a grant of permission in the absence of adequate justification would constitute a material contravention of Objective T19, which seeks to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5. I recommend refusal on this basis.
- 8.4.8. The application site is also presently in use for the storage of refuse and bicycles, associated with the 8no. apartments in No.1 Crosthwaite Park West. The building was converted prior to 1963, before standards were set for refuse and cycle storage. Nevertheless, the proposed development would displace these existing facilities, which would impact negatively on the amenity of existing residential occupiers, contrary to Section 12.3.7.5 of the Development Plan.

## **9.0 AA Screening**

- 9.1. I have considered the proposed development comprising the removal of boundary wall and construction of three three-storey town houses and on-site parking at No. 1

Crosthwaite Park West, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 9.2. The subject site is located a minimum of 1.4km from the nearest European Site and there is no hydrological link between the site and any European Site. The proposed development comprises infill development of three dwellinghouses within the curtilage of an existing residential building located in an urban area. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- the nature of the works, which are small in scale relate to residential development within a serviced, urban area;
  - the distance of the site from the nearest European site and lack of any hydrological or other connections between the site and any European site; and
  - taking into account the screening determination by the LPA.
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive Screening**

- 10.1. The proposed development has been subject to a screening for Water Framework Directive Assessment (refer to Appendix 3 of this report).
- 10.2. The subject site is located at No.1 Crosthwaite Park West, Dun Laoghaire. It is a suburban area circa 750m to the south of the town of Dun Laoghaire. Brewery

Stream \_010 (IE\_EA\_09B130400) is situated circa 940km to the southwest. Dublin Bay Coastal waterbody (IE-EA\_090\_0000) is located c. 638m to the northeast of the site. The Kilcullen (IE\_EA\_G\_003) groundwater body underlies the site.

- 10.3. The proposed development comprises the construction of 3 no. houses and all other site works within the curtilage of No.1 Crosthwaite Park West, Dun Laoghaire. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.
- 10.4. No water deterioration concerns were raised in the appeal.
- 10.5. I have assessed the proposed construction of 3 no. houses and all other site works within the curtilage of No.1 Crosthwaite Park West, Dun Laoghaire, Protected Structure.
- 10.6. I 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.
- 10.7. The reason for this conclusion is as follows:
- the nature and scale of the development;
  - the project uses standard construction / pollution control methods, materials and equipment; and
  - a surface water management system including SuDS features is also proposed.

## 11.0 Recommendation

I recommend that planning permission is refused.

## 12.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development, the site location within the Crosthwaite Park Architectural Conservation Area and the presence of a structure on site of architectural interest, No. 1 Crosthwaite Park West, which is listed as a Protected Structure (no. 1209) in the Dun Laoghaire Rathdown County Development Plan 2022-2028, it is considered that the proposed development, by reason of its design, layout, massing and proximity to the Protected Structure, would seriously detract from the special character and setting of No. 1 Crosthwaite Park West, the character and special interest of the Crosthwaite Park ACA and the amenity of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area, would be contrary to Policy Objectives HER 8, HER13 and HER 21 and Sections 12.11.2.3 and 12.11.4 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to Section 12.3.7.5 Corner/Side Garden Sites of the Dun Laoghaire Rathdown County Development Plan 2022-2028, which requires that regard is had to Development Plan standards and to car parking for existing and proposed dwellings on site, to Policy Objective T19 which seeks to manage car parking as part of the overall strategic transport needs of the County, to the displacement of the car parking, cycle parking and refuse storage provision on the application site serving the existing apartments within No. 1 Crosthwaite Park West and to the lack of any justification or mitigation provided in this regard, it is considered that the proposed development would result in significant loss of amenity to existing occupiers and to increased on-street parking locally, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.

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.

---

Suzanne White  
Planning Inspector

16<sup>th</sup> December 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323603
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Removal of boundary wall and construction of three three-storey town houses and on-site parking.
<b>Development Address</b>	Lands to the rear of No. 1 Crosthwaite Park West, Dun Laoghaire, Dublin, A96E735 (A Protected Structure)
<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 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.  The proposal is significantly below this threshold being 3 no. dwellings and the site has an area of 0.0444 hectares which is sub threshold.

<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>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** Suzanne White **Date:** 16<sup>th</sup> December 2025



## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323603-25
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Removal of boundary wall and construction of three three-storey town houses and on-site parking.
<b>Development Address</b>	Lands to the rear of No. 1 Crosthwaite Park West, Dun Laoghaire, Dublin, A96E735 (A Protected Structure)
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development proposed is the construction of a terrace of 3no. three-storey dwelling houses together with car parking, drainage, landscaping and associated works within the rear garden of an existing residential building located in an urban area.</p> <p>The standalone development has a modest footprint and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development is situated in a densely populated urban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the County Development Plan.</p> <p>The site forms part of the curtilage of a Protected Structure No.1 Crosthwaite Park West (RPS No. 1209).</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	<p>Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** Suzanne White **Date:** 16<sup>th</sup> December 2025

### Appendix 3 – Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	323603	Townland, address	Lands to the rear of No. 1 Crosthwaite Park West, Dun Laoghaire, Dublin, A96E735
Description of project		Removal of boundary wall and construction of three three-storey town houses and on-site parking within the curtilage of No.1 Crosthwaite Park West. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.	
Brief site description, relevant to WFD Screening,		The site is located within an urban area. The Brewery Stream_010 (IE_EA_09B130400) is situated circa 940m to the southwest. The Dublin Bay Coastal waterbody (IE-EA_090_0000) is located 638m to the northeast of the site. The Kilcullen (IE_EA_G_003) groundwater body underlies the site.	
Proposed surface water details		SuDS features with controlled discharge to combined sewer network.	
Proposed water supply source & available capacity		Uisce Éireann mains water connection – feasible without infrastructure upgrade.	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Uisce Éireann mains wastewater connection – feasible without infrastructure upgrade.  Foul water from the Site will eventually be treated at Ringsend Wastewater Treatment Plant (WwTP) prior to discharge into Dublin Bay.				
<b>Others?</b>		No				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	c. 940m	Brewery Stream_010	Poor	Review	-	The site is not hydrologically connected to the watercourse.

Coastal Waterbody		c.638m	Dublin Bay (IE-EA_090_0000)	Good	Not at risk	-	Site not hydrologically connected to Coastal waterbody
Groundwater Waterbody		Underlying Site	Kilcullen (IE_EA_G_003)	Good	At risk	-	Underlying GWB
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance/Construction	Kilcullen (IE_EA_G_003)	Pathway exists	Siltation, pH (concrete),	Standard construction practice	No	Screened out

				hydrocarbon spillages Deterioration of water quality			
OPERATIONAL PHASE							
2.	Discharges to Ground	Kilcullen (IE_EA_G_003)	Pathway exists	Spillages Deterioration of water quality	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
3.	NA	NA	NA	NA	NA	NA	NA