

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

7th October 2026

Our Ref. 26033

Re: Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder (as amended). Third party appeal by Robert McKenna, Saval, Saval Park Road, Dalkey, Co. Dublin, A96 PV27 and Shane Kirwan & Dr. Susan Murphy, Corcumrua, 2 Saval Park Road, Dalkey, Co. Dublin, A96 DR97; against the decision of Dun Laoghaire-Rathdown County Council to grant permission for development consisting of the demolition of the existing dwellinghouse and all associated structures on the site to allow the construction of four new residential dwellinghouses, consisting of a new part-one/part-two-storey 2-bed semi-detached unit & a new 3-storey 3-bed semi-detached unit both addressing Saval Park Road, and two new two-storey semi-detached 3-bed dwelling-houses to the rear of the site; all accessed via a widened pedestrian and vehicular entrance on Saval Park Road in the location of the existing vehicular entrance, private garden spaces to each unit, 4 no. off-street parking spaces and all associated site & drainage works at Lillegard, 1 Saval Park Road, Dalkey, Dublin, A96EC56.

Dun Laoghaire Rathdown County Council Planning Ref. D26A/0149/WEB

Date of Dun Laoghaire Rathdown County Council decision: 14th September 2026

Four week period for making appeal: on or before end of 12th October 2026

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our clients Robert McKenna, Saval, Saval Park Road, Dalkey, Co. Dublin, A96 PV27 and Shane Kirwan & Dr. Susan Murphy, Corcumrua, 2 Saval Park Road, Dalkey, Co. Dublin, A96 DR97; to submit the following third party appeal to An Coimisiún Pleanála against the decision of Dun Laoghaire Rathdown County Council to grant permission, subject to conditions, for the above described development.

In compliance with the statutory regulations we enclose herewith payment for the sum of €220 as the statutory appeal fee in this instance for the making of a third party appeal. We have enclosed with this appeal a copy of the letter of acknowledgement that was addressed to each appellant from the Planning Authority in respect of their objection/observation relating to the planning application as described above. Our clients submitted objections despite the incorrect date being stated on the statutory planning site notice. The failure of the Council to invalidate the application reflects their ill-considered assessment of the application.

We can confirm that we have inspected the planning files (including the drawings and particulars) and the Technical Reports of the Planning Authority relating to this planning application and reviewed the existing site and its relationship with our client's properties that lie to the immediate north and south of the proposed development.

The grounds for overturning this decision and refusing permission in this instance are clear and unambiguous. We submit that the proposed development is in conflict with the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (CDP).

The proposed development amounts to a haphazard and piecemeal backland development of an inappropriate layout and design that is contrary to the established character and pattern of development in the area. It would set an unacceptable precedent for the individual intensification of properties along Saval Park Road and elsewhere within the County.

We submit that the basis of the consideration and assessment of this application must be the standards that would apply to any backland development that is sandwiched in between suburban residential properties.

The front two houses of the proposed development will have an incongruous and unacceptable negative impact on the streetscape. The three storey aspect to unit no. 2; and the two storey aspect to units 3 and 4 will have an unacceptable overbearing impact on our clients neighbouring houses, and will result in a serious loss of amenity to their homes.

The proposed development is contrary to the zoning of the site, and our clients properties, which seeks to *'provide residential development and improve residential amenity while protecting the existing residential amenities'*; would be contrary to the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024) and would be contrary to the proper planning and sustainable development of the area and should be refused.

It amounts to a piecemeal, haphazard and overdevelopment of the site. This is reflective in the design and development approach to the overall site, that is simply too small to absorb the proposed development on this narrow suburban site. It must also be considered having regard to the inappropriate and unacceptable precedent it would set for similar small sites. The maximum capacity of this site, in this context is to absorb a single storey dwelling to the rear.

We submit that when regard is had to the proper planning and sustainable development of the area, and the inappropriate precedent it will set that the Commission are duty bound to refuse permission on the basis that the proposed development is in conflict and would be contrary to Policy Objectives PHP19 and PHP20; as well as sections 12.3.7.6 and 12.3.7.7 of the Dun Laoghaire Rathdown Development Plan 2022-2028 and should be refused.

Prior to setting out the grounds for refusal in greater length, it is appropriate to set out the context of the site and proposed development, as follows:

1. Proposed development site in context

The proposed development site at Lillegard of 0.083ha. is formed by the property and site of the existing bungalow that contains a small single storey flat roofed extension to the rear, and a hipped roof side extension along its northern elevation. This connects into the converted garage that adjoins the garage serving Corcumrua.

The existing single storey dwelling is located on the western side of Saval Park Road (opposite the junction into Saval Park Gardens), with three near identical bungalows sitting along the road to its north, and a modern interpretation of its design immediately to their north. The gable of the bungalow to be demolished, faces the street. The application is accompanied by a structural survey of the existing house. This claims that the existing dwelling is derelict, and a semi-detached two storey dwelling. None of these claims are correct, and it is notable that the Council failed to address these matters in making their decision.

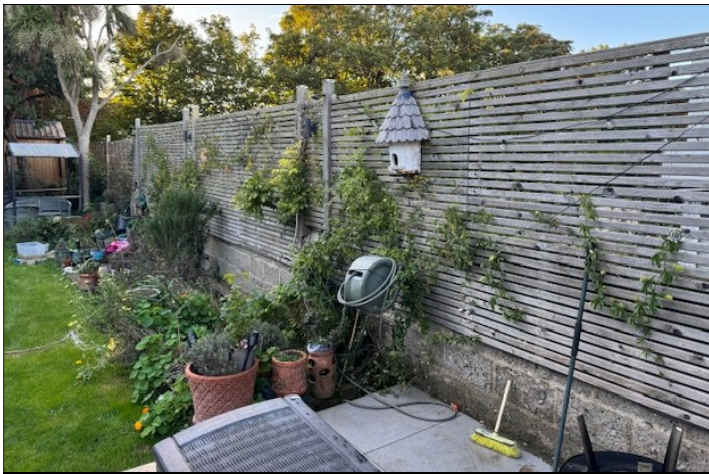


Aerial view of application property with our clients homes at Saval to the left and Corcumrua to the right

The rear garden of Lillegard has been entirely cleared of all planting prior to this application being made. An intrinsic characteristic of the area is that the lands slope down from south to north. The house and rear garden of Saval sits c.0.8m above; and the Corcumrua site sits c.0.3m below the proposed development site. The front vehicular entrance is set-back and paired with that of Corcumrua to the north. A high hedge is located along the front boundary of the site where it abounds the public road (see below).

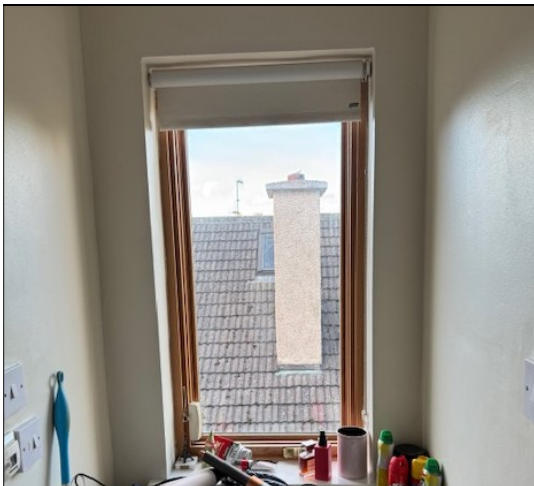
Saval bounds the proposed development site to the south, and forms a semi-detached two storey dwelling that has been extended to the rear. They have built a garden room within the north-west corner of their large garden that faces to the south.

The boundary with Saval is formed by a 2m high boundary wall on the Lillegard side, and our client has erected a privacy screen along and inside this to create a 2.4m high screen from Saval along the length of this shared boundary to close to the rear elevation of the original house. Thereafter the screen reduces to being c. 1.5m in height above adjoining ground level at Saval as is visible in the photograph from the ground floor bedroom on the following page. This screen increases in height naturally to the front due to the drop in levels towards Saval Park Road. The side boundary to the front is only 1.2m in height. It is critical that the Commission consider the proposed development with no regard to this screen, that could be removed at any time. The proposed development must be considered as being acceptable without the screen in place. This screen also extends to the front of the site. It is notable that there are pillars on the application side of the boundary wall to maintain the structural stability of the wall.



Side boundary with Lillegard and privacy screen within Saval

Saval contains a clear glazed window at first floor level, as well as at ground floor level, which serves a bedroom that both face directly towards the proposed development site. The Council failed to adequately consider the loss of amenity from these windows in making their decision.



Windows at first floor and ground floor of Saval that directly face the proposed development site

The bungalow property of Corcumrue bounds the application site to the north and contains bedrooms within the roofspace that are facilitated by four rooflights along its southern roofslope facing the proposed development site. The house has a single storey extension to the rear that includes three large rooflights. A large downstairs main bedroom contains two large side windows that face towards the proposed development site (see below).

The garage that serves Corcumrue is attached to the former garage proposed to be demolished as part of the proposed development that is the subject of this appeal. In redeveloping Lillegard the previous owners appear, prior to our clients purchasing Corcumrue, have constructed the boundary wall within lands in the ownership of our client, as well as having the gutters and eaves of Lillegard oversailing their lands. This encroachment was indicated in the submitted existing site plan in which this is clearly visible. It is important to state that neither of our clients have given consent to any works to these boundaries. Our clients are concerned of the lack of clarity in terms of how the construction of the proposed development will impact the structural stability of their homes, garage and shared boundary walls.



Two bedroom windows at ground floor of Corcumrue that directly face the proposed development site, and attached garage indicating how side extension and works oversails boundary

Development Plan context

The subject site is subject to zoning objective A, which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities'.

2. Planning history

There is no recent planning history relating to the subject property.

We refer the Commission to the decision made under Planning Ref. D23A/0298 / ACP Ref. ABP-319715-24, which was for the construction of four dwelling units to the rear of No. 72 Albert Road Upper. The application was refused by the Commission on traffic grounds as it would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists within the scheme in the vicinity of its entrance onto Albert Road Upper but also within the public domain of Albert Road Upper.

The Commission were also concerned that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate onto Albert Road Upper at a point where sightlines are restricted, particularly in a northerly direction and where it has not been demonstrated that further permeability to serve the proposed development could not be achieved.

Based on these concerns the Commission were not satisfied the proposed development as designed and laid out was capable of accommodating traffic safely on site and in the vicinity of the entrance serving the proposed development and therefore refused permission.

We note that despite the concerns of the Council's own Transportation Planning Division in terms of sightlines and visibility between cars exiting the site and pedestrians on Saval Park Road. This is compounded by the position of the access being opposite the junction with Saval Park Gardens. The removal of the pier does not adequately address sightline concerns.

We also refer the Commission to the decision under Ref. D25A/0094/WEB that was refused for the demolition of the existing house, and construction of seven houses on a site of 1,356sqm (almost twice the size of the appeal site) at 156 Avondale Road, Killiney. The single reason for refusal was cited as:

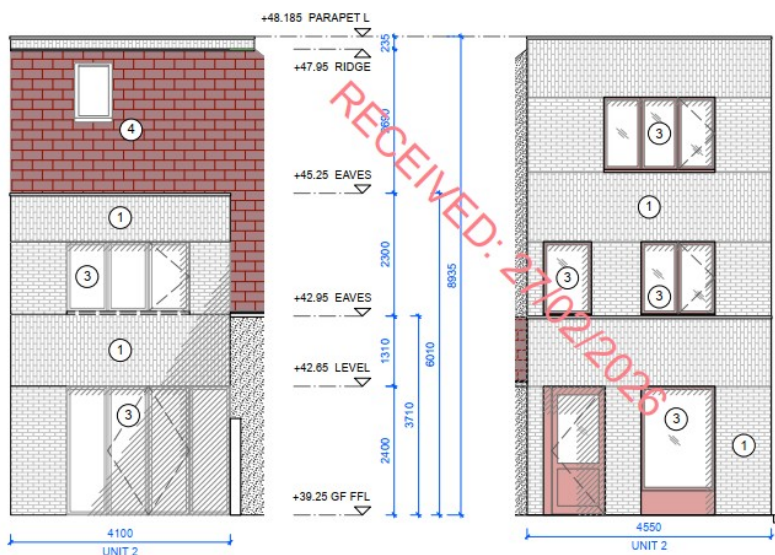
"1. Having regard to the proposed design scheme including site layout, access and dwelling typologies, it is considered that the proposed development fails to provide the best design scheme for the subject site, having regard to the capacity and location of the site as well as the character and built form of developments in the surrounding area. To permit the proposed development would seriously injure the residential and visual amenity of the area, would result in an undesirable precedent for other similar inappropriately designed schemes, which would be contrary to the land use zoning objective 'A' of the site as set out in the Dun Laoghaire-Rathdown Development Plan 2022-2028, as well as the policy objectives set out in this plan, including Policy Objective PHP20: Protection of Existing Residential Amenity that seek developments to achieve a reasonable balance in protecting established residential amenities and providing a high density compact form of development in appropriate locations. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area."

This corner site had none of the restrictions of the appeal site in this instance.

3. Nature and extent of the Proposed Development

The proposed development that is the subject of this objection comprises the demolition of the existing single storey dwelling and semi-detached garage to the rear. The demolition seeks to enable the construction of four houses (two pairs of semi-detached dwellings), of which three will be two storey, and one (house 2), that will be three storey in form. The proposed three storey dwelling is located to the immediate north of Saval. Both pairs of semi-detached houses are proposed to be stepped. Notably, the two front dwellings back onto, and their small rear gardens back onto Saval Park Road. There is no precedent for this pattern of development, on such a restricted site in the area.

The front two houses have an incongruous design with house no. 1 indicated as being a two bedroom dwelling (84.85sqm) that extends beyond the front building line with the bedroom space within the roof that has a window within the gable elevation facing into the site. The front elevation reads as single storey with a large roof slope above. House 2 is presented as a three bedroom dwelling over three floors. It presents as being two storey, albeit with a protruding flat roof element, with a complex mono pitch roof above as it presents to Saval Park Road. It presents as a three storey flat roof block as it faces internally within the site (see below).



Elevation of house no. 2 facing Saval Park Road

Elevation of house no. 2 towards the rear of the site

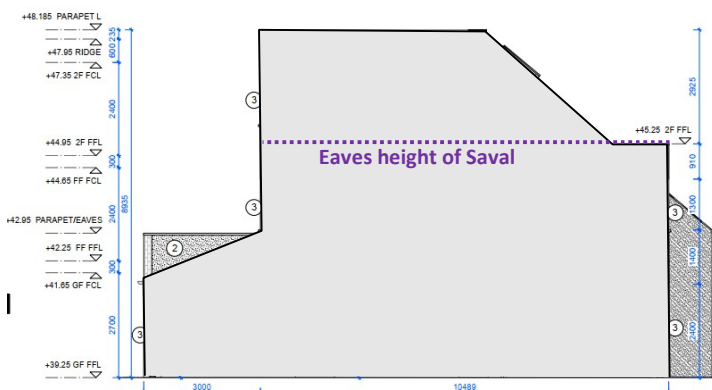
Notably, no side elevation of this block as it faces Saval is provided in any of the architectural packages submitted with the application, nor was it requested by the Council. House no. 2 is indicated as being located on and immediately adjacent to the shared boundary with Saval, and therefore only 0.9m from Saval's

northern side elevation where there are two glazed windows serving habitable spaces that will be materially and negatively impacted. For the clarity of the Commission, the height of the eaves of Saval is indicated by way of the broken purple line.

The three storey element forms a tower as it presents to the west, that is 8.935m in height, and will create an austere feature when viewed from both of our clients homes and gardens.

The semi-detached houses 3 and 4, are also stepped, and are positioned to the rear of the site. These two storey houses, and not single storey as is recommended for a backland site, are both stated as being three bedroom houses that back onto the boundary with Proby Park to the west. However, a review of the architectural drawings (Drawing nos. 2509SPR_1-U3 & 2509SPR_1-U4) indicate that there is a further bedroom that is above the minimum floor area for a single bedroom (7.4sqm). Both therefore present as four bedroom dwellings in planning terms.

We note that there is only a separation distance of 13.75m between the first floor bedroom (1.01) of house no. 1, and first floor bedroom (1.02) of house 4 that directly face each other, and this design aspect is materially in contravention of SPPR1 of the Sustainable and Compact Settlements : Guidelines for Planning Authorities and is grounds for the refusal of the application.



Side elevation of house 2, facing Saval

As part of the application it was proposed to amend the entrance and part of the front boundary facing Saval Park Road to provide a 3.855m wide vehicular entrance, and create pedestrian entrances into the rear gardens of house nos. 1 and 2 of the proposed development adjacent to Saval Park Road. Each dwelling was to be served by one car parking space.

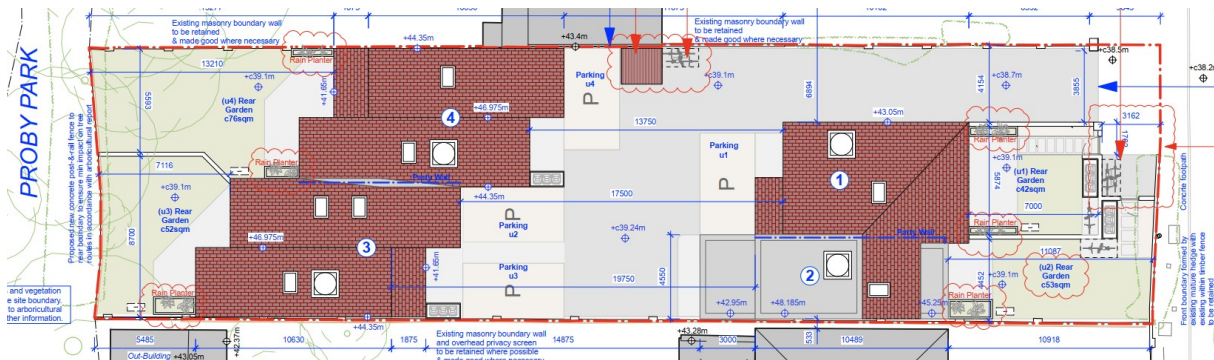
The ill-considered nature of the proposed development is reflective in house no. 2 being below the minimum 102sqm required under Table 5.1 of the Quality Housing for Sustainable Communities Guidelines. This unit also fails to incorporate a master bedroom of 13sqm, as is required under the Guidelines. It is totally inappropriate to include a landing and bathroom within the calculation of the bedroom area, as is suggested by the applicant, and this is not supported by any Guidelines, and is grounds for refusal.

Request for Further Information

The Council sought Further Information on a range of issues on the 22nd April 2026. Further Information request did not materially alter the proposed site plan, and it remained for four houses with the hedging to the front being retained.

These related to clarity in terms of a range of surface water attenuation and discharge issues. The Council, as already referred raised a number of transportation concerns that related to inadequate sightlines onto Saval Park Road. This was stated as being required to be in accordance with Design Manual for Urban Roads and Streets (May 2019) from a setback of 2.4m from the road edge. The applicant was also given the opportunity to amend the proposed front boundary treatment with a maximum height of 1.1m for a minimum of 1m on the south side of the vehicular access. A very minimal change was undertaken to this boundary and no sightlines provided.

Saval Park Road has a maximum speed limit of 50kph, requiring 45m sightlines in both directions to the nearest kerb. As we will set out under this appeal, this is not met in either direction, and is materially inhibited by the hedging to be retained, as noted on the FI site plan excerpt below. A sightline of only c.10m can be achieved unless the hedgerow is removed, which only increase to this southern sightline to c. 16m.



Further information site plan

The applicant was also requested to provide a Construction Management Plan and other details.

4. Decision of the Council

The Council issued a decision to grant permission on the 14th September 2026. The decision was subject to 11 conditions, none of which materially altered the nature and extent of the proposed development. It is notable in making their decision, the case planner makes a number of inaccurate statements in terms of the facts of this case.

- They make reference to there being 'high-quality communal open space on the site' when there is none.
- They state that the site is within 1km of the Glenageary DART station when it could be argued that the actual walking distance is in excess due to the need to cross at crossing points etc.
- This is not a 'City – Urban Neighbourhood' area, but forms a 'City - Suburban / Urban Extension' area as defined by the Compact Settlement Guidelines.
- No assessment of the qualitative nature of the private rear gardens of units 1 and 2 of the proposal that back onto Saval Park Road has been undertaken.
- No clarity was sought in terms of the clear conflict between the front boundary wall and hedge that is indicated as being retained. This hedge would appear to be largely within the public domain, and over which the applicant has no control, and the construction of the front wall will clearly impact.
- There is no justification for how the case planner considers the proposed development as being 'consistent' with neighbouring properties.
- No clarification of their subjective opinion that its 'distinctive appearance' would be a positive feature, and add to the visual interest and variety to the street. This appears to be based on the sloping site, and architectural form to the front. Design is clearly a subjective consideration, but none of the core grounds of good design are visible, in our considered opinion, in this instance, as will be set out under the grounds of appeal.

5. Grounds of appeal

The full grounds of our client's appeal together with the arguments, reasons and considerations upon which it is based is set out below. We submit that the Council in making their decision, have failed to accurately consider and address the key planning issues relevant to the assessment of this ill-considered application. They have assessed it, incorrectly as an infill development, despite the site forming a typical suburban rectangular site where the protection of residential amenity should be at its highest. The access road into the site, and development of the rear of the site has every characteristic of a backland development beyond the fact it is for two houses to the rear.

The CDP defines backland residential development as usually (but not always therefore) as involving the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. The CDP also states that residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such.

We submit that this is not a large detached house but a bungalow, within a row of similar bungalows, within a site of 830sqm, that measures just over 14m in width. It is not contested that planning policy at a local, regional and national level seeks to increase residential density of built up areas. However, this needs to be undertaken in a planned and co-ordinated manner, and not in a piecemeal manner as proposed under the current scheme.

We submit that the proposed development, by nature of its scale, density, design and layout at this location amounts to a haphazard and piecemeal form of development that would be seriously injurious to the amenities of the area, and particularly our clients to the north and south of the proposed development site, and would be contrary to the proper planning and sustainable development of the area and should be refused.

Failure to meet development standards in terms of backland and infill development

Whilst backland development usually is the consideration of a new house to the rear of an existing house, it remains appropriate to be considered in this context given the proposed establishment of a new building line to the rear. A backland site is defined under the Compact Settlement Guidelines as a site to the rear of existing property with no or limited street frontage. Whilst infill development is defined in the same Guidelines as serviced lands that are located within the existing built up footprint of settlements, and may consist of *Brownfield Sites* or *Greenfield Sites*.

We respectfully submit that the nature of the current proposal must be considered in two parts. The two houses to the rear, must be considered having regard to the backland policy of the CDP; whilst the replacement of the existing bungalow with houses 1 and 2 must be considered having regard to replacement of an existing dwelling.

We refer the Commission to the fact that the case planner in the Council failed to consider the standards for backland development, as set out under section 12.3.7.6 of the Dún Laoghaire – Rathdown County Development Plan 2022-2028, under their assessment. This states that backland development shall generally be single storey in height to avoid overlooking, and of an appropriate scale and of high quality design. The two rear houses are neither, and are both two storey and will result in overlooking of the adjoining houses to the north and south, and will result in overlooking, in particular, between houses 1 and 4, as their first floor bedroom windows are only 13.75m apart, and therefore is materially in contravention with SPPR1 of the Sustainable and Compact Settlements : Guidelines for Planning Authorities. This reflects the overdevelopment of the site

The architectural drawings submitted with the application do not provide a southern elevation drawing of house no. 3, or the northern elevation of house 4. Importantly, in terms of the assessment of this application, both these elevations are at the boundary with the appellants homes. Both houses are indicated as 3bedrooms plus large study (4 bedroom equivalent) and are c. 140sqm in area.

The eaves height is 5.1m (with no guttering indicated) and a ridge height of 7.725m and houses 3 and 4 are indicated as being at full height for 10.63m along the boundary with both Saval and Corcumrua respectively. Their height and scale must be considered having regard to the boundary walls, and not have regard to the screen erected within Saval.

The stepped nature of the design is also a critical factor of the visual and overbearing impact of these rear houses on both our clients. Both will be faced by a new build intrusion adjoining their rear gardens that is some 20m in length when it is considered from their rear gardens. Whilst this is stepped away from each of their gardens the visual intrusion, and visible 1st floor windows to their front gables will generate a genuine loss of amenity that is unacceptable.

We submit that when all these aspects are considered there can be one conclusion in that the proposed development amounts to an overdevelopment of the site in terms of backland development and should be refused.

The proposed development is also contrary to section 12.3.7.7, relating to infill development of the Dún Laoghaire – Rathdown County Development Plan 2022-2028. The proposed development fails to retain the physical character of the area; and fails to respect the height and massing of adjoining residential units, including that of our clients; and is therefore contrary to Policy Objective PHP20 that seeks to protect residential amenity adjoining infill developments.

Traffic hazard

We respectfully submit that the proposed access, despite its proposed widening will remain as being deficient in terms of visibility splays. The Saval Park Road is a busy commuter artery and the junction with Saval Park Gardens is located opposite the site. Whilst the site has been in a singular residential use for a number of years, this does not offer a basis for accepting the sub-standard sightlines being proposed in this instance, particularly when the applicant is seeking to materially intensify the residential component by 300% on site. The widening of the entrance is not an acceptable solution in this instance, as was suggested by the Council's Transportation Division. In this case, the current relevant document which sets out the criteria to be used for the access sight lines is the Design Manual for Urban Roads and Streets (DMURS).

Where there is inadequate sightlines, as is the case in this instance, drivers have an inability to safely see oncoming vehicles, pedestrians or children using the pavements for cycling. This is compounded, in this instance, by the width of the hedgerow along the Saval Park Road boundary of the site. DMURS identifies 2.4m as the normal maximum stopping position from where sightlines shall be calculated.

The proposed widened access, as per Section 4.4.5 of DMURS, requires a junction, such as this, to be designed as Stop junctions, and a maximum X distance (setback) of 2.4 metres should be used. A set-back of 2m can only be used in exceptional circumstances where vehicle speeds are slow, and is normally only acceptable more typically for single residential houses not multiple units (4 units in this case).

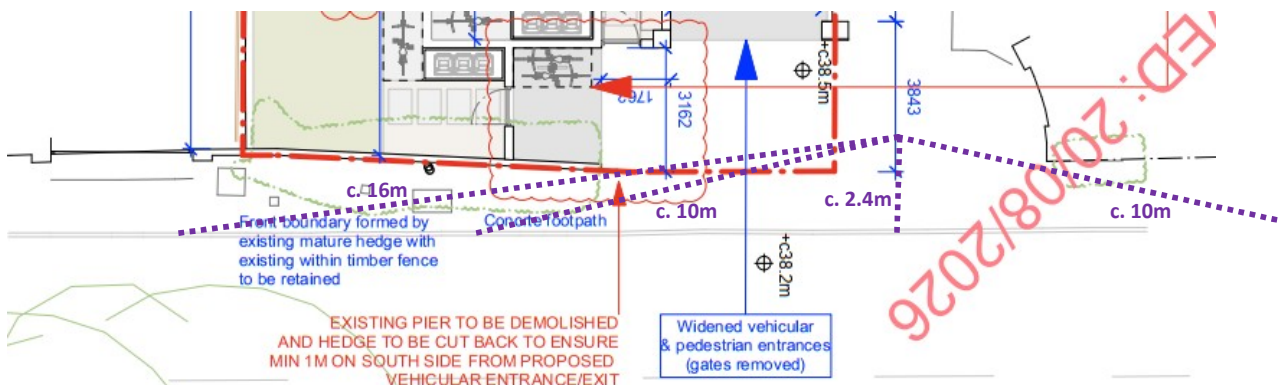
Table 4.2 of DMURS, states that the required sight line for a 50km/h design speed is 45m on a road such as this (not a bus route), as is the case here. Therefore, in order to achieve a safe access with a safe sightline, a 2.4m x 45m sight line should be provided.

SSD STANDARDS			
Design Speed (km/h)	SSD Standard (metres)	Design Speed (km/h)	SSD Standard (metres)
10	7	10	8
20	14	20	15
30	23	30	24
40	33	40	36
50	45	50	49
60	59	60	65
Forward Visibility		Forward Visibility on Bus Routes	

Reduced SSD standards for application within cities, towns and villages (DMURS)

We have already, as did the Transportation Division of the Council, recognise visibility concerns at the access and recommended that the access sight lines should be checked carefully and the boundary walls adjusted as required with a view to optimizing visibility for drivers exiting the access (particularly to the south). DMURS-compliant sightlines have not been delivered.

The sightline to the right is below the requirement for even a 20km/h design speed. Even with a 2m setback, the sightlines are not provided to the left & right. This is compounded by the height of the front boundary wall – c. 1.8m, which is sought to try to achieve privacy to the front facing rear gardens. Once more reflective of the overdevelopment of the site



Approximate sightlines under FI site plan

The proposed development access is clearly inadequate and unsafe. There can be no basis for the Commission to conclude that the existing access is substandard and therefore its continued use to serve a new and more intensive residential development is acceptable. We submit that the complete opposite is in fact the case and there can be no basis for positively contemplating this application based on such inadequate sightlines. The basic facts in this case is that the proposed development does not provide a safe and appropriate access for a new multi-unit residential development and should be refused on these grounds alone.

Deficiency in autotrack analysis

We also note that the autotrack / swept path analysis has been undertaken solely on a car size that has been not defined in the autotrack simulation submitted. The four car parking spaces are also not defined in terms of size and dimensions also. The autotrack also indicates the closeness of some of the turning movements to other spaces reflective of the overdevelopment being proposed.

Piecemeal development

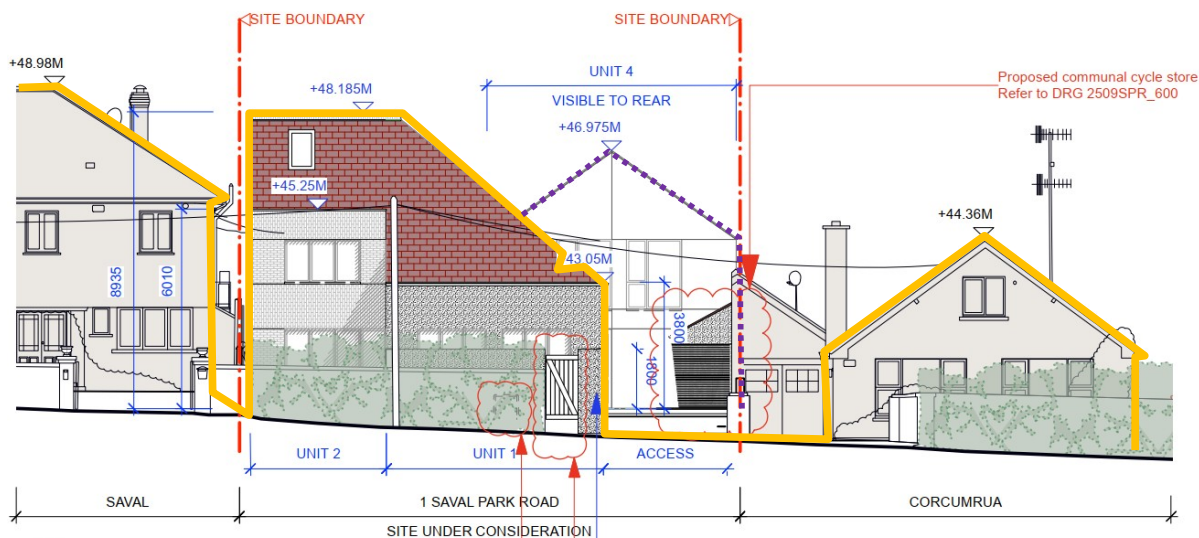
We respectfully submit that the design, form and layout of the proposed development amounts to piecemeal and haphazard development that would be contrary to the proper planning and sustainable development of the area and section 12.3.7.6 of the County Development Plan.

The proposed will result in a piecemeal development with no defined building line or pattern of development and has the potential to set an inappropriate and unacceptable precedent for the material proliferation of individual access points, and where it would be virtually impossible to refuse permission for future applications on similar sites to the north.

The current scheme does not reflect building lines, with the gardens of the front two houses backing onto Saval Park Road; and indicates no consideration of the impact on our client's adjoining residential and visual amenity. The position of these gardens reflect the inappropriate design approach in this instance. It would set an unacceptable and inappropriate precedent that should be refused on the grounds of the proper planning and sustainable development of the area.

Incongruous and negative impact on streetscape

The design of the houses backing onto the street along Saval Park Road reflects the poorest consideration of urban design contrary to Policy PHP19 of the CDP. The case planner reached a subjective opinion that the street elevation was acceptable without any regard to the three storey that would be created facing the side windows of Saval. We note also, that the ground floor bedroom window was not assessed in the daylight and sunlight analysis submitted with the application, despite it being clearly visible. This three storey wall would materially impact on the amenity of this room and the side windows at first floor level of Saval.



Incongruous streetscape feature of the proposed development

The design form of the two front houses where the very extended roof profile extends down to the north, but forms a vertical three storey blank wall elevation within 1m of the side elevation of Saval; and where a front protruding element breaks through the proposed eaves to the front, is completely ad-hoc and forms an incongruous streetscape feature that should be refused. The streetscape elevation, which shows unit 4 (adjoining Corcumrua) to the rear, also illustrates the overbearing impact of these two no. two storey houses will have on the houses to the north and south. Inadequate consideration of this was undertaken by the Council.

The design of the front two houses, in terms of the angles of the roof slopes, height of the elevations to eaves and overall roof height take no account of the design of our clients homes either side. In order to indicate this the roof form and extent of the front elevation are outlined in the street elevation below. The visible form of the overscale house no. 4 (same is true for house 3) is outlined in purple. Its scale relative to Corcumrua is notable and excessive.

Principle of development and climate action

The objective of the residential zoning on which the proposed development is located, is to protect and improve residential amenities. While residential development is permitted in principle under the zoning, the provisions of Policy Objectives CA5, CA6, CA8, PHP 19 and section 12.3.9 of the CDP must also be taken into account.

These all provide a strong presumption against demolition and replacement dwellings as a development type. We submit that the application, whilst it includes a submitted structural survey, does not provide adequate justification or rationale for the proposed demolition and proposed front development; and we submit that the threshold for the demolition and new houses has not been met, which is further compounded by the design approach of all houses that fails to take account of the mature streetscape in this location. The proposal would form a highly incongruous feature when viewed from Saval Park Road, and when viewed from neighbouring properties, the appellants in this instance.

The house, in our considered opinion, is not derelict, and whilst unoccupied and in poor condition, no assessment of the potential to refurbish it, or to justify its demolition in terms of Policy CA06 and PHP19 of the CDP is made. We request the Commission that its demolition is not justified and to reach a conclusion that the proposed development would not contribute to the vision of the zoning objective of the area, and would undermine the existing residential amenity of the area, and we request permission be refused.

Negative impact on immediate residential amenity

We respectfully submit that the scale and position of the houses (particularly houses 2,3 & 4) would be highly overbearing when viewed from our client's homes. The scale and form of all the proposed houses will be highly overbearing when considered from both our client's homes, but in particular from Corcumrua, due it being at a lower level, and the house being single storey only. The overbearing impact is compounded by their position on the boundary and the potential impact on the structural integrity of the shared boundary, our client's garden room and habitable dwelling.

Whilst it is recognized that the separation between first floor windows of houses 3 and 4 to our clients own houses exceeds the minimum 16m under SPPR1 of the Compact Settlement Guidelines, it cannot be considered in isolation, given the extent of the change and loss of amenity being generated by the proposed overdevelopment in this instance.

We refer the Commission to several other decisions, such as at Southwinds (ACP Ref. ABP-315065) where the Inspector reached a conclusion that a similar scaled and similarly substandard development was capable, due to the proximity of houses 2 and 7 to adjoining properties to be injurious to the residential amenities of adjoining property, and would therefore be contrary to zoning objective A of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Notably these houses were of a similar height (7.75m to ridge nearest boundary), length (12m) and proximity (c.1m) to what is being proposed in this instance and set a strong precedent, irrespective of other issues for the refusal of permission in this instance.

In reaching this conclusion the Commission were concerned in terms of the substandard form and layout, in particular, by virtue of the design, scale and separation distances and therefore concluded that permission be refused.

Our clients have similar and significant concerns in relation to the height of the houses along their shared boundaries compared to their own properties. The degree of overshadowing and overbearing nature of the proposal would be contrary to Policy Objective PHP20 of the County Development Plan and should be refused. We note that the shadow analysis undertaken by the applicant failed to consider the impact of the proposal in terms of daylight to windows on a side ground floor window of Saval, which is outlined in red on next page and internal photo shown on page 3 of this appeal. In our considered opinion it would have severely failed this daylight assessment. We can also confirm that window 7 (contrary to the claim of the daylight and sunlight analysis) does not serve a bathroom as Table 6 of their analysis claims.

Similarly, whilst consideration of the impact on the two south facing windows within Corcumrua has been undertaken as part of the application, no consideration of the velux and rooflights that provide an essential amenity to the rooms they serve has been undertaken. The findings for windows 2 and 3 of Corcumrua are also unclear as it suggests the level of daylight will improve to these windows, despite the FI site plan indicating that the existing boundary masonry wall remaining to be retained. We would remind the Commission that this wall is not authorized and has been built on lands in our clients ownership. No consent has been provided for any works to this wall.



Furthermore, in terms of sunlight to windows, the assessment of only two windows to the rear of our client's homes must also be questioned by the Commission.

The proposal, as well as generating overlooking and being overbearing, fails to be designed to the highest possible standards, integrate well into the existing streetscape and be capable of adapting to changing household requirements contrary to Policy Objective PHP 19 and PHP 20 of the CDP. The nature and extent of the current proposal will have a negative impact on the visual and residential amenity of our clients, and set an unacceptable and inappropriate precedent for the area.

5. Conclusion

We submit that the grounds for refusing permission in this instance are clear and unambiguous. The proposed development amounts to a piecemeal and haphazard development of an inappropriate layout and design that would have a negative impact on the residential and visual amenity of both our clients.

The proposed development has a substandard form and layout, in particular, by virtue of the design, scale and separation distances and therefore would be injurious to the residential amenities of our clients at the two nearest adjoining properties, and would therefore be contrary to zoning objective A of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

We submit that for the Commission to permit the development as proposed would be contrary to the zoning of the site, and our clients properties, which seeks to *'provide residential development and improve residential amenity while protecting the existing residential amenities'*; would be contrary to Ministerial Guidelines 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024) and would be contrary to the proper planning and sustainable development of the area and should be refused.

The amenity concerns are further compounded by the incongruous form of the front two houses that will both negatively impact upon the streetscape, but also the scale, layout and design of the two rear houses when considered from both our client's homes.

We request the Commission to conclude that the proposed development amounts to a piecemeal, haphazard and overdevelopment of the site that should be refused. This is reflective in the design and development approach to the overall site, that is simply too small to absorb the development proposed on this narrow suburban site that will generate an intensification of the access and result in a traffic hazard.

We submit that when regard is had to the proper planning and sustainable development of the area, and the inappropriate precedent it will set that they are duty bound to refuse permission on the basis that it is in conflict and would be contrary to Policy Objective PHP19 and PHP20; as well as sections 12.3.7.6 and 12.3.7.7 of the Dun Laoghaire Rathdown Development Plan 2022-2028 and should be refused.

We submit that given all of the foregoing arguments, reasons and considerations, the Commission are requested to overturn the decision of the County Council and refuse planning permission for this development on the basis that due to its design, form, mass and scale, as granted permission, it would be seriously injurious to the residential and visual amenities of this area; and would therefore be contrary to the proper planning and sustainable development of the area.

We trust that the Commission will give due consideration to all matters raised in this submission and request that planning permission be refused for the proposed development. Access to both our clients homes can be arranged through this office.

Yours faithfully,

A handwritten signature in purple ink that reads "Anthony Marston". The signature is written in a cursive, flowing style.

Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy