

Re: Charlemont, Avoca Avenue, Blackrock

Planning authority reference: D26A/0397/WEB

I refer to the above property and to the decision of Dun Laoghaire-Rathdown County Council to refuse planning permission for a residential development at the site.

This report has been prepared as part of the input to an appeal against the planning authority's decision and addresses the architectural conservation issues raised in the decision. Conservation is not a major issue in the decision and is mentioned only briefly in the first of two reasons for refusal, which reads as follows:

1. Having regard to the location of the proposed development within an established residential area, the residential zoning objective 'A' of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, which seeks “to provide residential development and improve residential amenity while protecting the existing residential amenities”, and having regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that the proposed development, by reason of the scale, footprint and detached housing typology proposed, together with the overall height, massing and site layout configuration, has resulted in an inappropriate form of development that exceeds the capacity of the site to successfully absorb the proposed design scheme. In particular, the proposed arrangement would give rise to unacceptable overbearing and overshadowing impacts on adjoining residential properties, resulting in a significant diminution in residential amenity afforded to existing dwellings, including two protected structures, which would be contrary to Policy PHP 18 of the County Development Plan 2022-2028. Accordingly to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

As far as architectural conservation is concerned, this reason claims that a result of the development would be that two protected structures would suffer from unacceptable overbearing and overshadowing impacts contrary to policy PHP 18. That policy objective is as follows:

4.3.1.1 Policy Objective PHP18: Residential Density

It is a Policy Objective to:

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

It is noted that this policy objective does not relate specifically to protected structures and hence it is concluded that the alleged overbearing and overshadowing is said to affect buildings, of which two happen to be protected structures. At no point in the decision is it alleged that the proposed development would have any effect on the historic character or setting of the protected structures or that any aspect of building conservation is affected in any way by the development. The only interpretation of the decision that can be made, therefore, is that the issue that is objected to is purely the alleged overbearing and overshadowing and not any conservation issue.

The matters of overbearing and overshadowing are being addressed by others in this appeal. However, it may be relevant to comment in relation to the protected structures that are alleged to be impacted.

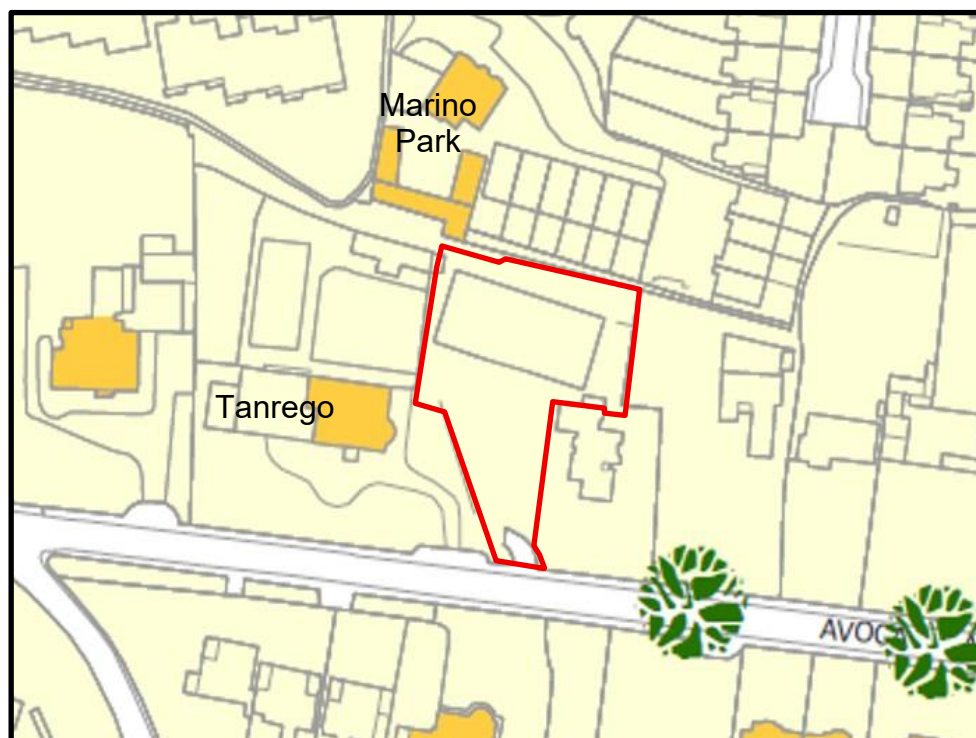


Figure 1: Detail of development plan map showing site and protected structures

The map above shows approximate extent of the application site outlined in red, while the two protected structures that adjoin the site are indicated by the labels over the orange colour which denotes protected structures on the development plan map.

The first of these protected structures is Tanrego, which is a mid-nineteenth century detached house in its own grounds and which lies to the west of the application site. The boundary between the grounds of Tanrego and the application site is marked in part by high timber-slatted fencing on the angled part of the boundary towards the road and in part by a historic granite wall in the rear part of the site.

As the map shows, the side of Tanrego is at a short distance from the boundary, which approaches closest at the rear corner. However, Tanrego is not visible from the application site due to the dense cover of trees, the large majority of which are within the grounds of Tanrego.



Figure 2: View from application site towards Tanrego

The house at Tanrego is located beyond the tall evergreen Macrocarpa trees in the centre of the above photograph. As the trees are in the grounds of Tanrego and will remain in place there is no way whatsoever that the proposed development could be claimed to be overbearing or overshadowing. This suggests that the planning authority has not thought through its reason for refusal and has put in alleged problems to bolster a weak case for the decision. The majority of the trees along this boundary are in the grounds of Tanrego and will screen the development, thereby negating the claim of any impact on the protected structure at Tanrego.



Figure 3: Outbuildings at Marino Park

I would have serious reservations about the authenticity of the building at the rear of Marino that backs onto the application site. The nature of the granite stonework in the walling is not consistent with a nineteenth-century building and the way that the corners are turned is also completely at odds with a building of that period. The ground plan of the building on current maps does not match that of historic maps.

That said, the building is a protected structure. While the present writer has not had the privilege of inspecting the buildings, it appears that the windows overlooking the corner of the site are obscure glazed – though checking this within the building may be necessary.

Notwithstanding the above reservations and observations, it is now proposed to modify the design as originally submitted to remove the high roof of the proposed house that would be adjacent to this protected structure and this will eliminate any potential impacts that are cited in the reason for refusal.

Conclusion

In the light of the above, the development as now proposed will have no appreciable impact on any protected structures in the vicinity.

Rob Goodbody

13th August 2026