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AN COIMISIÚN PLEANÁLA
LDG-FEE-PAY-004799
ACP- _____

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FIRST PARTY APPEAL

RESIDENTIAL INFILL DEVELOPMENT

LANDS TO THE REAR OF SAINT HELEN'S,
YORK ROAD, DÚN LAOGHAIRE, CO. DUBLIN,
A96 Y838

Dún Laoghaire-Rathdown County Council Reg. Ref.
D26A/0551/WEB

SUBMITTED IN OCTOBER 2026 ON BEHALF OF:

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1.0 Introduction

This first party appeal has been prepared by Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2 on behalf of our clients, RRYRDL Ltd., Nos. 83 - 87 Main Street, Ranelagh, Dublin 6, D06 E0H1 against the decision of Dún Laoghaire-Rathdown County Council to refuse permission for a residential infill development on a site located on Lands to the Rear of Saint Helen's, York Road, Dún Laoghaire, Co. Dublin, A96 Y838 under **Reg. Ref. D26A/0551/WEB**. The description of development, as per the statutory public notices, is as follows:

'Amendments to previously permitted development Reg. Ref. D25A/0284/WEB (ACP-322865-25) as follows: (i) the reorganisation of the previously approved bin/bicycle store located to the west of the site and private open space associated with the existing dwelling (Saint Helens) adjacent to the western site boundary to provide a revised bin/bicycle store and a reduction in the remaining private garden allocated to Saint Helens (198.5sq.m remaining) within this area. (ii) the construction of 1 no. flat-roofed two storey three-bedroom dwelling; (iii) provision of 1 no. vehicular parking space allocated to the proposed dwelling; and (iv) the development will include all associated works including, landscaping, planting and boundary treatments, infrastructure, lighting, foul/surface drainage, site works, necessary to facilitate the development'.

This report sets out the planning rationale and justification for the development, including an assessment of the proposal having regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028. It is submitted that the proposed development is compliant with the various qualitative and quantitative standards of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site layout and design seek to provide a high-quality living environment while maintaining the residential amenity of surrounding residents. The proposed infill dwelling will provide additional residential accommodation on a well-served site and have been designed to be in keeping with best practice for residential developments.

As such, we respectfully request that An Coimisiún Pleanála set aside the decision of Dún Laoghaire-Rathdown County Council and **grant permission** for the proposed development. This appeal is accompanied by the decision from the planning authority (see Appendix A) and the statutory appeal fee of €1,500.

1.1 Decision of Dún Laoghaire-Rathdown County Council

The Council's decision to refuse permission under Reg. Ref. D26A/0551/WEB, (a copy of which is included in Appendix A of this report) was issued on 10th September 2026 and based on the following reason:

- 1. Having regard to the nature and scale of the proposed development, it is considered that the proposed additional house, by reason of its site position, layout of amenity spaces, and design, would offer a substandard level of residential amenity for future occupants. The proposal would be contrary to Policy Objectives PHP18, and PHP35 of the Development Plan. In addition, the visual bulk, location of windows, and low separation distances would have a significant and negative impact on the amenity of neighbouring houses, by way of overlooking, overshadowing, and overbearing visual appearance. The proposed development would therefore be contrary to Policy Objective PHP42 and the 'A' zoning objective of the site, and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development, by reason of its location, scale, and design, would significantly encroach on the designated private open space associated with the main house "Saint Helen's" on site. The development would have a detrimental impact on the existing residential amenity of this building. In addition, the development would have a significant and negative impact on the character and setting of Saint Helen's, and would be contrary to Policy Objective HER21. Furthermore, the proposed development would result in overdevelopment of the site, and would set a negative precedent for similar undesirable developments. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

In summary of that as set out throughout this appeal, we strongly contend that the proposed development is representative of a high-quality and appropriately scaled infill development which

provides a high standard of accommodation for future occupants. The dwelling has been designed to ensure the protection of the established and permitted built form of the surrounding area, having particular regard to existing large residential dwelling (St. Helens). The proposed dwelling is subordinate in scale to the neighbouring dwellings and will ensure the protection of existing residential amenity, in keeping with guidance as set out in the Development Plan, with particular regard to the site's Objective A zoning.

The full grounds of appeal against the decision of the Council are outlined in the subsequent sections of this report. As noted from the outset, we consider the proposal to be in accordance with the proper planning and sustainable development of the area, and as such, we respectfully request that An Coimisiún Pleanála see fit to overturn the decision of Dún Laoghaire-Rathdown County Council and **grant permission** accordingly.

1.2 Summary of Grounds of Appeal

In this instance, the applicant is appealing against the decision of Dún Laoghaire-Rathdown County Council to refuse permission for the construction of an infill dwelling at this site. The applicant's grounds of appeal will be set out in full detail in the body of this first-party appeal, but can be summarised by the following points:

- The proposed development is consistent with the sites 'Objective A' zoning objective, does not have an adverse impact on adjoining residential amenities and accords with the proper planning and sustainable development of the area. Residential is a permitted in principle use on Objective A zoned lands;
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and serviced lands that provides an appropriate response to the use of an infill/backland development site, whilst also providing for a high standard of residential accommodation for future residents;
- the proposed dwelling incorporates a combination of careful room planning, strategic window placement, obscured glazing, high-level openings, internal screening, and external privacy screening to ensure that neighbouring residential amenity is protected;
- It is contended that the proposal will enhance the streetscape along Knapton Lane, by providing for a contemporary and innovative design solution which relates well to its surrounding context;
- The proposed dwelling has been designed by the design team to avoid any impacts of overbearance on adjacent properties, in this context the height of the proposed dwelling is purposely subordinate to the height of the existing residential building at St Helens;
- It is contended that ample private amenity space is provided for the proposed dwelling through the provision of the rear garden and first floor terrace. The proposed development retains ample private open space for the existing residential building, St. Helens (198.5sq.m);
- The proposed development provides for a high-quality and appropriately scaled two-storey dwelling, which meets the quantitative residential standards as set out within the Dún Laoghaire-Rathdown Development Plan 2022-2028 and the *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)*;
- The proposed development accords with the key objectives as included within the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031) in that it contributes to the compact growth targets of at least **50% of all new homes to be built within or contiguous to the built-up area of Dublin City and suburbs.**

The proposed development seeks to provide an infill dwelling on this well-served site situated within an established residential area with varying housing typologies and scales. This pattern of development is in accordance with planning policy to facilitate infill development wherever possible, provided adjacent homes are not negatively affected in some measurable way. We request that An Coimisiún Pleanála set aside the decision of Dún Laoghaire-Rathdown County Council and **grant permission** for the development.

2.0 Site Location & Description

The proposed development site, of 0.485 hectares, is situated on lands to the west of York Road. The subject site contains a large residential dwelling (St. Helens) and is accessed via an entrance from York Road along the eastern boundary of the subject site. It is noted that the existing dwelling on site is not listed as a Protected Structure on Dún Laoghaire Rathdown's Record of Protected Structures (RPS). For clarity, it is noted that this existing dwelling does not form part of the subject application. The subject site located on York Road c. 800m southwest of Marine Road, Dún Laoghaire. The western and eastern site boundaries are enclosed by a stone wall and a row of trees to the east onto York Road.

The subject site is bounded by two and three storey dwellings along the southern boundary, two-storey over basement Victorian dwellings to the northern boundary and Knapton Lane to the west. The site is flanked to the immediate east by York Road, and to the north by existing residential dwellings, which are Protected Structures (RPS No. 969) as listed in Dún Laoghaire-Rathdown County Council's Record of Protected Structures.



Figure 1.0 OS Map showing the application site outlined in red, located at Saint Helen's, York Road, Dún Laoghaire, Co. Dublin.

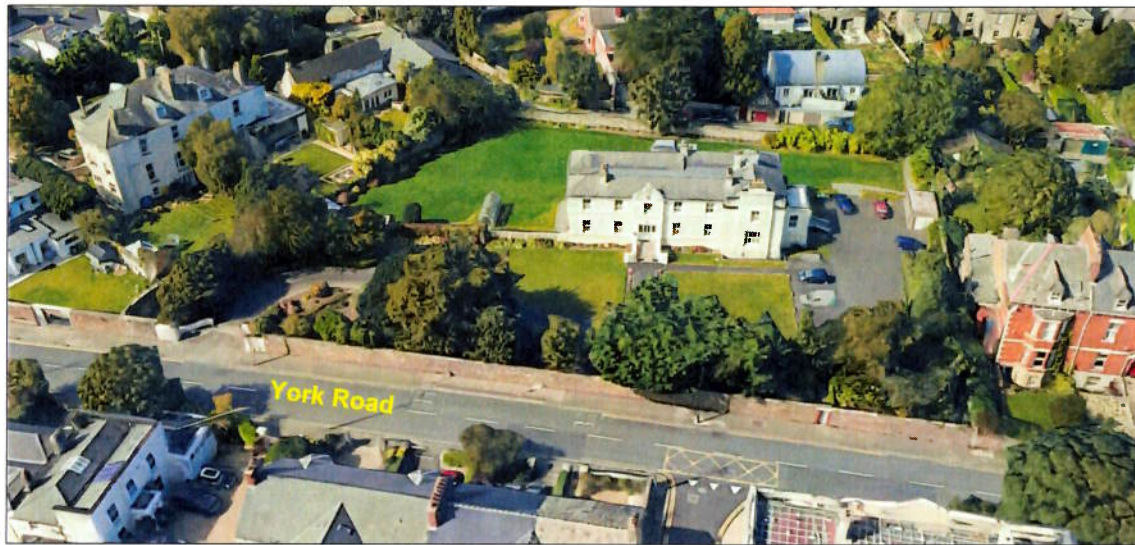


Figure 2.0 3D Aerial image showing the front façade of the existing dwelling.



Figure 3.0 Aerial image showing the context surrounding the subject site



Figure 4.0 Street view image showing the existing entrance to subject site along York Road.

Dún Laoghaire is a 14-minute walk (c. 1.1km) north-east of the subject site which provides a range of amenities and services including shops, restaurants and places of worship. The site's proximity to Dunedin Park and the Dún Laoghaire Piers provides for excellent outdoor amenity spaces within short walking distance. The site is served by multiple bus routes, the E2, 111, L25 and L27 that run along York Road. These routes provide regular service between places such as Dundrum and Dalkey and Dún Laoghaire where connections can be made to the DART and on north to the city centre or south to Bray.

The underutilised nature of the site, with the provision of public transport access and accessibility to various amenities and services within the area make it a location with high development potential for further residential development.



Figure 5.0 Aerial image showing the wider locational context surrounding the subject site (red star).

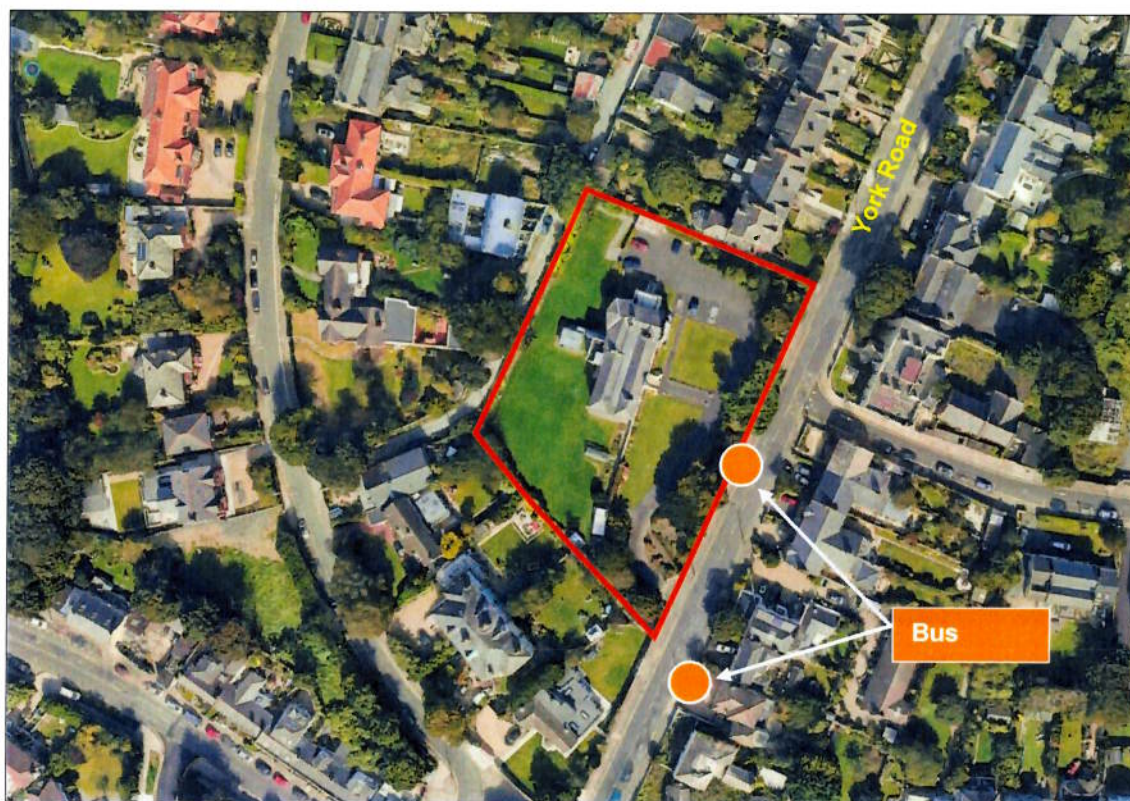


Figure 6.0 Aerial view of subject site (red outline) showing the locational context of the immediate area.

3.0 Planning History

3.1 Subject Site

A review of Dún Laoghaire-Rathdown County Council's planning register revealed a number of planning applications relating to the subject site, the earlier permissions pertaining to the site are summarised below. It is noted that the following applications relate to a wider site area, which included Saint Helens House.

Application Reference	Description	Decision
D24A/0748/WEB	Planning permission sought for the construction of 7 no. dwellings as follows: 3 no. two-storey, three-bedroom detached dwellings (Unit Nos. 1, 2 & 7); and 4 no. three-storey, four-bedroom terraced houses (Unit Nos. 3 – 6).	Deemed Withdrawn on 30 th May 2025
D25A/0284/WEB ACP. Ref. 322865-25	Planning permission sought for the construction of 12 no. residential units comprising 2 no. two-storey, three-bedroom detached dwellings (Unit Nos. 1 & 2), 4 no. three-storey, four-bedroom terraced houses (Unit Nos. 3 – 6), 1 no. duplex block comprising 2 no. two-bedroom apartments (Block C), 1 no. two storey over basement level block (Block B) comprising 2 no. six-bedroom maisonette units, and 1 no. three story over basement block (Block A) comprising 1 no. four-bedroom apartment and 1 no. ten-bedroom unit	Planning permission granted on 24 th October 2025.

	which will provide accommodation for the Christian Brothers on the subject site located at Saint Helen's, York Road, Dún Laoghaire, Co. Dublin.	
D26A/0016/WEB	Planning permission sought for amendments to the previously approved development under Reg. Ref. D25A/0284/WEB (ACP-322865-25), to result in an overall revised unit mix comprising: 1 no. two-storey, three-bedroom detached dwelling (Unit No. 1), 1 no. two-storey, four-bedroom detached dwelling (Unit No. 2), 1 no. three-storey, six-bedroom terraced house (Unit No. 3), 3 no. three-storey, five-bedroom terraced houses (Unit Nos. 4 – 6), 1 no. duplex block comprising 2 no. two-bedroom apartments (Block C), 1 no. two-storey over basement level block (Block B) comprising 2 no. six-bedroom maisonette units, and 1 no. three-storey over basement block (Block A) comprising 1 no. four-bedroom apartment and 1 no. ten-bedroom unit.	Planning permission granted on 15 th April 2026.
D26A/0180/WEB	Planning permission sought for amendments to the previously approved development under Reg. Ref. D25A/0284/WEB (ACP-322865-25), to result in an overall revised unit mix comprising: 2 no. two-storey, three-bedroom detached dwelling (Unit Nos. 1 & 2), 4 no. three-storey, four-bedroom terraced houses (Unit Nos. 3 – 6), 1 no. duplex block comprising 2 no. two-bedroom apartments (Block C), 1 no. two-storey over basement level block (Block B) comprising 2 no. six-bedroom maisonette units, and 1 no. three-storey over basement block (Block A) comprising 3 no. studio apartments, 1 no. one-bedroom apartment and 1 no. eleven-bedroom unit.	Planning permission granted on 3 rd June 2026.
D26A/0240/WEB	Planning permission sought for amendments to the previously approved development under Reg. Ref. D25A/0284/WEB (ACP-322865-25), to result in an overall revised unit mix comprising: 2 no. two-storey, three-bedroom detached dwellings (Unit Nos. 1 & 2), 4 no. three-storey, four-bedroom terraced houses (Unit Nos. 3 – 6), 1 no. duplex block comprising 2 no. two-bedroom apartments (Block C), 1 no. two-storey over basement level block (Block B) comprising 6 no. studio apartments, 1 no. one-bedroom apartment and 1 no. four-bedroom apartment, and 1 no. three-storey over basement block (Block A) comprising 1 no. four-bedroom apartment and 1 no. ten-bedroom unit.	Decision to Grant Planning permission received on 6 th July 2026. Appeal period closes on 4 th August 2026.

A more detailed description of the most recently approved planning application pertaining to the subject site is provided below:

Reg. Ref. D26A/0240/WEB

Planning permission approved by Dun Laoghaire-Rathdown County Council on 6th July 2026 for: Amendments to previously permitted development Reg. Ref. D25A/0284/WEB (ACP-322865-25) as follows: (i) Internal and external modifications to Block B comprising: a minor increase in the building footprint (c. 2.3sqm), increasing the GFA from c. 459.2sqm to 467.8sqm; the provision 8 no. apartment units replacing the 2 no. permitted six-bedroom maisonette units; the 8 no. proposed units, with private amenity space in the form of balconies and terraces, comprise 6 no. studio apartments, 1 no. one-bedroom apartment, and 1 no. four bedroom apartment; and associated amendments to the permitted elevations; (ii) Minor modifications to the site layout comprising: the provision of additional private amenity space to new units in the form of terraces at ground floor level; the provision of additional visitor bicycle parking; and associated minor amendments to landscaping. The proposed amendments result in an overall revised unit mix comprising: 2 no. two-storey, three-bedroom detached dwellings (Unit Nos. 1 & 2), 4 no. three-storey, four-bedroom terraced houses (Unit Nos. 3 – 6), 1 no. duplex block comprising 2 no. two-bedroom apartments (Block C), 1 no. two-storey over basement level block (Block B) comprising 6 no. studio apartments, 1 no. one-bedroom apartment and 1 no. four-bedroom apartment, and 1 no. three-storey over basement block (Block A) comprising 1 no. four-bedroom apartment and 1 no. ten-bedroom unit.

In approving permission for the above development, the following was noted within Dun Laoghaire-Rathdown County Council's Case Planner's Report:

'Having regard to the Objective A zoning of the subject site, massing, scale and form of the proposed 8 units in the garden of an existing dwelling and associated access and boundary treatments, it is considered that the proposed development would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overhearing appearance. In addition, it is considered that the proposed development would not significantly detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'

In relation to the above application, it should be noted that a third-party appeal was received against Dun Laoghaire-Rathdown County Council's decision to grant permission. The third-party appeal was responded to by the applicants under ACP Ref. 501810 and the case is due to be decided by 3rd December 2026.

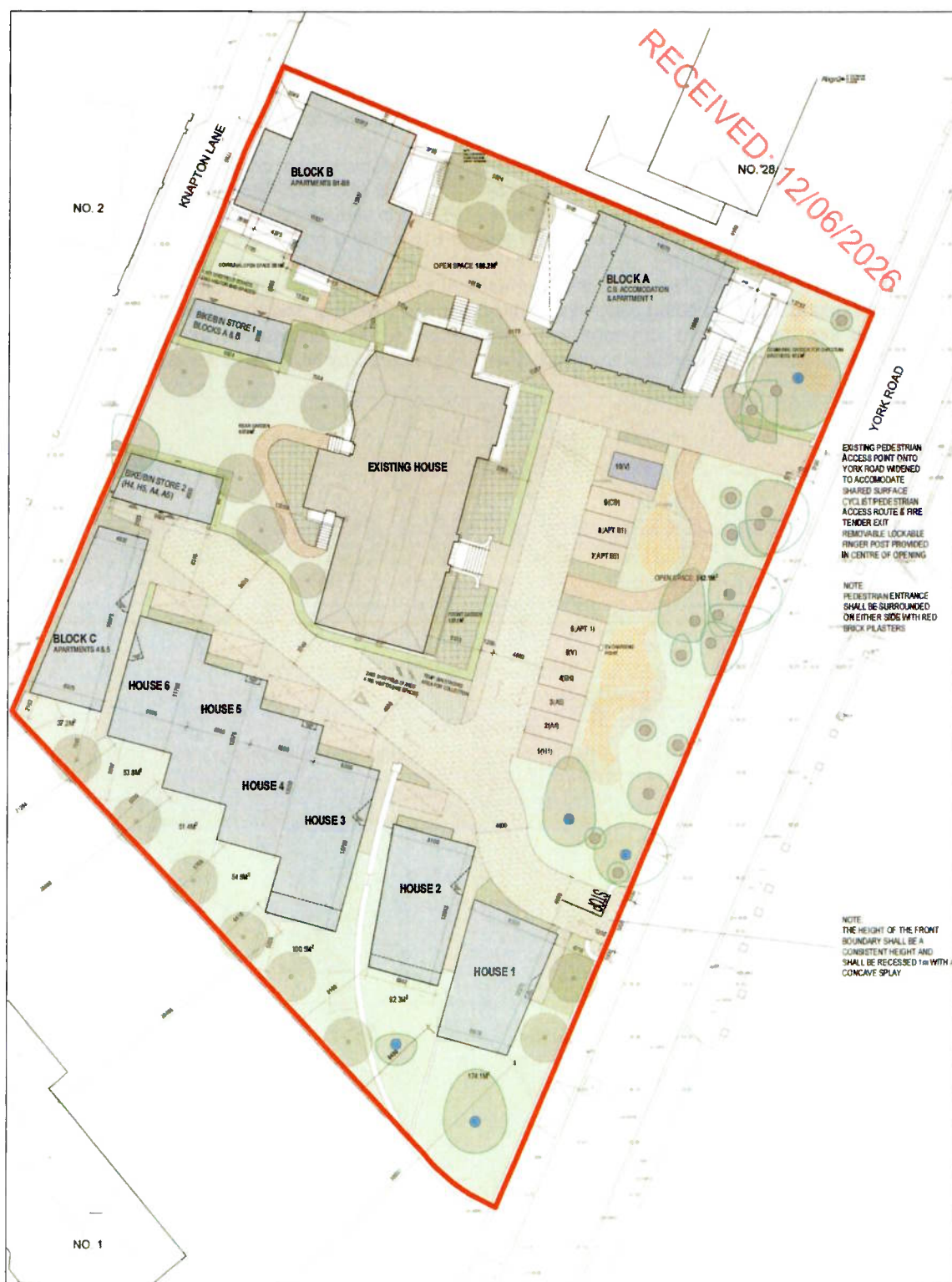


Figure 7.0 Extract from the approved site layout plan under Reg. Ref. D26A/0240/WEB.

4.0 Proposed Development – As Submitted

The proposal, as submitted to Dún Laoghaire-Rathdown County Council comprises the construction of 1 no. high-quality, contemporary bespoke residential dwelling to the rear of Saint Helen's House. A brief description of works proposed on the 0.485 hectare site will be discussed below:

Development of land to the northwest of the existing Saint Helen's house, consisting of amendments to previously permitted development Reg. Ref. D25A/0284/WEB (ACP-322865-25) as follows, reduction in the remaining garden allocated to Saint Helens (198.5sq.m remaining), the relocation and redesign of the permitted bin and bicycle stores to the rear of the existing house and the provision of a new dwelling that will be accessed by the existing vehicular entrance, as granted under Reg. Ref. D25A/0284/WEB (ACP-322865-25) to the southeast of the existing site onto York Road. We note that 1 no. car parking space is being allocated to the proposed dwelling. The development will include all associated site development, drainage and landscaping works. Figures 8.0 and 20.0 present the existing and proposed site layout plans respectively as prepared by NDBA Architects.



Figure 8.0 Existing site layout plan prepared by NDBA Architects.

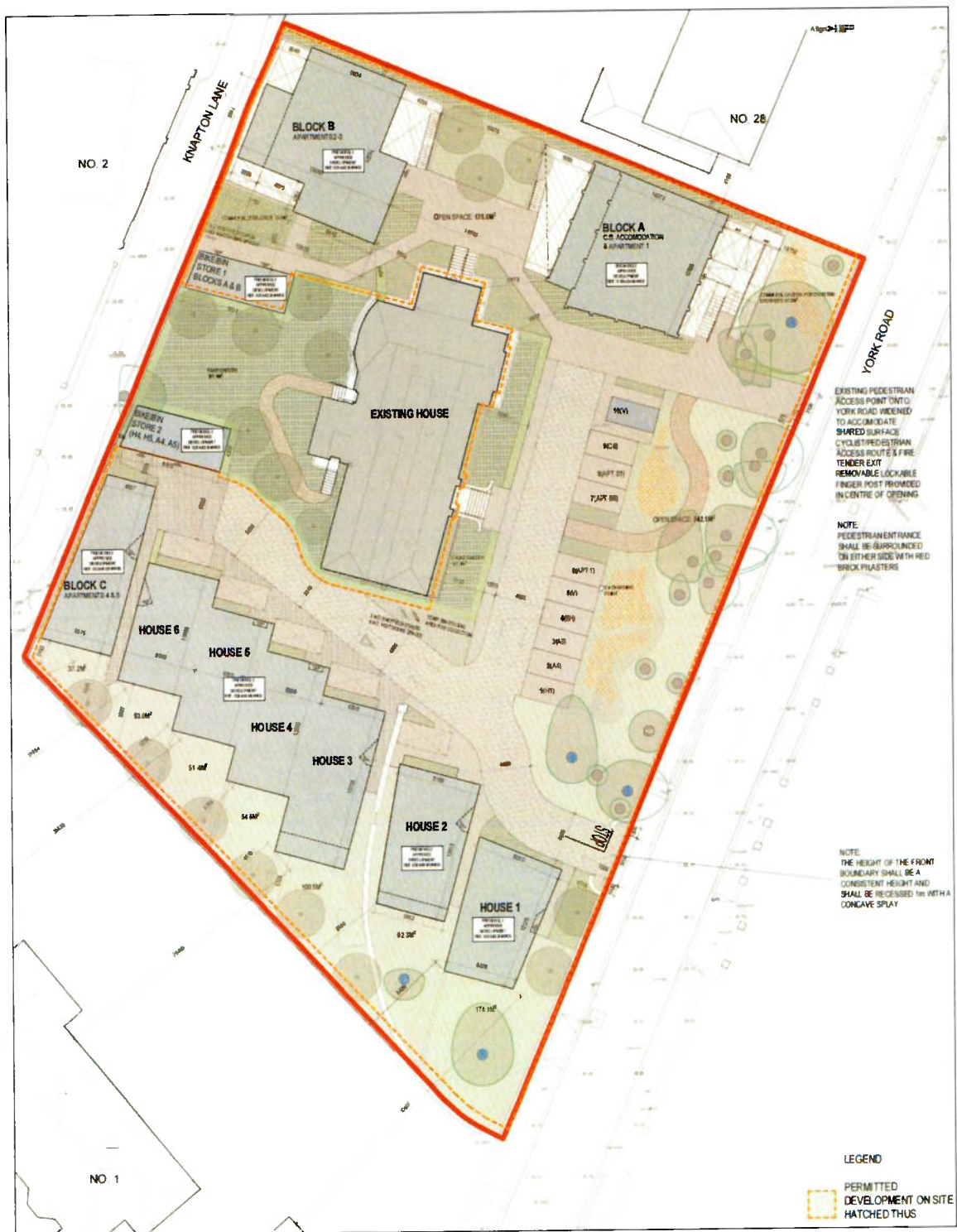


Figure 9.0 As granted site layout plan prepared by NDBA Architects.



Figure 10.0 Proposed at application stage site layout plan prepared by NDBA Architects.

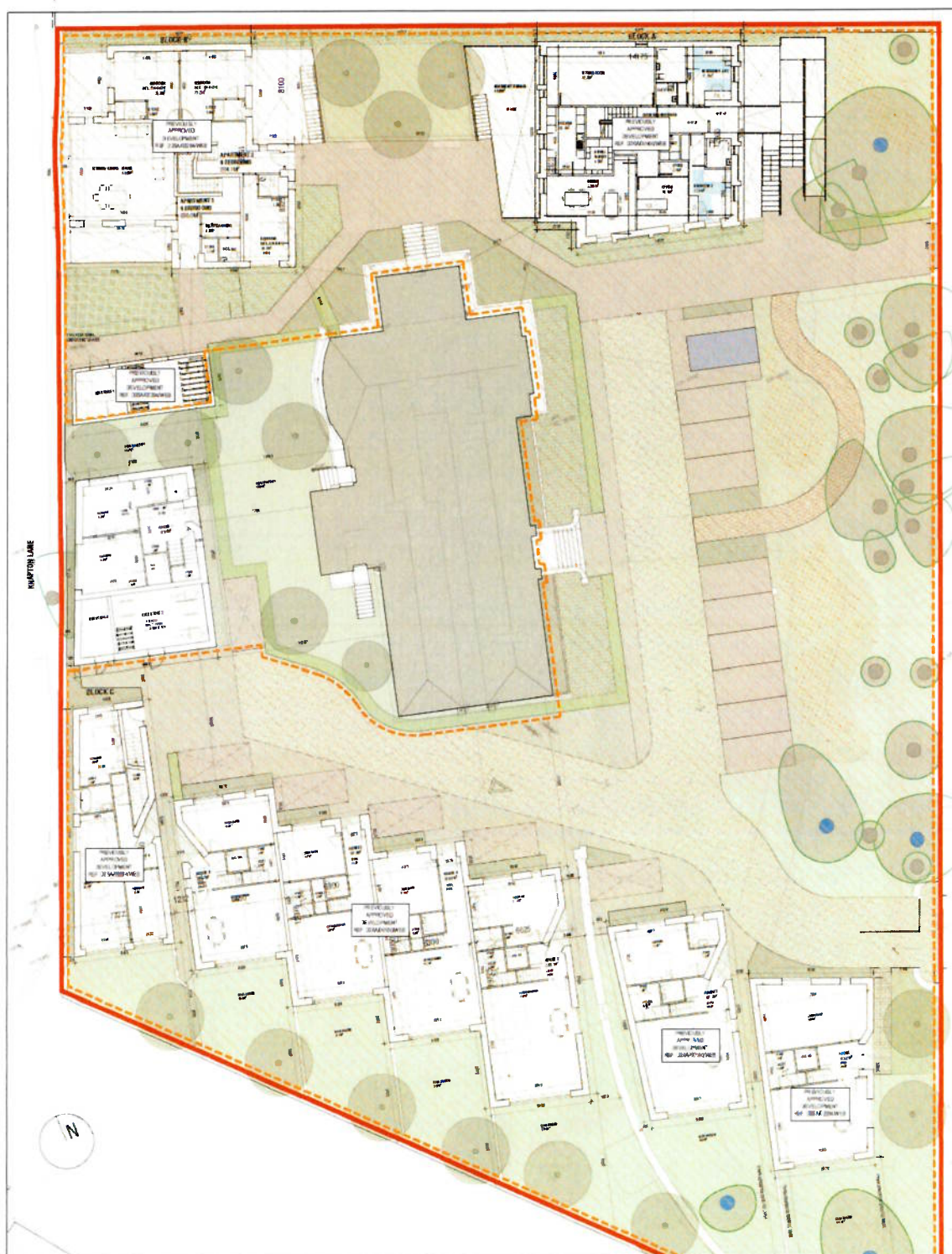


Figure 11.0 Proposed at application stage ground floor plan prepared by NDBA Architects.



Figure 12.0 Proposed at application stage first floor plan prepared by NDBA Architects.

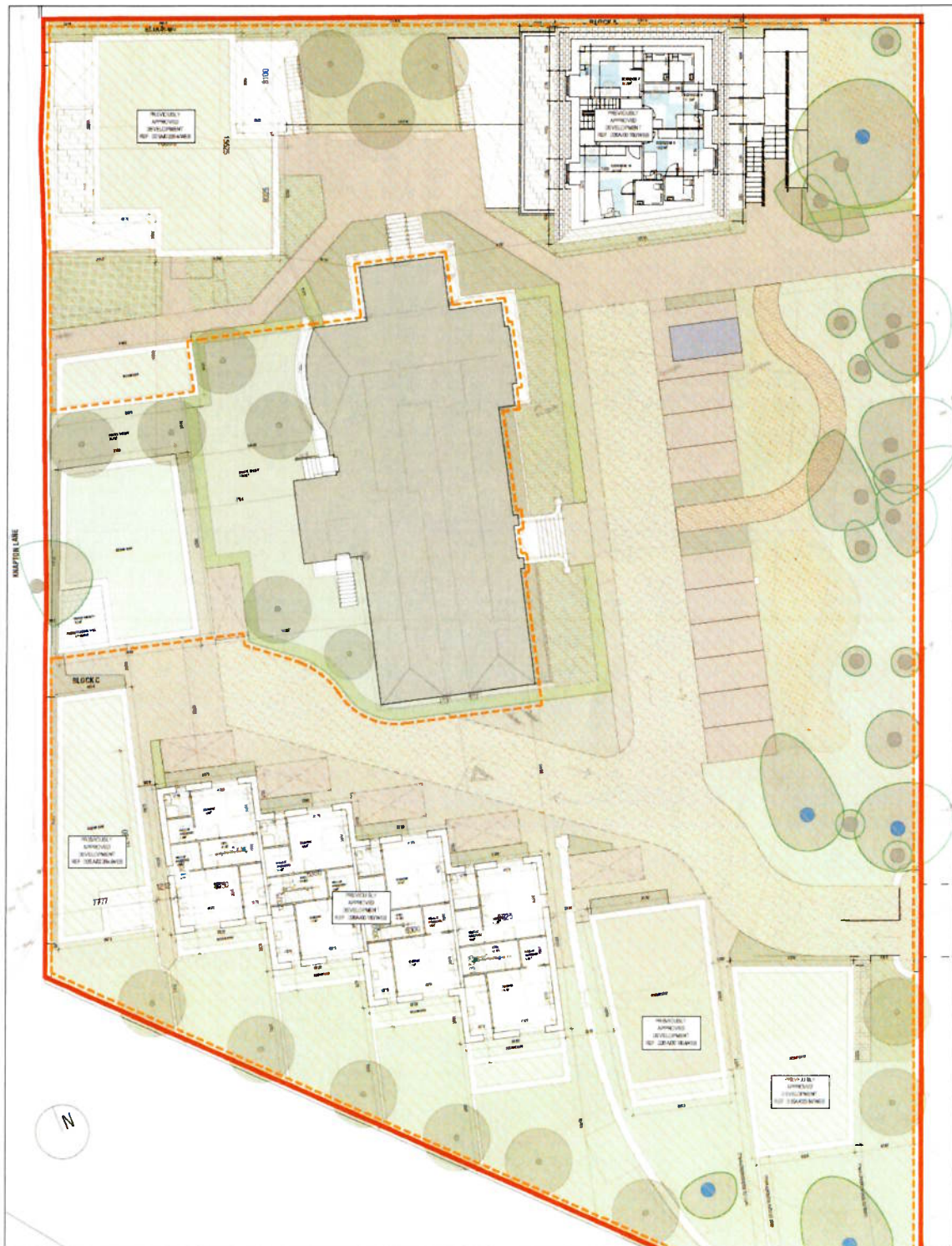


Figure 13.0 Proposed at application stage second floor plan prepared by NDBA Architects.

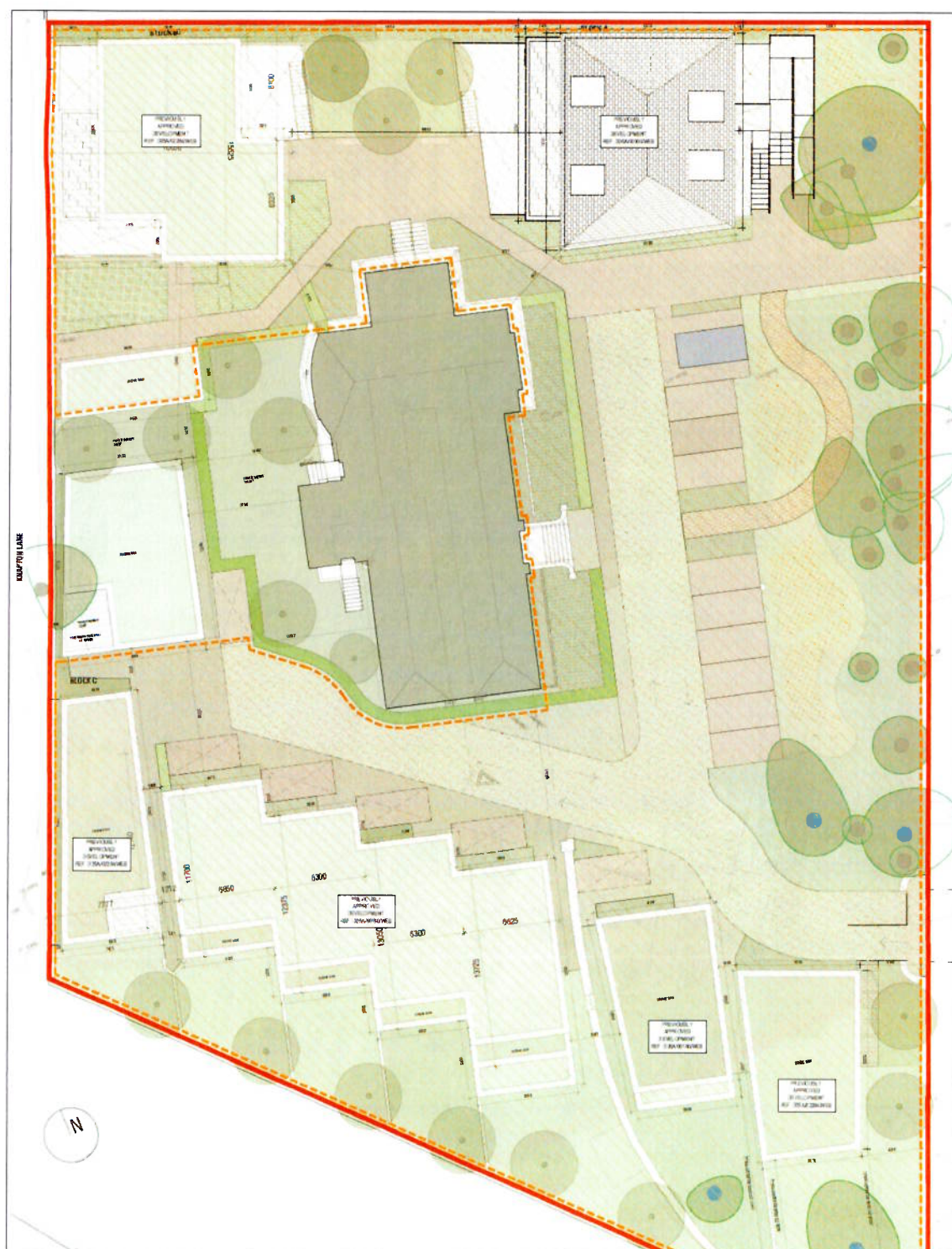


Figure 14.0 Proposed at application stage roof level plan prepared by NDBA Architects.

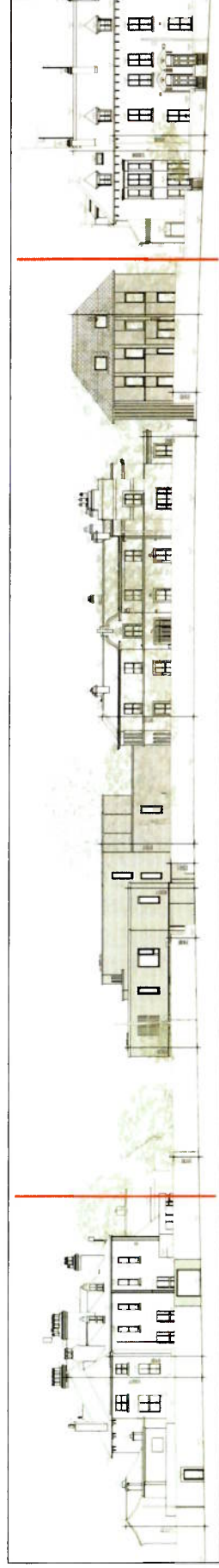


Figure 15.0 Proposed at application stage contiguous (east) elevation from York Road prepared by NDBA Architects.

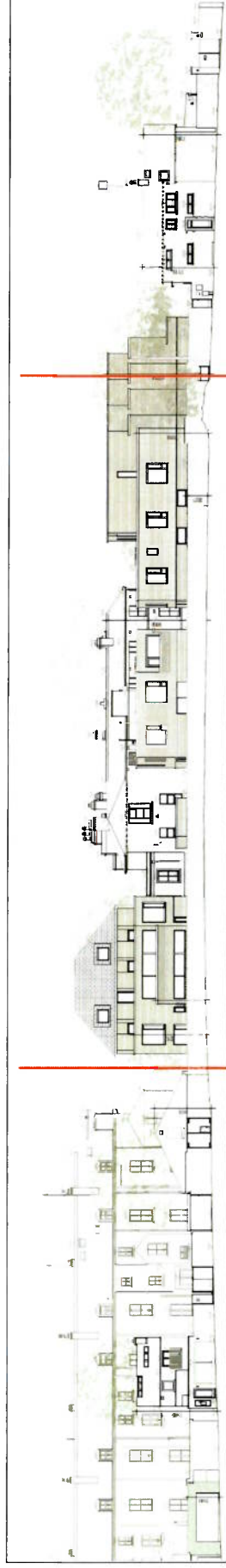


Figure 16.0 Proposed at application stage contiguous (west) elevation from Knapton Lane prepared by NDBA Architects.

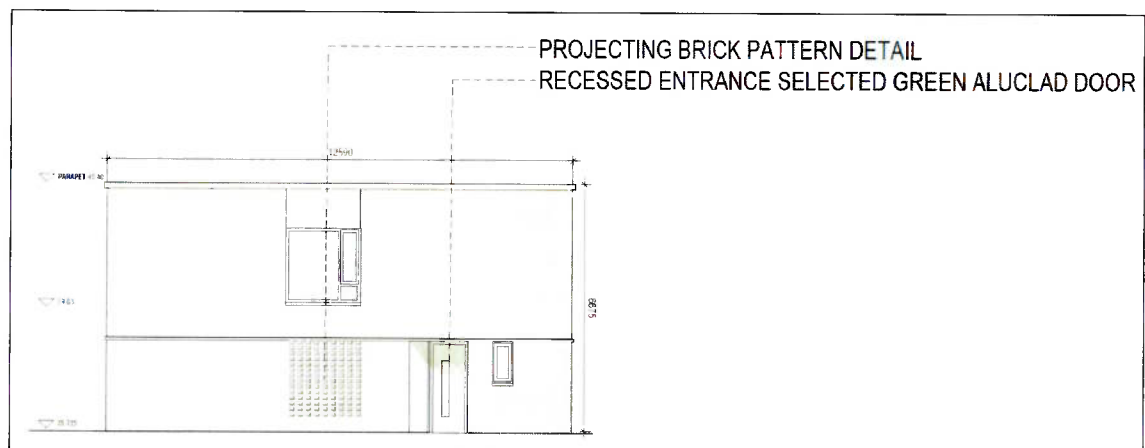


Figure 17.0 Proposed at application stage east elevation prepared by NDBA Architects.

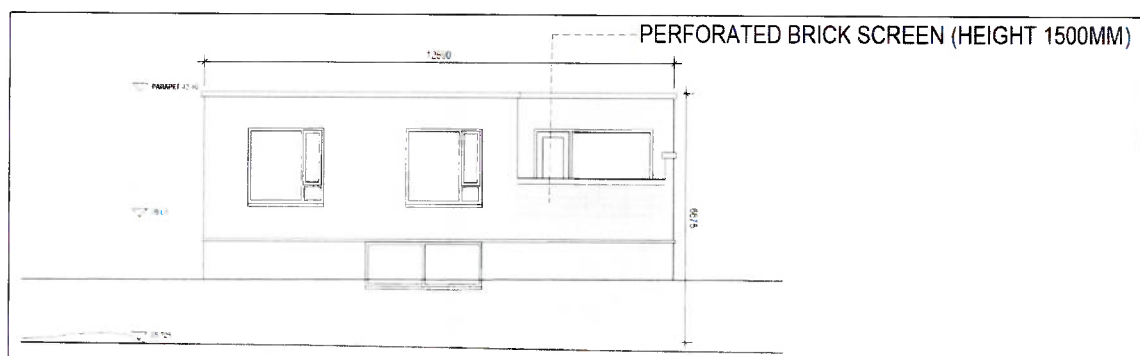


Figure 18.0 Proposed at application stage west elevation prepared by NDBA Architects.

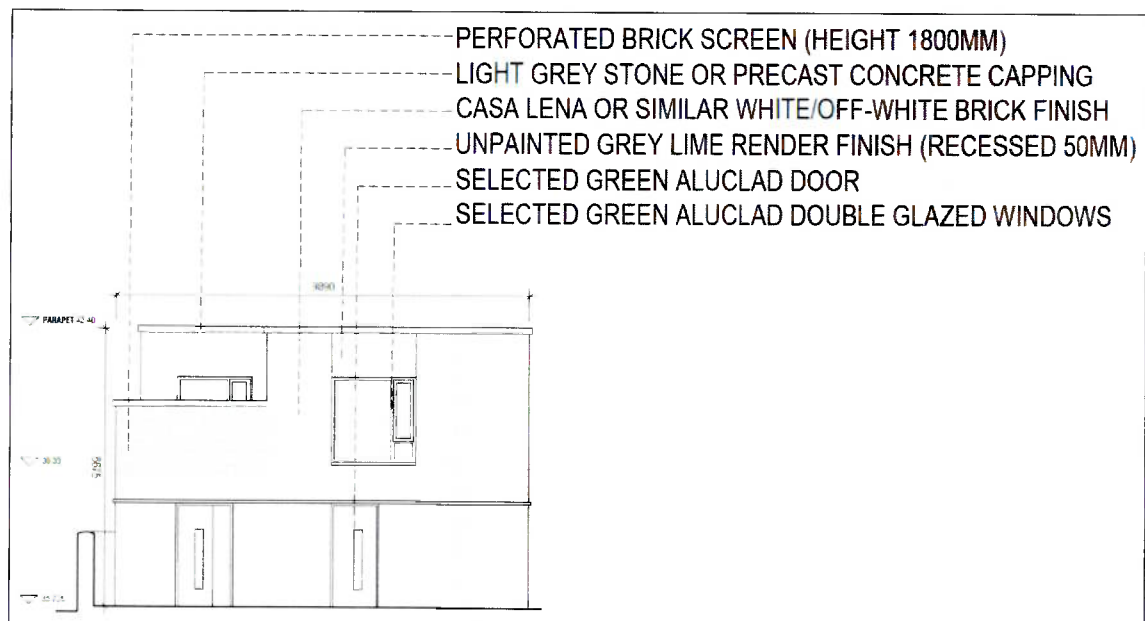


Figure 19.0 Proposed at application stage south elevation prepared by NDBA Architects.

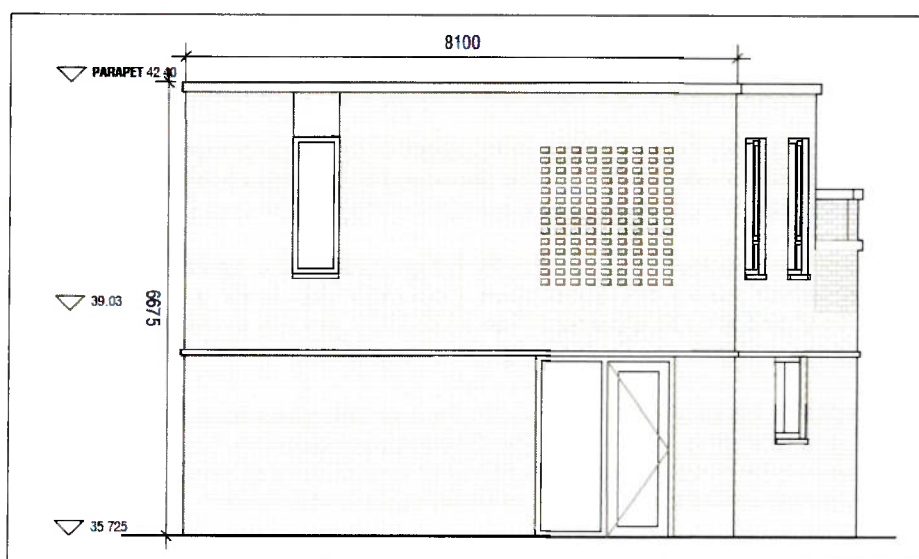


Figure 20.0 Proposed at application stage north elevation prepared by NDBA Architects.

The main aim of this proposal is to revitalise an underutilised site and create a high standard of accommodation along a high-quality bus corridor. The proposed dwelling is contemporary in design and form and will greatly improve the visual amenity of the subject site and will not negatively affect its immediate surroundings. The proposed dwelling adopts the same restrained contemporary architectural language of the permitted development, characterized by large, well-proportioned window openings arranged in a carefully considered composition, with further variety brought to the elevations through the limited use of projecting, textured brick patterns and perforated brick screens. The proposed design approach will ensure the proposed dwelling will feel appropriately situated in the broader development of the subject site.

Figures 8.0 to 20.0 above, display the proposed dwelling to which this report pertains. These figures highlight the contemporary design and layout of the proposed dwelling and the manner in which it will be laid out within the subject site to have as little effect as possible on the surrounding area and conforms with the previous applications on the site as outlined in Section 3.0 of this report.

5.0 Grounds of Appeal

As previously outlined in Section 1.2 of this report, the applicant is appealing the decision of Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development of 2 no. infill dwellings. The applicant's grounds of this appeal as outlined in full detail in the body of this appeal submission but can be summarised by the following points:

- The proposed development is consistent with the sites 'Objective A' zoning objective, does not have an adverse impact on adjoining residential amenities and accords with the proper planning and sustainable development of the area. Residential is a permitted in principle use on Objective A zoned lands;
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and serviced lands that provides an appropriate response to the use of an infill/backland development site, whilst also providing for a high standard of residential accommodation for future residents;
- The proposed dwelling incorporates a combination of careful room planning, strategic window placement, obscured glazing, high-level openings, internal screening, and external privacy screening to ensure that neighbouring residential amenity is protected;
- It is contended that the proposal will enhance the streetscape along Knapton Lane, by providing for a contemporary and innovative design solution which relates well to its surrounding context;

- The proposed dwelling has been designed by the design team to avoid any impacts of overbearance on adjacent properties, in this context the height of the proposed dwelling is purposely subordinate to the height of the existing residential building at St Helens;
- It is contended that ample private amenity space is provided for the proposed dwelling through the provision of the rear garden and first floor terrace. The proposed development retains ample private open space for the existing residential building, St. Helens (198.5sq.m);
- The proposed development provides for a high-quality and appropriately scaled two-storey dwelling, which meets the quantitative residential standards as set out within the Dún Laoghaire-Rathdown Development Plan 2022-2028 and the *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)*;
- The proposed development accords with the key objectives as included within the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031) in that it contributes to the compact growth targets of at least **50% of all new homes to be built within or contiguous to the built-up area of Dublin City and suburbs**.

It is submitted that the proposed development is in accordance with the proper planning and sustainable development of the area and as such we respectfully request that An Coimisiún Pleanála overturn the decision of Dún Laoghaire-Rathdown County Council and **grant** permission for the proposed alterations. This section of the report will provide further discussion on the grounds of appeal and for the benefit of An Coimisiún Pleanála will comprise a response to the reasons for refusal under **Reg. Ref. D26A/0551/WEB**. For ease of reference, the Planning Authority's decision to refuse permission, (a copy of which is included in Appendix A of this report) was issued on 10th September 2026 and was based on the following:

1. *Having regard to the nature and scale of the proposed development, it is considered that the proposed additional house, by reason of its site position, layout of amenity spaces, and design, would offer a substandard level of residential amenity for future occupants. The proposal would be contrary to Policy Objectives PHP18, and PHP35 of the Development Plan. In addition, the visual bulk, location of windows, and low separation distances would have a significant and negative impact on the amenity of neighbouring houses, by way of overlooking, overshadowing, and overbearing visual appearance. The proposed development would therefore be contrary to Policy Objective PHP42 and the 'A' zoning objective of the site, and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, by reason of its location, scale, and design, would significantly encroach on the designated private open space associated with the main house "Saint Helen's" on site. The development would have a detrimental impact on the existing residential amenity of this building. In addition, the development would have a significant and negative impact on the character and setting of Saint Helen's, and would be contrary to Policy Objective HER21. Furthermore, the proposed development would result in overdevelopment of the site, and would set a negative precedent for similar undesirable developments. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

In response to the above refusal reason, we strongly contend that the proposed infill dwelling would not fail to respect and compliment the large residential dwelling (St. Helens) as the proposed dwelling has been designed and sited to ensure that the architectural heritage of the structure, and the associated aesthetic contributions made to the surrounding area, are protected.

The dwelling has been designed to be subordinate in scale to the existing structure on site and utilise a high-quality design and coherent palette of colours and materials which are considered to protect existing visual amenity.

The full grounds of appeal against the refusal of permission are outlined in the subsequent sections of this report. As noted from the outset, we consider the proposal to be in accordance with the proper planning and sustainable development of the area, and as such, we respectfully request that An Coimisiún Pleanála see fit to overturn the decision of Dún Laoghaire-Rathdown County Council and **grant permission** accordingly.

5.1 Design of Proposed Dwelling

As noted, the proposed development seeks planning permission for the construction of 1 no. high-quality, contemporary bespoke residential dwelling to the rear of Saint Helen's House. The proposed dwelling has been designed to a high standard and will ensure the protection of exiting visual amenity, having particular regard to the architectural heritage and associated contributions made by the existing structure. Throughout the design process for the overall site, considerations to protect the architectural heritage of the existing structure and established character of the area have been made, despite the existing structure not featuring on the Record of Protected Structures (RPS), to provide for an appropriately scaled, sited and designed infill dwelling which makes more efficient use of these zoned and serviced lands.

We note that the planning authority have raised concerns regarding the scale and design of the development and its impact on the existing surrounding levels of residential amenity. They also make reference to the rear private amenity space, for which a daylight and sunlight assessment has been prepared in addition to revisions to the access of this area.

We contend that the proposed development, through its contemporary design will create a positive addition to the identity of the locality along Knapton Lane, which will serve as a high quality, distinct development of appropriate scale on a presently underutilised site. The layout makes the most of the opportunities presented by existing and proposed buildings in order to create a memorable layout. It is our opinion that the provision of a small-scale, sensitive infill development of 1 no. contemporary dwelling can be appropriately accommodated on the site.

5.1.1 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

As of January 2024, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities supersede the Sustainable Residential Development in Urban Areas (2009). With an emphasis on sustainable residential development and the formation of compact settlements, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities establish national planning policy and guidelines pertaining to the planning and development of urban settlements. As such, the following extract relates to Dublin City:

'It is a policy and objective of these Guidelines that residential densities in the range 100 dph to 300 dph (net) shall generally be applied in the centre of Dublin'.

This document notes that backland development is key to attaining the densities noted above. The proposed development will increase the residential density on an otherwise underutilised site, which is in line with the 2024 policy. We note that in relation to private open space, the Guidelines state that;

'Well-designed private open space forms an integral part of houses and is essential for health and wellbeing. The minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling. A more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied'.

In addition to the above, we note SPPR 2 (Minimum Private Open Space Standards for Houses), which is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

Minimum Private Open Space Standards for Houses	
1 bed house	20sq.m
2 bed house	30sq.m
3 bed house	40sq.m
4 bed + house	50sq.m

Table 1.0 Table illustrating SPPR 2 - Minimum Private Open Space Standards for Houses.

The Guidelines also note that 'a further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below)'. They also note that 'for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space'. We contend that the proposed development provides for an appropriate amount of private open space for the proposed dwelling with a rear garden of 36.7sq.m and first floor terrace of 13.2sq.m.

5.1.2 Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)

The current Dún Laoghaire Rathdown County Development Plan 2022-2028 notes that dwellings shall comply with the principles and standards outlined in Section 5.3 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). The purpose of these particular Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive by promoting high standards in the design and construction and in the provision of residential amenity and services in new housing schemes.

We note that the proposed dwelling contains 3 no. bedrooms and the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) provides guidance for a 3-bed (6 person) 2 no. storey dwelling, and we submit that the proposed development is in accordance with these guidelines. The proposed development is in complete compliance.

Dwelling Type	Target Gross Floor Area	Minimum Main Living Room	Aggregate Living Area	Aggregate Bedroom Area	Storage
Requirements 2 storey House 3 Bed (6P)	100sq.m	15sq.m	37sq.m	36sq.m	6sq.m
Proposed 2 Storey Dwelling 3 Bed (6P)	133.9sq.m	22sq.m	50.1sq.m	44.3sq.m	10sq.m

Table 2.0 Table illustrating the compliance of the proposed dwellings with the relevant standards for space provision.

5.1.3 Overlooking

Protection of the residential amenity of the existing surrounding dwellings is an important consideration for this development. As a general rule, all proposals for residential developments should provide for acceptable separation distances to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. The proposed development has been carefully designed by the project Architect to provide an appropriate and sustainable residential density on the subject site whilst having due regard to the need to protect the existing and the adjacent properties from overlooking and associated dis-amenity.

The proposed dwelling has been carefully designed to respect the privacy and residential amenity of neighbouring properties, including the existing dwelling, previously permitted Blocks B and C, and to provide a high degree of residential amenity to the proposed dwelling. The principal design measures adopted are as follows:

- The internal layout and positioning of all habitable rooms and window openings have been informed by the proximity of neighbouring buildings, with windows strategically positioned to minimise opportunities for overlooking.
- At ground floor level, habitable room windows are limited to one bedroom window facing Knapton Lane and one bedroom window facing the private rear garden. The only opening on the east elevation orientated towards the existing dwelling serves an en-suite bathroom and will be fitted with obscured glazing.

- The proposed first floor private roof terrace has been located to achieve good daylight and sunlight while carefully managing overlooking of adjoining properties.
- A 1.8m high perforated brick privacy screen is provided along the southern edge of the roof terrace, directly opposite Block C. This screen prevents direct overlooking between the terrace/LKD and Block C while still allowing some additional daylight to filter into the amenity space, and provide some visual interest to the south elevation.
- Although the separation distance between the proposed south elevation and House 6 is approximately 10m, which is below the 16m guideline contained within the Compact Settlement Guidelines, this relationship is considered appropriate in this urban context as the elevations are separated by a public home-zone street rather than opposing private rear gardens. Furthermore, the principal windows are offset and do not directly face one another, reducing opportunities for overlooking. The arrangement reflects both historic and contemporary urban precedents where reduced separation distances are achieved across public streets.
- The only first floor window on the east elevation serves the stairwell rather than a habitable room. It is positioned at a high level relative to the stair landing and is separated internally from the living accommodation by a timber slatted screen, allowing filtered daylight into the LKD while preventing overlooking of the adjoining dwelling and its rear garden.
- The only window on the north elevation serves a bathroom and is designed as a narrow obscured-glazed slit window, thereby preventing overlooking towards Block B.
- Two first floor windows are provided on the west elevation overlooking Knapton Lane. As these windows face a semi-public laneway, with no dwellings directly opposite, they do not give rise to overlooking concerns. This relationship is also consistent with the previously permitted Block C, which establishes an appropriate precedent for west-facing first floor windows overlooking the lane.

In relation to overlooking concerns towards the dwelling referred to as 'Arden', it is considered to be relatively limited, for the following reasons:

- The proposed dwelling is looking across a semi-public laneway rather than directly across a shared rear boundary, and therefore the expectation of privacy to the lane-adjacent parts of their rear garden is somewhat reduced.
- Arden has an approximately 540sq.m rear garden, extending approximately 34m in depth. Given the size and depth of the garden, preventing any overlooking of any part of it would potentially place a significant constraint on the potential for appropriate infill development along Knapton Lane, and thus wouldn't be a reasonable expectation.
- As displayed in Section A-A, there may be some limited overlooking towards the more remote, easternmost section of the rear garden, however, the significant separation distances mean that the more sensitive areas of the garden, closer to the house, will not be subject to overlooking from the proposed dwelling.
- There are also three mature trees along the eastern boundary of Arden which provide additional screening and would significantly obscure views towards the garden.

Noting the above, NDBA Architects have reduced the width of the fenestration to the bedroom located at 1st floor level in order to reduce the overlooking concerns towards 'Arden'. It is contended that there is no adverse overlooking to neighbouring sites from the proposed dwelling.

We refer An Coimisiún Pleanála to the drawings submitted with this appeal as prepared by NDBA Architects which display the proposed development with some minor alterations to the fenestration. The changes proposed in response to the refusal are displayed overleaf on the revised elevations.



Figure 21.0 Originally proposed at application stage (top) and revised proposed (bottom) east elevation prepared by NDBA Architects.

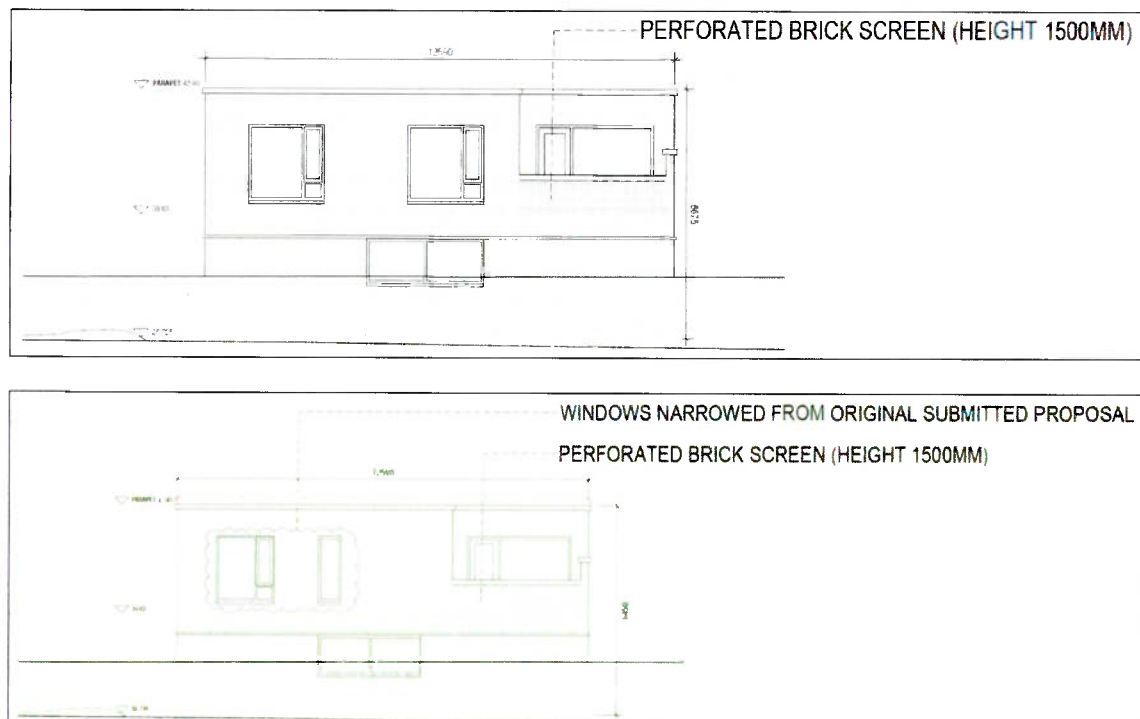


Figure 22.0 Originally proposed at application stage (top) and revised proposed (bottom) west elevation prepared by NDBA Architects.

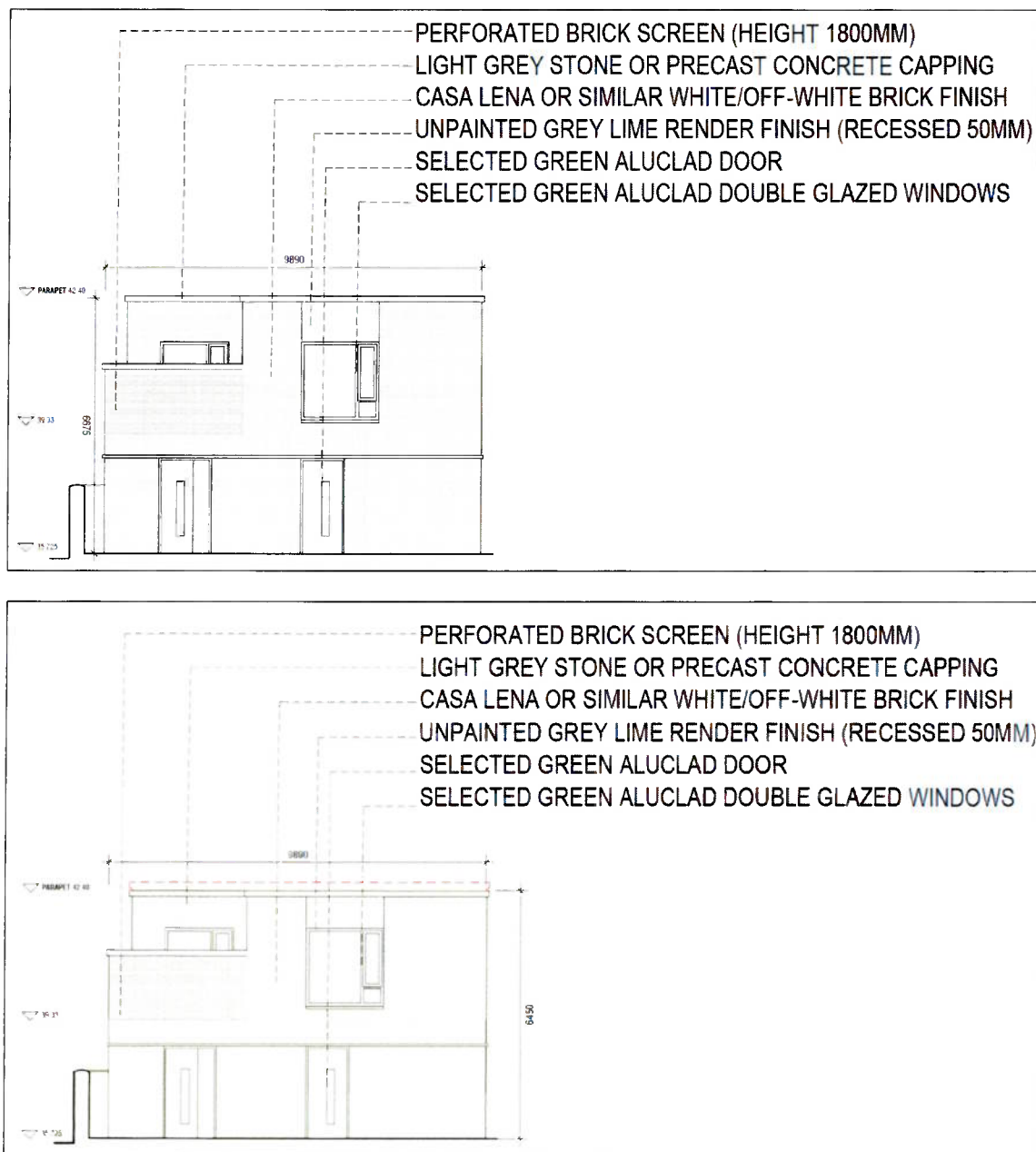


Figure 23.0 Originally proposed at application stage (top) and revised proposed (bottom) south elevation prepared by NDBA Architects.

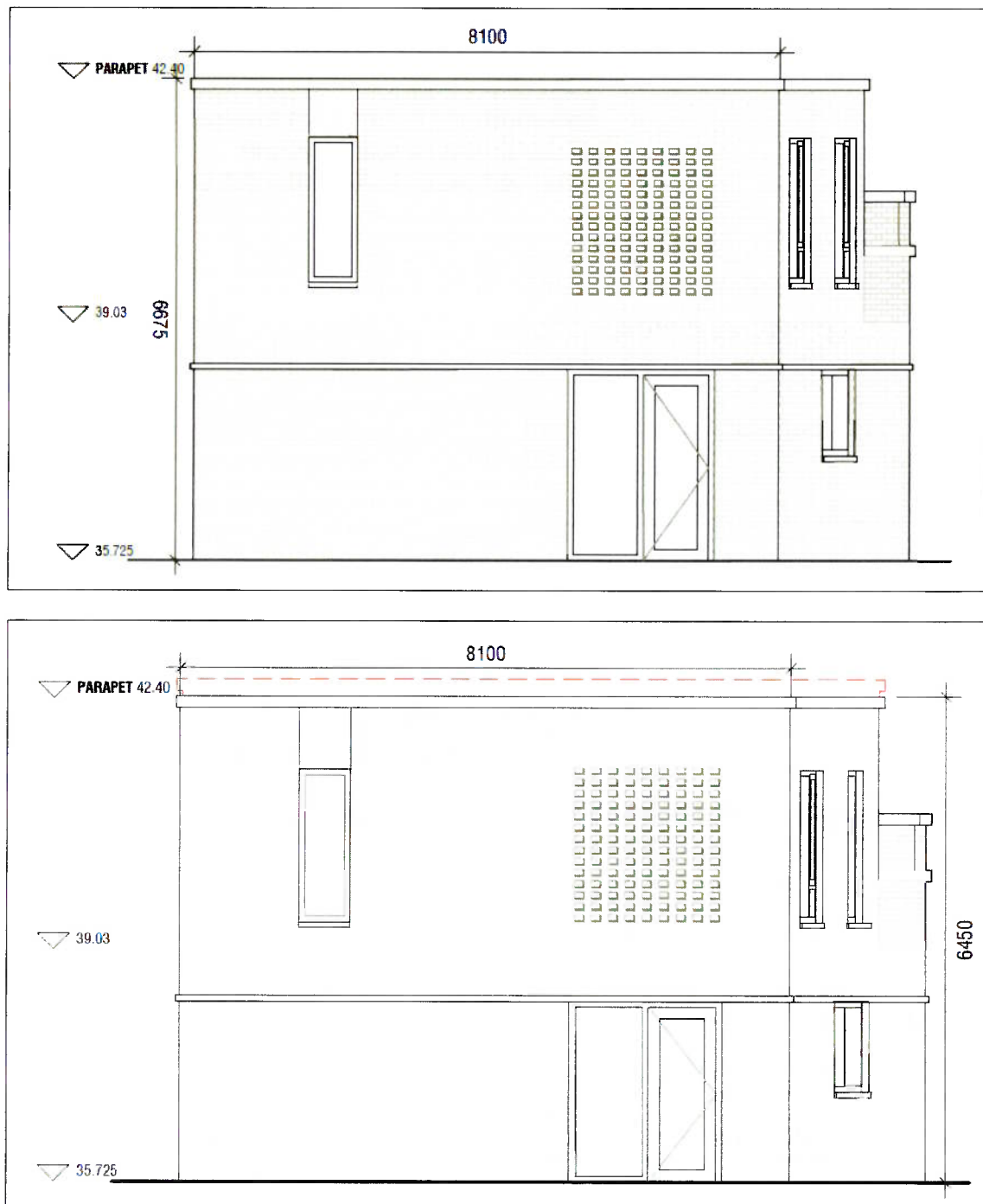


Figure 24.0 Originally proposed at application stage (top) and revised proposed (bottom) north elevation prepared by NDBA Architects.

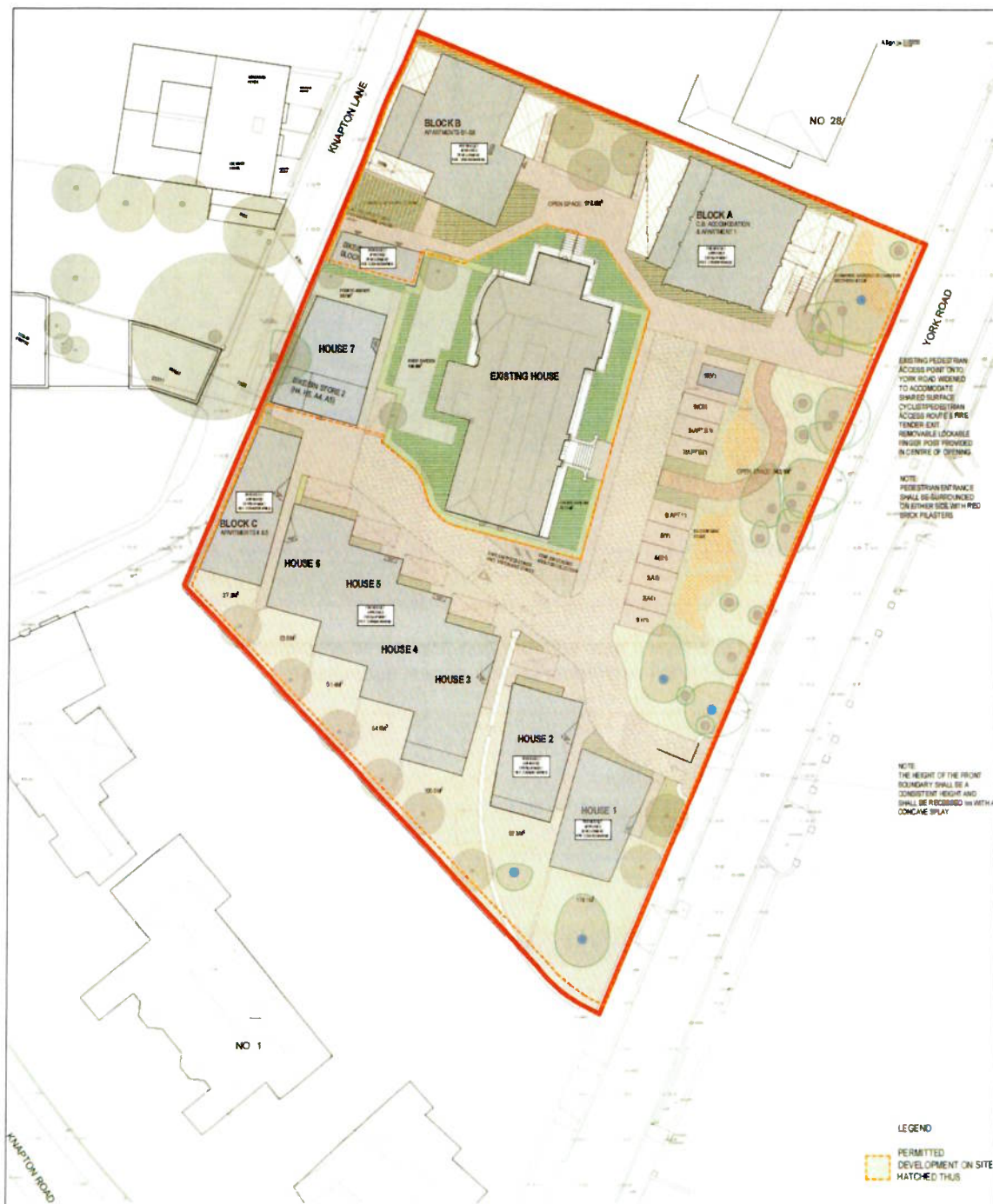


Figure 25.0 Proposed site layout plan prepared by NDBA Architects for this appeal submission.



Figure 26.0 Proposed site layout plan with the first-floor plans relationship with neighbouring sites prepared by NDBA Architects for this appeal submission.

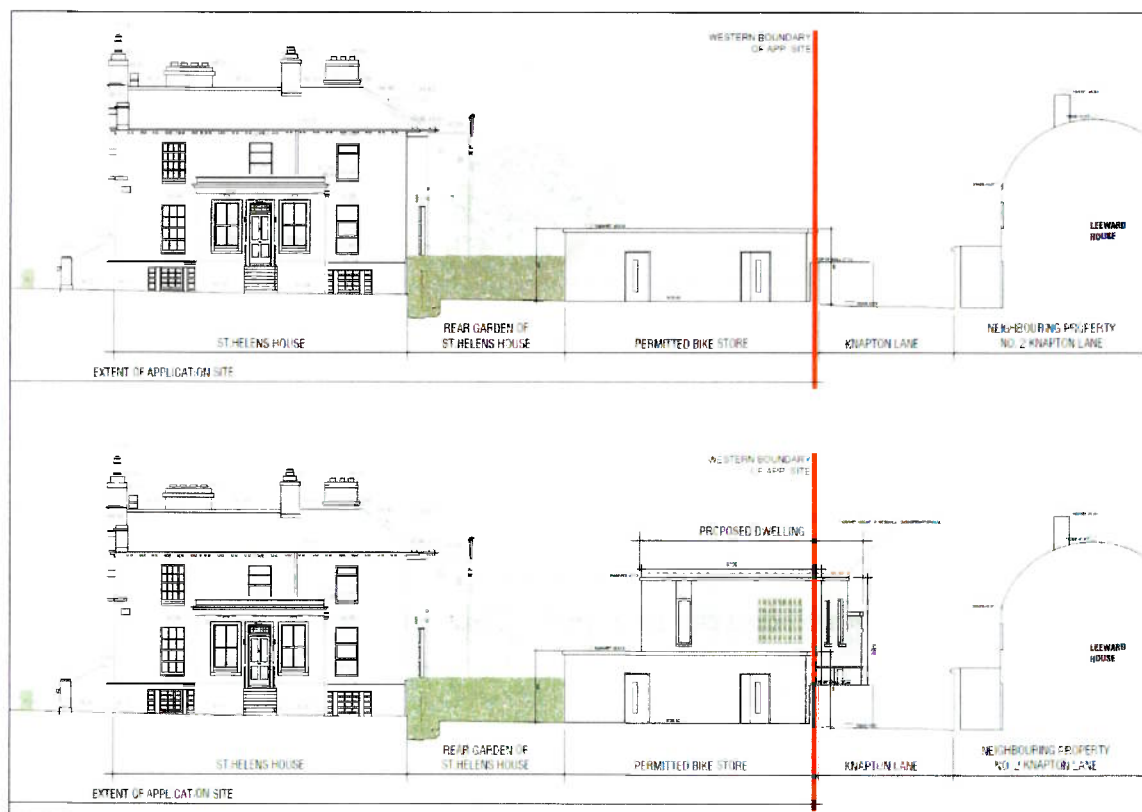


Figure 27.0 Permitted (top) and proposed (bottom) contiguous elevation displaying the proposed developments relationship with the dwelling known as 'St Helens' prepared by NDBA Architects for this appeal submission.

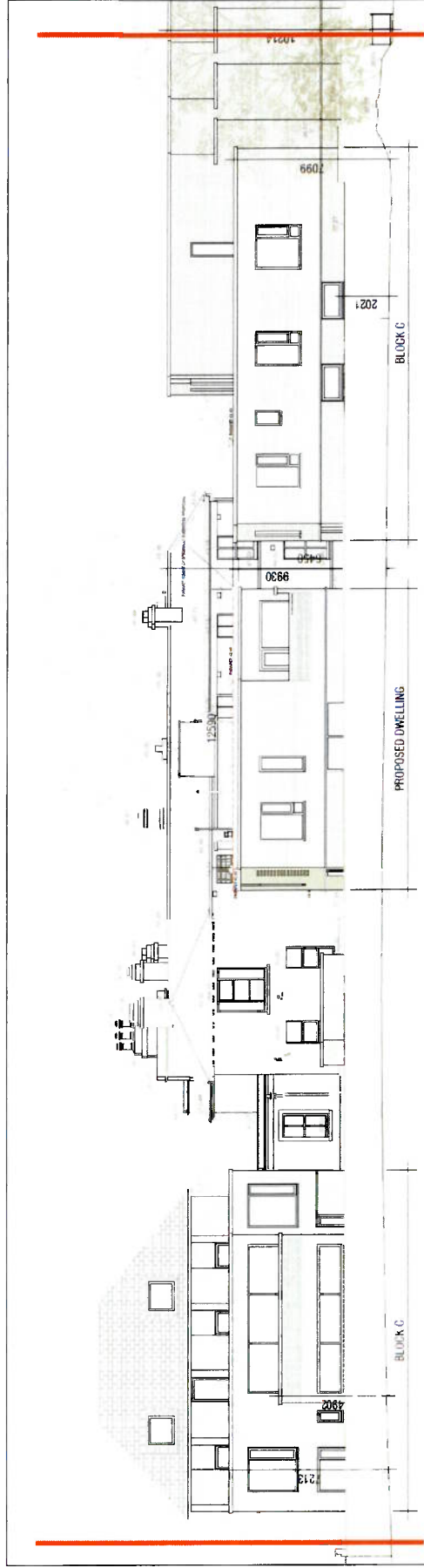


Figure 28.0 Proposed rear contiguous elevation prepared by NDBA Architects for this appeal submission.

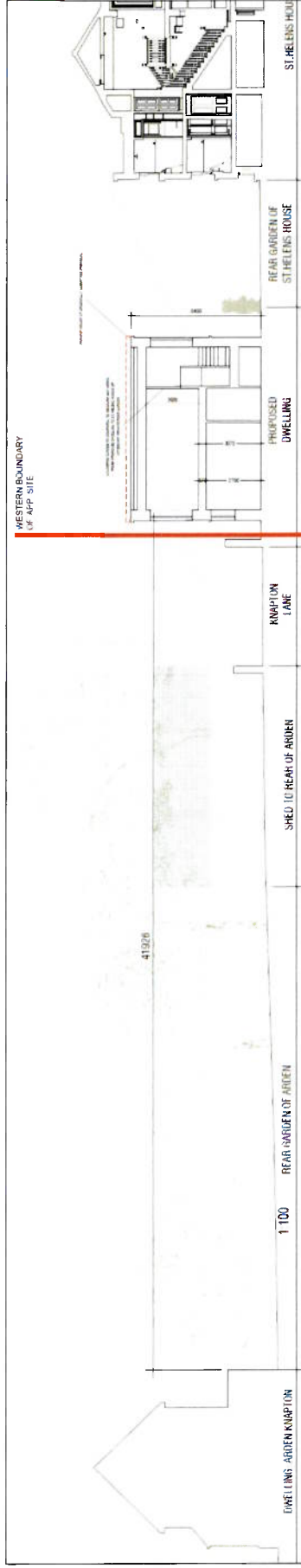


Figure 29.0 Proposed contiguous section displaying the proposed developments relationship with the dwelling known as 'Arden' prepared by NDBA Architects for this appeal submission.

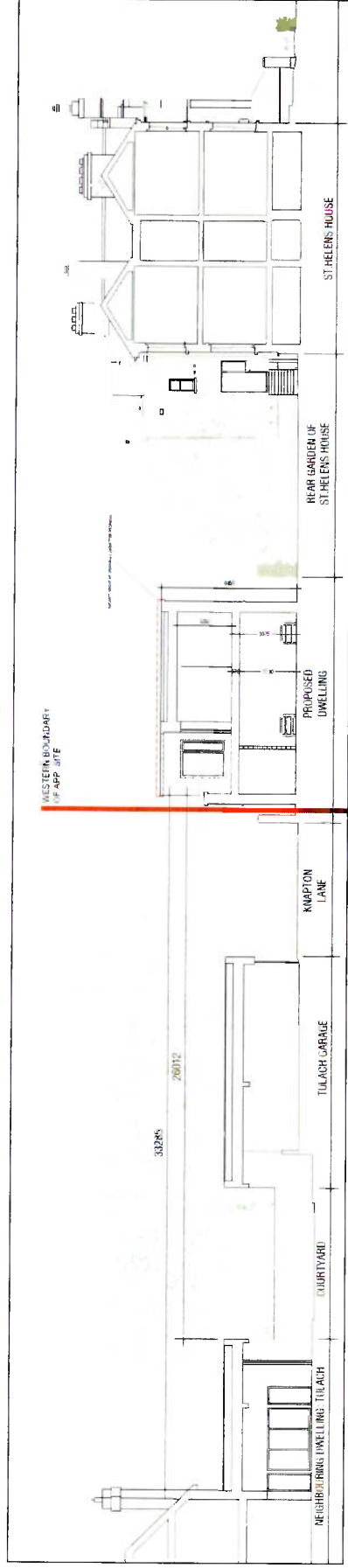


Figure 30.0 Proposed contiguous section displaying the proposed developments relationship with the dwelling known as 'Tulach' prepared by NDBA Architects for this appeal submission.

Overall, the proposed dwelling incorporates a combination of careful room planning, strategic window placement, obscured glazing, high-level openings, internal screening, and external privacy screening to ensure that neighbouring residential amenity is protected whilst providing a high-quality living environment for future occupants.

We consider that an appropriate design has been achieved by the careful design and positioning of the dwelling. With regard to the above, we consider that the proposed development, accords with the provisions of the development plan and the best practice for mitigating/avoiding undue overlooking of neighbouring properties due to the location of fenestration of the proposal and the mature planting, both existing and proposed around the site boundary.

5.1.4 Overshadowing

The proposed dwelling, due to its orientation, massing and location within the existing site, as demonstrated on the architectural drawings and the general siting of the development within the context of the immediate residential area, is not considered to result in further loss of sunlight or daylight to neighbouring dwellings. It is submitted that due to both the siting of the proposed dwelling, the height and massing, and the separation distance between it and the neighbouring residential dwellings to the north, south, east and west, that the development will not contribute to any significant overshadowing.

In order to appropriately assess the proposed development in terms of overshadowing and daylight/sunlight, we refer An Coimisiún Pleanála to the report as prepared by 3D Design Bureau, and a copy of this report can be found under Appendix C. We note that this report relates specifically to the proposed addition of House 7 and assesses the design submitted in support of the appeal.

We note the following positive commentary from the Daylight and Sunlight Assessment Report as prepared by 3D Design Bureau (3DDB) in support of this appeal submission. The impact assessment for 3DDBs report has quantified the effect House 7 would have on the level of daylight and sunlight received by neighbouring and permitted properties that fall under the criteria outlined in section "2.1 Impact Assessment, Window Selection Criteria" on page 9. These include Saint Helen's Christian Brothers Monastery and permitted Block C.

'The Impact Assessment demonstrates that the effects associated with the proposed amendment are limited. Of the 13 no. windows/rooms assessed for VSC, 12 no. record a 'negligible' effect. The single 'moderate adverse' VSC effect occurs at a ground-floor bedroom within permitted Block C. The corresponding NSL assessment records a 'minor adverse' effect, with SDA testing of that ground floor bedroom presenting as compliant, which provides more insight into the daylight distribution of this bedroom with the proposed House 7 in place. The remaining 12 no. rooms assessed for VSC & NSL, comprising the upper-floor bedroom at Block C and all assessed rooms at the Monastery, record 'negligible' effects'.

'Overall, the assessment demonstrates that the proposed amendment to House 7 performs well in terms of its own daylight and sunlight provision, while resulting in a limited and a localised single effect within the surrounding permitted context'.

We note the model below, prepared by 3DDB reflects the subject site if the proposed development, along with the previously granted dwellings are built. We contend that this model is important when reviewing the subject development, particularly in relation to the reasons for refusal as issued by Dún Laoghaire-Rathdown County Council as it includes all surrounding windows and mature planting which provide natural screening for the development. Please refer to the 3DDB report for further details.

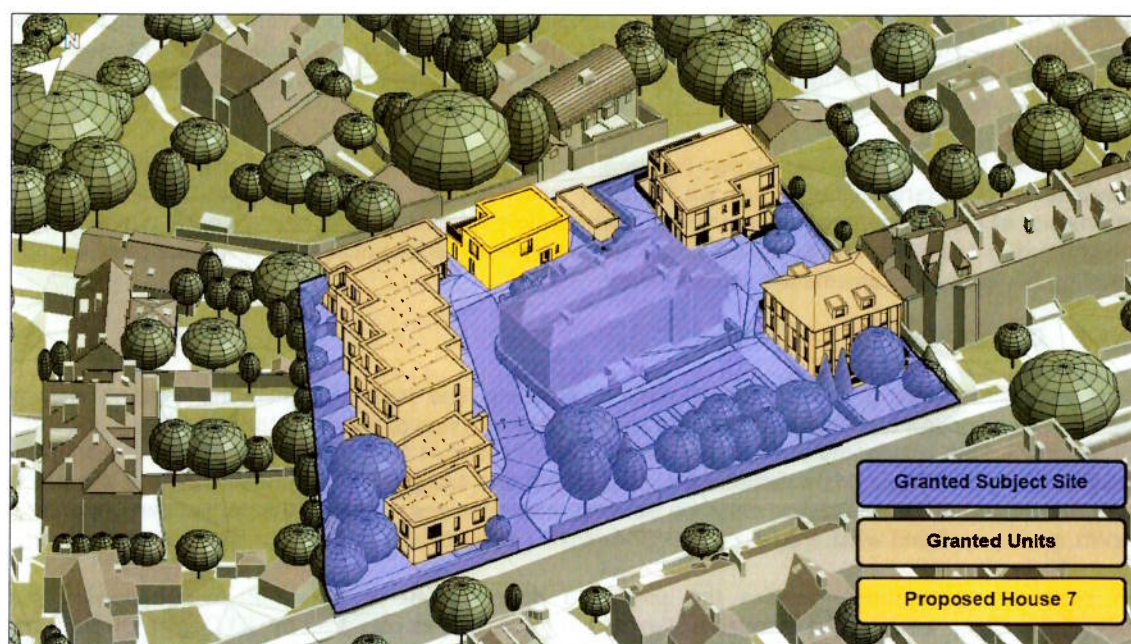


Figure 31.0 Model of the proposed development in relation to the as permitted site and its surrounding context.

5.1.5 Visual Impact

Protection of the visual amenity of an area and the outlook for existing residents is an important consideration with regard to infill development. The proposed residential development, which is contemporary in form and design, will have a high standard of finishing materials, seeking to enhance the visual amenity of the area through modest built form and thoughtful contemporary design.

It is considered that due to the infill nature of the application site, its location within the site adjacent to Knapton Lane and the design approach adopted, the development would not be detrimental to the visual aesthetics from Knapton Lane and will provide passive surveillance to the laneway.

The proposed dwelling adopts the same restrained contemporary architectural language of the permitted development, characterized by large, well-proportioned window openings arranged in a carefully considered composition, with further variety brought to the elevations through the limited use of projecting, textured brick patterns and perforated brick screens. This will ensure the proposed dwelling will feel appropriately situated in the broader development of the site.

The proposed dwelling adopts the same material palette of the permitted development, with the primary material being a 'Casa Lena' type white/off-white brick, paired with a matching mortar joint, and complemented by limited use of areas of unpainted grey lime render. Light grey pre-cast concrete will be used for window sills, parapets, and stringer courses, while soffits in recessed entrances will feature a light-grey render to match. The window frames, sliding glass screens, and solid entry doors will be finished in a dark olive green externally, contributing to the development's distinct visual identity.

A review of the zoning map (Map No. 1 under the Dún Laoghaire-Rathdown Development Plan 2022-2028) indicates that there are no protected or preserved views along the public roads which adjoin the application site. Furthermore, it is contended that there will be no overbearing effect from the proposed development on adjacent dwellings.

We consider that the proposed development is fully compliant with the various policies and objectives as set out within the Dún Laoghaire-Rathdown Development Plan 2022-2028, whilst also being in accordance with the various quantitative standards set out within national guidance documents. The proposed development will improve the local public realm by allowing for the creation of an attractive, high-quality residential unit built upon underutilised land, thus allowing for the improvement of this distinct local place.

5.2 Impact on St Helens

The subject proposal presents in a meaningful and sensitive manner to the existing dwelling on the subject site, referred to as Saint Helens House, fully accords with the core principles of sustainable development. Finally, it must be reiterated that the proposal will significantly enhance the vitality of the area, whilst also providing much needed quality residential accommodation within the Dún Laoghaire area. Whilst the existing Saint Helens House is included within the red line boundary area, it is not proposed to undertake any works to this structure, and the property will remain in residential use.

As outlined above, the existing Saint Helens House is included as part of the subject application but no works or change of use to same is proposed. The property is in reasonably good condition and will remain in residential use. An area of private amenity space of 198.5sq.m to the west of Saint Helens House will be maintained and demarcated by soft landscaping. In addition to this, it is considered that the overall developments communal and public open space requirements have been adequately met, with the proposed landscaped areas offering a high degree of amenity for future the occupants.

We contend that the proposed dwelling has been carefully designed to respect the privacy and residential amenity of neighbouring properties, including the existing dwelling, the permitted Blocks B and C, and to provide a high degree of residential amenity to the new dwelling. The internal layout and positioning of all habitable rooms and window openings have been informed by the proximity of neighbouring buildings, with windows strategically positioned to minimise opportunities for adverse overlooking.

It is submitted that the only fenestration facing St. Helens private open space serves a stair core and not a habitable room. We refer to Section A-A prepared by NDBA Architects which displays that the level difference means that it would not be possible to stand directly in front of this window or obtain a direct view out from the landing. NDBA have also proposed a louvered timber screen around the stair enclosure, which would restrict any potential views from the top landing/LKD towards the window. As such, it is contended that there is no adverse overlooking concern from this window towards the rear private open space of St. Helens.

The design has been developed such that it is fitting for its location and fully sympathetic to the character of the area. The relationship between the proposed dwelling and the surrounding area has been an important consideration throughout the design stage of the proposed development.

In response to the decision to refuse from Dún Laoghaire Rathdown County Council, we note that the applicants engaged Jane McCorkell Landscape Architects to prepare a soft landscape plan to demonstrate that there is sufficient and high-quality private open space attached to the proposed new house and existing house.

The proposed development has modified the layout of the subject site, which has been subject to numerous applications since the original permission under Reg. Ref. D25A/0284/WEB and ACP. Ref. 322865-25, to provide a separate site for the proposed house, with reduction in the amenity space for St Helens, along with the provision of a car parking space serving the proposed infill house. It is noted that St Helens will have private open space in excess of minimum requirements (198.5sq.m) as a result of the proposal, meaning that its residential amenity would not be affected by the development.

In addition to this, we consider that the landscaping proposal under the subject development aligns with the overall layout, and would not adversely affect the overall amenity of the development. It is not considered that the proposed site layout changes would have any significant or negative visual or residential amenity impacts, and the changes are therefore considered acceptable.

We contend that the proposed infill dwelling to the rear of St Helens, comprises the provision of a small-scale, sensitive infill development of 1 no. contemporary dwelling which can be appropriately accommodated on the site without adversely impacting on the private amenity space of the existing dwelling (St Helens), which remains well in excess of the minimum requirements.

In our view, it is not considered that the proposed development would have any significant or negative visual or residential amenity impacts, and the decision of Dún Laoghaire Rathdown County Council to refuse permission should be overturned by An Coimisiún Pleanála.



Figure 32.0 Proposed site layout plan with the first-floor plans relationship with neighbouring sites prepared by NDBA Architects for this appeal submission.

In addition to the above, it is submitted that the lands proposed under this application to be retained by the existing dwelling following the addition of the proposed 'House 7' have been extended in this appeal submission to ensure the protection of the existing property and its setting within the subject site and as viewed from York Road. This is displayed on the revised proposed site layout plan as prepared by NDBA Architects for this appeal submission, extracts of which are provided overleaf.

Whilst the proposal includes a reduction in the overall curtilage of St Helens House, it must be recognised that with the development in situ, St Helens House still comprises a large curtilage comprising private amenity space to the west with an overall area of 198.5sq.m.

It is considered that the proposed site layout plan and accompanying landscape plan, display that St Helens would have private open space well in excess of minimum requirements as a result of the proposal, meaning that its residential amenity would not be affected by the development.

We contend that the proposed infill dwelling to the rear of St Helens, comprises the provision of a small-scale, sensitive infill development of 1 no. contemporary dwelling which can be appropriately accommodated on the site without adversely impacting on the private amenity space of the existing dwelling (St Helens), which as noted above remains well in excess of the minimum requirements (198.5sq.m).

In our view, it is not considered that the proposed development would have any significant or negative visual or residential amenity impacts on St Helens, and the decision of Dún Laoghaire Rathdown County Council to refuse permission should be overturned by An Coimisiún Pleanála.



Figure 34.0 Landscape plan prepared by Jane McCorkell Landscape Architects.

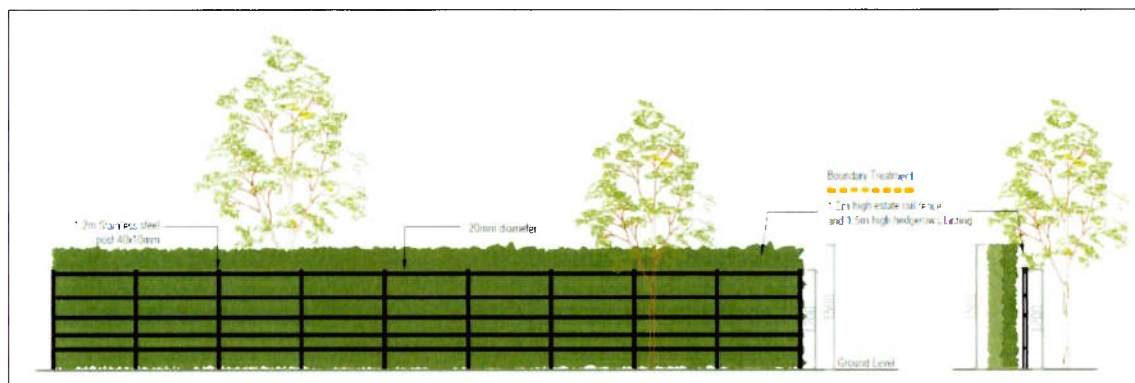


Figure 35.0 Boundary Treatment Section Details prepared by Jane McCorkell Landscape Architects.

5.3 Planning Context

This section of the report provides an overview of the planning policy framework which guides the use and development of the subject site.

5.3.1 Dún Laoghaire-Rathdown County Development Plan 2022-2028

The Dún Laoghaire Rathdown Development Plan is the statutory local policy in which development on the subject site will be guided by. We contend that the proposed development is fully compliant with the various policies and objectives as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

The Development Plan guides future growth and development in the County, setting out the policy objectives and the overall strategy for the proper planning and sustainable development of the County over the plan period from 2022-2028. The overarching vision for the Dún-Laoghaire-Rathdown administrative area as stated within the plan is to:

'embrace inclusiveness, champion quality of life through healthy placemaking, grow and attract a diverse innovative economy and deliver thus in a manner that enhances our environment for future generations'

Referring to the Core Strategy of the current Plan and in particular Section 2.3.3 of same, it is noted that in a healthily performing housing market, residential output and housing completions should be planned to increase in line with population growth.

5.3.1.1 Land-Use Zoning

The subject site is zoned Objective 'A' in the Dún Laoghaire-Rathdown Development Plan 2022-2028. The underlying objective of this zoning is *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*. Residential uses are **'Permitted in Principle'** on lands which are zoned Objective A and are considered acceptable subject to compliance with the relevant policies, standards and requirements set out within the plan.



Figure 36.0 Extract from Zoning Mapset 1 from the Dún Laoghaire-Rathdown Development Plan 2022-2028 showing the subject site (red line).

Additionally, as is evident from the zoning map extract above, there is also an area located along the south-eastern frontage of the site to York Road, whereby it is an objective to *'protect and preserve Trees and Woodlands'*. We note that no trees will be removed from the site under this application.

We note that the principle of providing residential development on the subject site in the form of houses and apartments, has already been established by virtue of the parent permission (Reg. Ref. D25A/0284/WEB (ACP-322865-25)) and the subsequent amendment applications. The development proposal as part of this application is considered to be an appropriate addition to the subject site.

On the basis of the foregoing, we submit that the development remains wholly consistent with the zoning objective applicable to the subject site.

5.3.1.2 Brownfield and Infill Lands

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 promotes compact growth, with specific emphasis on the identification of potential infill/ brownfield sites for regeneration or redevelopment.

*'Delivery of a compact growth agenda requires increased focus on re-using previously developed 'brownfield' land, **supporting the appropriate development of infill sites, and the re-use or intensification of existing sites**'.*

We submit that a proposal of a well-designed and sensitive infill development on the subject site as proposed as part of the current application should be supported by the Planning Authority to aid in delivering compact growth across the county area. With respect to Infill Development, section 12.3.7.7 of the Development Plan also provides further guidance noting that new infill development will be encouraged in the county, and that such development, **'shall respect the height and massing of existing residential units'** and retain the physical character of the area.

The proposed development introduces an appropriately scaled infill development on the subject lands which aligns well with the scale and character of the existing Saint Helen's house and is sensitive to the sites abutments including the Protected Structures located to the north and west.

In addition to supporting the intensification of a presently underutilised, residentially zoned site, the subject development also facilitates the retention and continued use of an existing 19th Century vernacular structure, Saint Helens House. This is the type of development that is supported by the current Development Plan, and in particular through the provisions of Policy Objective HER20 which states the following:

Policy Objective HER20: Buildings of Vernacular and Heritage Interest

It is a Policy Objective to:

i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.

5.3.1.3 Corner/Side Garden Sites

Section 12.3.7.5 (Corner/Side Garden Sites) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 has regard to corner / side garden sites. Corner site development refers to sub-division 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:

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*

The design has been developed such that it is fitting for its location and fully sympathetic to the character of the area and adjacent Protected Structures.

The relationship between the proposed dwellings and the surrounding area has been an important consideration throughout the design stage of the proposed development. We note that the proposed development comprises a two-storey design and avoids adverse impacts on both the existing dwelling (Saint Helens), permitted dwellings and the neighbouring Protected Structures.

We refer the Planning Authority to the figure below which displays that the proposed development will not have an adverse effect on the existing dwelling.



Figure 37.0 As permitted contiguous (west) elevation from Knapton Lane prepared by NDBA Architects.



Figure 38.0 Proposed contiguous (west) elevation from Knapton Lane prepared by NDBA Architects.

- *Impact on the amenities of neighbouring residents.*

The proposed dwelling will have no adverse impact on the amenities of neighbouring residents due to the scale and siting of the dwelling within the subject site to the rear of Saint Helens house. The proposal has been designed as two storey and note that no adverse overshadowing occurs. The previously noted screening will also aid in protecting surrounding visual amenity.

- *Accommodation standards for occupiers.*

This Planning Report demonstrates that the accommodation standards occupiers are acceptable in relation to the provisions of the Quality Housing for Sustainable Communities - Best Practice Guidelines for Quality Housing for Sustainable Communities Delivering Homes Sustaining Communities (DEHLG), 2007.

- *Development Plan standards for existing and proposed dwellings.*

The works comply with Development Plan standards for the proposed dwellings.

- *Building lines followed, where appropriate.*

Given the site's constraints, the proposed design is considered to provide an appropriate response and transition between Saint Helens house, Knapton Lane and the permitted dwellings. We consider it to be an appropriate design for an infill development site and should be supported by the Planning Authority similarly to the previous grants of permission on the subject site.

- *Car parking for existing and proposed dwellings provided on site.*

The proposed dwelling under the subject application has been allocated 1 no. car parking space which is considered appropriate given the sites location.

- *Side/gable and rear access/maintenance space.*

Side/gable and rear access/maintenance space is maintained to the entire proposal.

- *Adequate usable private open space for existing and proposed dwellings provided.*

Private open space for proposed dwelling is generous and in excess of the requirements of the Development Plan. Please refer to the architecture pack as prepared by NDBA Architects.

- *Level of visual harmony, including external finishes and colours.*

The proposed dwelling adopts the same material palette of the permitted development, with the primary material being a 'Casa Lena' type white/off-white brick, paired with a matching mortar joint, and complemented by limited use of areas of unpainted grey lime render. Light grey pre-cast concrete will be used for window sills, parapets, and stringer courses, while soffits in recessed entrances will feature a light-grey render to match. The window frames, sliding glass screens, and solid entry doors will be finished in a dark olive green externally, contributing to the development's distinct visual identity.

- *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.*

Side gable walls as side boundaries or elevations facing corners have been avoided and the proposal has been designed to present a considered elevation while revitalising a currently underutilised site within the built-up area of Dublin.

- *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.*

A robust boundary treatment strategy has been developed for the subject site by the NDBA Architects.

- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.*

Due to the location and scale of the proposed dwelling, we note that design of the fenestration provides for passive surveillance of Knapton Lane.

5.3.1.4 Relevant Planning Policies

The following statements and policies relate specifically to residential density and housing stock, as per Dún Laoghaire-Rathdown County Council Development Plan 2022-2028.

Policy PHP18

It is a policy objective to:

- *Promote compact urban growth through the consolidation and re-intensification of infill/ brownfield sites.*
- *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.*

Policy PHP19

It is a policy objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*

- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighborhoods.*

Policy PHP26

It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Interim Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

In addition to the above Section 4.3.1 states that 'As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare (net density).'

It is however also clearly stipulated that the aforesaid density **may not be appropriate in all instances** and the plan further acknowledges that there are certain **constraints to higher density**. In this regard, the plan notes that:

'Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area. Some dispensation in relation to separation distances, open space requirements and density considerations may be appropriate.'

The above provisions are considered to be highly relevant to the subject site given the presence of the existing Saint Helens House. Whilst this is not a Protected Structure, it is a fine example of a 19th Century dwelling and as such, the applicant is proposing to retain this vernacular structure on site and incorporate it as part of the overall design. In cognisance of the retention of this structure, the dwellings proposed have been scaled and orientated so as to respect this structure.

When reviewing the planning history of the site, 14 additional dwellings have been approved on the site, and it is noted that the approved residential density (plus the existing dwelling) is approximately 30.92 dwellings per hectare. It is submitted that proposed development aims to increase the total number of units on site to 15 no. residential dwellings (plus the existing dwelling) thereby also increasing the residential density to 32.98 dwellings per hectare which is considered to be an appropriate increase from the approved density on site within the existing built-up residential neighbourhood which aligns with the Dún Laoghaire Rathdown County Development Plan 2022-2028. While the proposal includes a reduction in the overall curtilage of Saint Helens House, it must be recognised that with the development in situ, Saint Helens House still comprises a large curtilage comprising private amenity space to the west with an overall area of 198.5sq.m.

5.3.1.5 Car Parking Provision

Car parking standards provide a guide to the number of required off street parking acceptable for new developments. The car parking standards for both residential and non-residential land uses are set out in Table 12.5 of the Development Plan. The subject site is located in Zone 2. The aforementioned zone provides criteria for vehicular parking based on the proximity of a site to public transport services. It is noted that Zone 2 which has the following requirements:

Land Use		Zone 1 MTC Areas and Blackrock	Zone 2 Near Public Transport	Zone 3 Remainder of County (non-rural)	Zone 4 Rural
Houses:	Criterion	Maximum	Standard	Standard	Standard
House 1 bed	unit	1	1	1	Case by case
House 2 bed	unit	1	1	1	Case by case
House 3 bed or more	unit	1	2	2	Case by case
Apartments and Sheltered Housing:					
Apt 1 bed	unit	1	1	1*	Case by Case
Apt 2 bed	unit	1	1	1*	Case by Case
Apt 3 bed +	unit	1	2	2*	Case by Case

*Plus 1 in 10 visitor parking for apartments in zone 3

Figure 39.0 Extract from table 12.5 of the Dun Laoghaire Rathdown County Development Plan showing Car parking standards.

Based on the indicative standards presented above, there is a general requirement to provide for 2 no. car parking spaces to serve the proposed 1 no. residential dwelling proposed on-site. We note that the developments previously granted on site, provide for 15 no. car parking spaces, including 1 no. accessible parking space. Based on existing parking permitted on site, it is considered that the provision of 1 no. space allocated for the proposed dwelling would be appropriate. This would result in a total vehicular parking provision of 16 no. parking spaces on site.

It is submitted that the proposed dwelling provides 1 no. car parking space aligning with the above requirements. It is considered that the proposed car parking provision for the proposed dwelling is appropriate given the proximity to public transport services and level of service and interchange available, walking and cycling accessibility/permeability and site constraints.

The subject site, being located on an infill site, as well as proximity to public transport services and level of service and interchange available, walking and cycling accessibility/permeability and site constraints, means the provision of 16 no. spaces to serve the overall site are considered acceptable in this instance.

5.3.2 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019

The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) was published in July 2019. A Regional Spatial Economic Strategy (RSES) is a strategic plan which identifies regional assets, opportunities, and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions.

- *The region contains some of the fastest growing communities in the country, which increases demand for housing, infrastructure and local services.*

The proposed development is in accordance with the Regional Spatial and Economic Strategy as it provides an additional dwelling in a built-up area of Dublin, thus, contributes positively to the consolidation of urban areas and utilises the lands to their maximum potential.

5.3.3 Project Ireland 2040 – National Planning Framework

The National Planning Framework is the Government's plan to cater for the extra one million people that will be living in Ireland. One of the key elements of Project Ireland 2040 is to put in place a new National and Regional Development Strategy for Ireland. Section 4.5 of the guidance document has specific regard to 'Achieving Urban Infill / Brownfield Development which states the following:

‘The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village’.

The National Planning Framework notes that this means encouraging more people, jobs, and activity generally within our existing urban areas, rather than mainly ‘greenfield’ development and requires a change in outlook. The proposed development in this application complies with these criteria as it adds to a site containing one dwelling with one additional residential dwelling on a prime located, serviced site in an existing built-up urban area. The following is also stated in Section 4.5 of the National Planning Framework;

‘Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes’.

It is submitted that the proposed contemporary development has been suitably designed and scaled and provides high-quality residential accommodation, while preserving existing residential amenities. The following objectives are considered relevant in this regard:

National Policy Objective 3a *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements*

National Policy Objective 11 *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

National Policy Objective 35 *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

With respect to the above, we contend that the proposed development adheres to the core policies contained in the National Planning Framework (Project Ireland 2040) and should be supported by the Planning Authority.

5.4 Precedents

The following section will detail relevant planning applications granted by Dún Laoghaire-Rathdown County Council that serve as precedents for development on this site.

Lands to the rear of Mount Auburn House, Killiney Hill Road, Killiney, Dublin, A96H728

Reg. Ref. D26A/0504/WEB Permission refused by Dún Laoghaire Rathdown County Council on 30th September 2026 for (i) the reorganisation of the previously approved (Reg. Ref. D25A/0593/WEB) bin/bicycle store and communal car parking layout adjacent to the northern site boundary to provide a total of 5 no. spaces (including 1 no. accessible space) within this area. One of these spaces will be reserved for the proposed infill dwelling; (ii) minor revisions will also be required to the rear private amenity space and boundary treatments associated with the approved Unit No. 1 (Reg. Ref. D25A/0593/WEB). The remaining private amenity space serving this unit will equate to 163.6sq.m; (iii) removal of existing hedging and 1 no. tree; (iv) the construction of 1 no. flat-roofed single storey two bedroom dwelling; and (v) the development will include all associated works including, landscaping, planting and boundary treatments, infrastructure, lighting, foul/surface drainage, site works, necessary to facilitate the development.



Figure 40.0 Proposed site layout plan granted under Reg. Ref. D26A/0504/WEB.

The above development as approved by Dún Laoghaire Rathdown County Council, is of a similar nature to that proposed in the subject development. It comprises an infill dwelling on a site that features an existing period dwelling and numerous approved applications for infill dwellings within the site boundary.

We note that, under Reg. Ref. D26A/0504/WEB, Dún Laoghaire Rathdown County Council state that;

*'The applicant has modified the layout of the development, to provide a separate site for the proposed house, with reduction in the amenity space for Mount Auburn House, and the proposed House 1 in the adjoining residential development, along with the provision of a car parking space serving the proposed infill house. **It is noted that these dwellings would have private open space in excess of minimum requirements as a result of the proposal, meaning that their residential amenity would not be affected by the development.** In addition, it is considered that the car parking space would be a minor change in the overall layout, and would not affect the overall amenity of the development. It is not considered that the proposed site layout changes would have any significant or negative visual or residential amenity impacts, and the changes are therefore considered acceptable'.*

We contend that the above statement from Dún Laoghaire Rathdown County Council directly contradicts the reasons for refusal under the subject application. We contend that the proposed infill dwelling to the rear of St Helens, comprises the provision of a small-scale, sensitive infill development of 1 no. contemporary dwelling which can be appropriately accommodated on the site without adversely impacting on the private amenity space of the existing dwelling (St Helens), which remains well in excess of the minimum requirements (198.5sq.m).

In our view, it is not considered that the proposed development would have any significant or negative visual or residential amenity impacts, and the decision of Dún Laoghaire Rathdown County Council to refuse permission should be overturned by An Coimisiún Pleanála.

Gowrie House, 34 Glenageary Road Upper, Glenageary, Co Dublin (a Protected Structure)

Reg. Ref. D22A/0508 Permission refused by Dún Laoghaire Rathdown County Council on 15th January 2019 but subsequently granted by An Bord Pleanála (ABP. Ref. 303601) on the 11th July 2019 for the construction of 8 no. residential units on lands adjacent to Gowrie House (a Protected Structure) consisting of 6 no. 3 bed townhouses (3 storeys) and 2 no. 2 bed mews houses (2 storeys), ranging in size from c.138.8-209.4 sqm and all with associated car parking and private rear garden areas. The development shall provide for 2 no. vehicular access points at Glenageary Road Upper (1 existing access point and 1 new access point), all boundary treatment and landscaping works, site services and all associated site development works. No works were proposed to Gowrie House as part of this application.

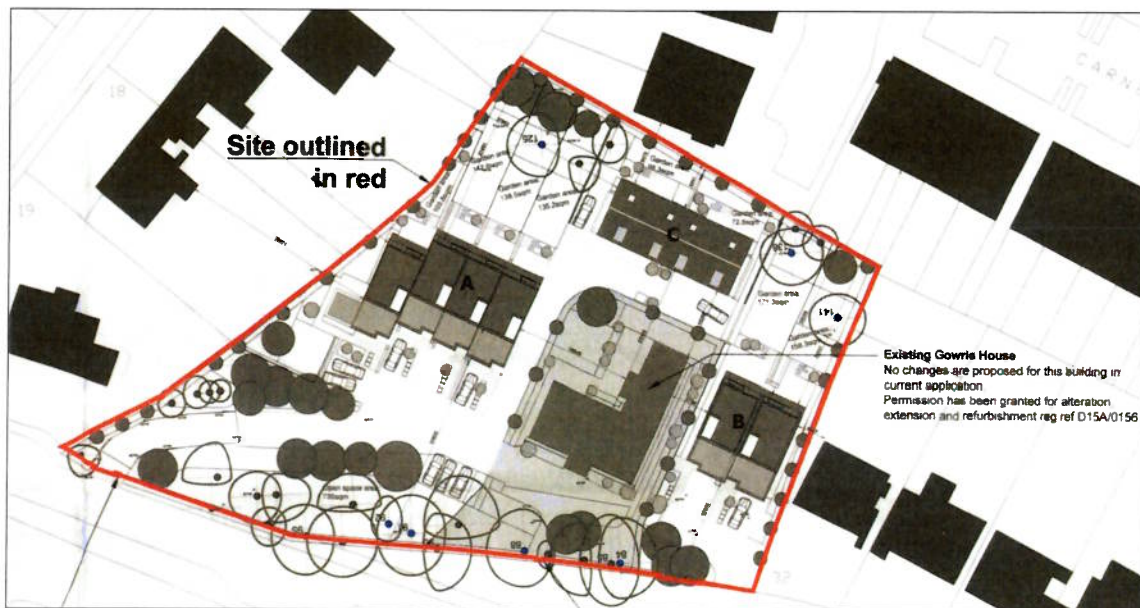


Figure 41.0 Site layout plan granted under ABP. Ref. 303601.

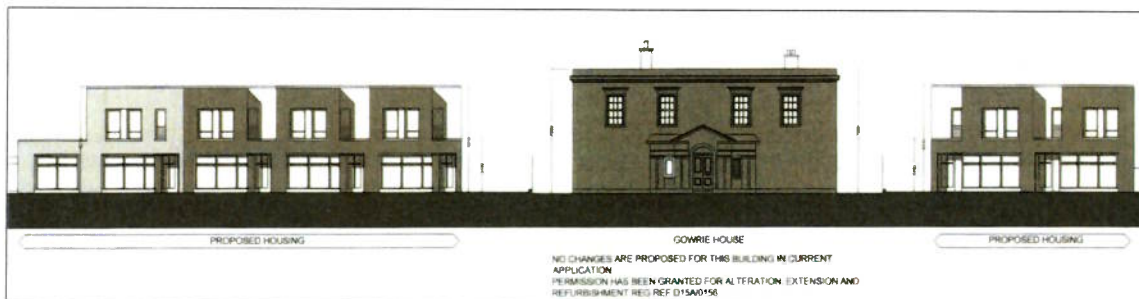


Figure 42.0 Front elevation granted under ABP. Ref. 303601.



Figure 43.0 Satellite view of the development granted under ABP. Ref. 303601.

The proposal was refused by Dún Laoghaire Rathdown County Council due to concerns relating to the density proposed. Their proposal provided for a residential scheme which would result in a density of 16 units per hectare which was considered to be under development of the site. An Bord Pleanála contested that given the location of the protected structure, the proposal was considered to be an appropriate response to the associated constraints. The Case Inspector noted:

'I am of the view that this site would be inherently difficult to develop at a higher residential density due to the central location of the protected structure on the site, the potential impact of an increase in height and scale on both the protected structure and residential properties in close proximity to the site including single storey development to the east and west, and the proximity to residences on three sides of the site'.

Accordingly, whilst Saint Helens house is not a protected structure, we note that the site presents similar constraints to the above. In this regard, the submitted proposal is considered to make the best use of the underutilised land within the curtilage of Saint Helens House.

Greythorn House, 101 Glenageary Road Upper, Glenageary, Co. Dublin A96 X6H6

Reg. Ref. D19A/0781 Planning permission granted by Dún Laoghaire-Rathdown County Council for the construction of 9 no. residential units (c. 1,227 sq m Total GFA) consisting of internal and external alterations to the existing dwelling known as Greythorn House including refurbishment of the existing two storey over basement dwelling to provide 4no. new apartment units and for the provision of 5no. new two-storey dwellings. The development comprises 3no. 2-bed apartments ranging in size from 104-129sqm and 1no. 156sqm 3-bed apartment within the refurbished Greythorn House, 2no. 4-bed houses of 194sqm and 200sqm attached to either side of the existing dwelling, an L-shaped Terrace of three houses including 2no. 2-bed houses of 96sqm and 109sqm and 1no. 3-bed 113sqm house. The development shall provide for 1 no. vehicular access point at Glenageary Road Upper (the existing access point to the site); all boundary treatment and landscaping works; car parking; site services; and all associated site development works.

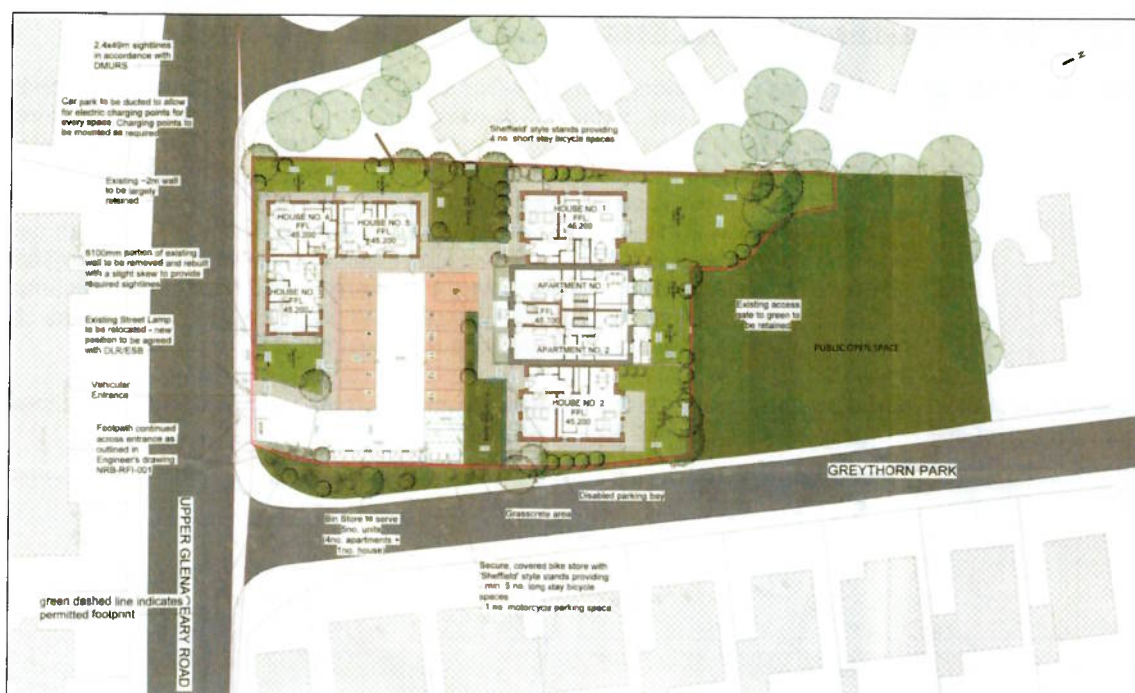


Figure 44.0 Site layout plan of the development along Glenageary Road Upper granted under Reg. Ref. D19A/0781.



Figure 45.0 CGI of the development along Glenageary Road Upper granted under Reg. Ref. D19A/0781.

The Case Planner's assessment under Reg. Ref. D19A/0781 in relation to density is of particular note and is quoted below for reference:

'The site is located immediately adjacent to a proposed bus priority Route, and therefore, a minimum residential density of 50 units per hectare would normally be required'.

'Having regard to the objective 'A' zoning of the site, it is considered that the development would not detract from the amenities of the area, and is therefore considered to be in accordance with the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the proper planning and sustainable development of the area'.

Site to Side Garden of Kilcoran House, Knapton Road, Monkstown, Co Dublin, A96KF82

Reg. Ref. D22A/0778 Planning permission granted by Dún Laoghaire-Rathdown County Council for construction of 4no. detached dwelling houses (2 no. 3 bedroom two-storey dwellings and 2no. 4-bedroom three storey dwellings) to the side garden of the existing detached dwelling, Kilcoran House. 8 no. on curtilage car parking spaces (2 spaces per dwelling) and private amenity open space to each dwelling. New vehicular and pedestrian entrances off Knapton Road with new boundary walls and railings onto Knapton Road and partial removal of existing paid on street parking. Landscaping, tree planting and boundary treatments, SuDS surface water drainage, foul water and potable water connections. All ancillary works necessary to facilitate the development.

The above grant of permission was subject to 2 no. third party appeals to An Bord Pleanála who granted permission on 29th February 2024 under ABP Ref. 316010-23.



Figure 46.0 Site layout plan of the development along Knapton Road granted under Reg. Ref. D22A/0778 and ABP Ref. 316010-23.



Figure 47.0 Contextual elevation along Knapton Road granted under Reg. Ref. D22A/0778 and ABP Ref. 316010-23.

The following commentary as provided by the Board's Inspector with respect to density is considered to be noteworthy:

*'I do not accept that the siting of dwelling C and D close to the road is an issue as **the established pattern of development in the area offers variable setbacks in close proximity to the site**'.*

*'The final scheme as presented represents a high-quality design approach and **an efficient use of serviced urban land**. The provision of 4 no. dwellings will subject to adherence with conditions result in a compact residential development that will not impact on the residential amenity of properties in the vicinity and that accords with the proper planning and sustainable development of the area'.*

15 Shanganagh Terrace, Killiney, Dublin

Reg. Ref. D23A/0483 Decision to grant planning permission issued by Dún Laoghaire-Rathdown County Council on 27th October 2023 for i) Demolition of 4 no. existing ancillary sheds. ii) The construction of 2 no. detached flat-roofed dwellings (1 no. single storey and 1 no. two storey). iii) The new dwellings will use the existing vehicular entrance to the east of the site via Shanganagh Terrace and there will be 2 no. on curtilage car parking spaces per dwelling and iv) The development will include all associated works including, landscaping (including tree protection measures), planting and boundary treatments, infrastructure, lighting, foul/surface drainage, site works, necessary to facilitate the development.

Whilst not occupied by a protected structure, it is noted that the site of Reg. Ref. D23A/0483 was directly adjoined by the protected structures of St. Alphonsus Church and its associated Parochial House and was partially situated within the Killiney Architectural Conservation Area.

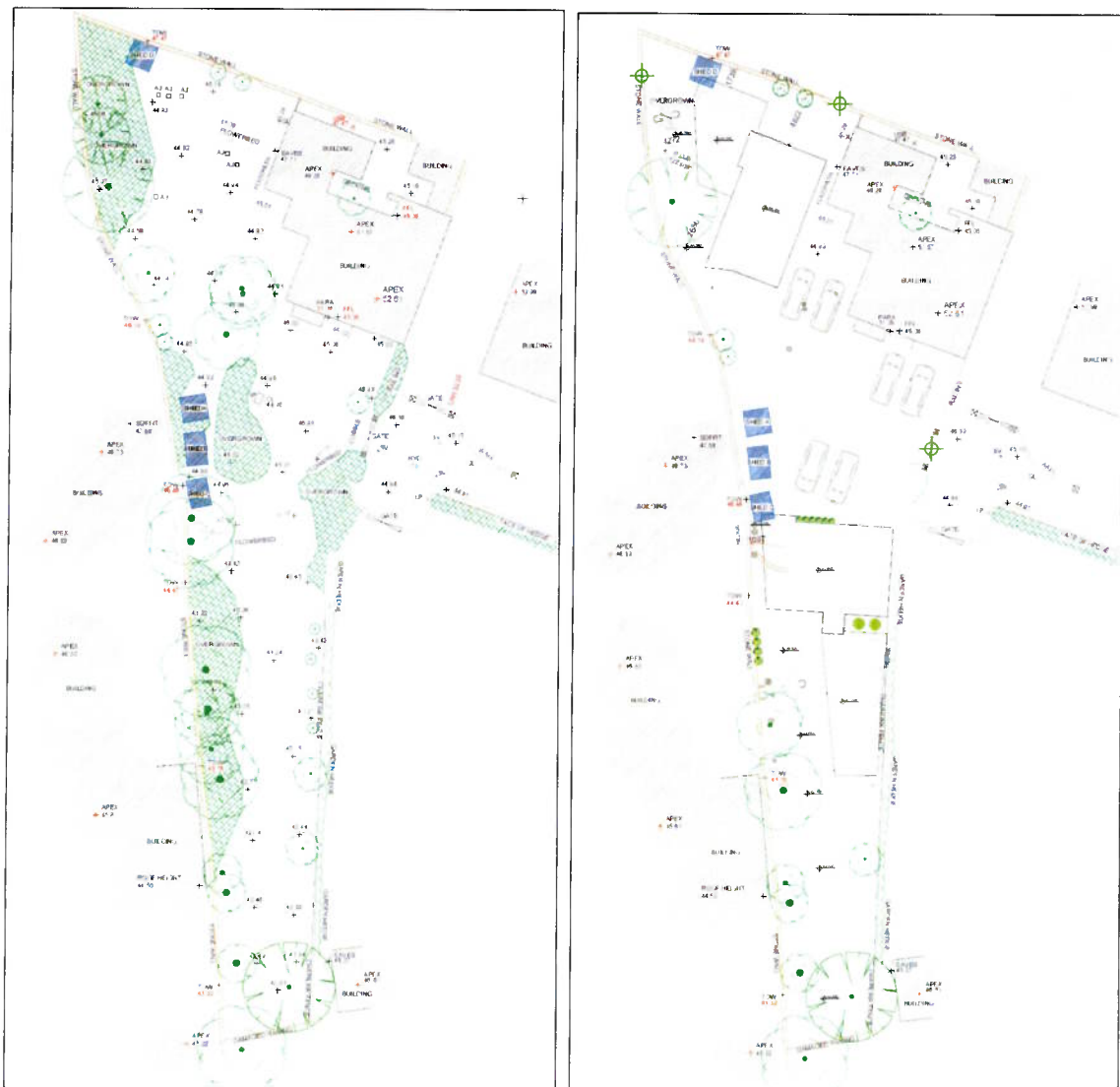


Figure 48.0 Existing (l) and site layout plan approved under Reg. Ref. D23A/0483 (r).



Figure 49.0 Computer generated images of the development approved under Reg. Ref. D23A/0483.

We would note commentary from the Planner's Report in respect of the above application as follows:

'The DLR Conservation Division have reviewed the proposal, and note that the contemporary design of the new dwellings, in conjunction with their scale, height and massing – is in accordance with the relevant policies associated with ACA – and have raised no objection to the proposal.'

'The Planning Authority has considered the Conservation Divisions assessment and concur with their conclusion that the proposal will not result in any significant impacts upon the built heritage and character of the area.'

Having regard for the above commentary, it is considered prudent to note that the Planning Authority, under Reg. Ref. D23A/0483, permitted the construction of a new dwelling within the private amenity space of the existing dwelling.

It is noted that following that the decision of the Planning Authority was subsequently appealed to An Bord Pleanála with the Board ultimately granting permission by Order dated 14th August 2024. In assessing the appeal, the Board Inspector noted the architectural quality of Shanganagh Terrace, labelling it's setting as:

'One of immense character comprising an eclectic mix of Victorian houses and gardens.'

The Inspector considered that the character of the Killiney ACA would be compromised if the garden of the existing house was reduced to accommodate the proposed development and proceeded to recommend a split decision providing permission for the infill dwelling to the south and refusing permission for the infill dwelling to the side/west. This recommendation was subsequently disregarded by the Board who proceeded to issue an Order to grant for the development as approved by the Planning Authority.

Chadsley House, Leopardstown Road, Foxrock, Dublin 18 (A Protected Structure)

Reg. Ref. D22A/0508 Planning permission approved by Dún Laoghaire-Rathdown County Council on 24th November 2022 for development on the above site, consisting of the demolition of an existing shed, recreation building, the construction of 4 no. 2-storey, 4-bedroom dwellings to the rear of existing house. All with existing vehicular and pedestrian access from Leopardstown road, boundary treatment, front and rear gardens, bin storage, landscaping and all associated site works.

In the case of the above application the subject site was zoned objective A in the Dún Laoghaire-Rathdown Development Plan 2022-2028 and Chadsley House was listed as a Protected Structure. In their assessment of this application, the Planning Authority's Case Officer notes that the County Development Plan seeks appropriate infill development in existing built-up areas to retain population levels, and that:

'The density of 4 units and the existing protected structure on a stated site area of 0.311 is equivalent to a density of 12.89 units per hectare. As the site is within 500m of a Bus Priority Route, density of a minimum of 50 units per ha are encouraged. However, due to the constraints of the site, including the limited access and location within the curtilage of a protected structure, the level of density proposed is acceptable.'



Figure 50.0 Aerial image showing Chadsley House (dashed line) and its surrounding context.



Figure 51.0 Site layout plan approved under Reg. Ref. D22A/0508 with the protected structure identified (black circle).

This above application was also subject to an appeal to An Bord Pleanála, and similarly, in their assessment, the Board's Inspector noted that the proposed development is in an urban area well served by public transport, where new residential development is expected to be of higher density, however the constraints of the site were noted and accordingly, it was considered *'acceptable to propose a lower density of development on this site than would normally be expected of an infill urban development site.'*

It is also of note that each of the 4 no. dwellings approved under Reg. Ref. D22A/0508 and ABP-315388-22 comprised rear garden spaces, and open space to serve the existing protected structure was retained within its immediate curtilage, however no public or communal open space was proposed and this was considered acceptable to both the Planning Authority and the Board. Further in the Board's Order to grant permission, there doesn't appear to be any condition attached seeking a specific Section 48 contribution from the applicant in respect of the non-provision of public open space on-site.

It is considered that due to the constraints associated with the site, its irregular shape and the surrounding pattern of development, that the site is best suited to high-quality, bespoke houses and a lower residential density.

6.0 Conclusion

This first party appeal is prepared on foot of a decision by Dún Laoghaire-Rathdown County Council to refuse permission under **Reg. Ref. D26A/0551/WEB** for the construction of 1 no. infill dwelling. It is respectfully submitted that the proposed development constitutes an appropriate and balanced response to the specific constraints and planning policy framework applicable to the subject site. The proposal has regard for the existing structure on site, and that of the neighbouring properties to the west across Knapton Lane, in order to ensure the protection of the character of the area and ensure no adverse impacts on the existing levels of residential amenity.

The proposal comprises a modest infill scheme which has been sensitively designed, scaled and sited to preserve the existing character and levels of residential amenity to the streetscape of Knapton Lane and the surrounding area. It has been clearly demonstrated throughout this report that the protection of the visual amenity and overlooking impacts have been at the forefront of the design process. Considerations with regard to the height and massing of the dwellings to be subordinate to the existing built form of the area, represent a suitable infill development in keeping with the proper planning and sustainable development of the area.

The proposed dwelling is considered to be of a high-quality design, utilising a palette of colours and materials which are considered to enhance the streetscape while protecting that as established and emerging in the immediate area. This coherent use of colours and materials provides for a proposal which successfully integrates into the receiving environment.

Considering the above and that as set out throughout this report, the proposal is suitably designed, and we would therefore refute the refusal reasons provided by the Council as it has been clearly demonstrated that the proposal would not negatively impact on visual amenity of the area.

The development is in accordance with the proper planning and sustainable development of the area and as such, we respectfully request that an order to **grant** planning permission is made in this instance.



Kevin Hughes MIPI MRTPI
Director
for HPDC Ltd.

Appendix A Copy of Dún Laoghaire-Rathdown County Council's Notification of Decision to Refuse Permission under Reg. Ref. D26A/0551/WEB.

Appendix B Architectural Drawings prepared by NDBA Architects.

Appendix C Daylight and Sunlight Assessment prepared by 3D Design Bureau.

Appendix D Landscape Design prepared by Jane McCorkell Landscape Architects.

