

An
Coimisiún
Pleanála

Commission Order
ABP-321170-24

Planning and Development Acts 2000 to 2024

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2024/24.

Appeal by Stephanie Regan of 9 Kilbarrack Road, Raheny, Dublin
against the decision made on the 14th day of October, 2024 by Dublin City
Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing garage and construction of
one two storey building consisting of one one-bed house along the west side
of 9 Kilbarrack Road, Dublin, one on-site car parking space accessed from the
existing entrance on Kilbarrack Road. The materials proposed are in keeping
with the materials of the adjacent properties. The house will be provided with
a private rear garden at 9 Kilbarrack Road, Raheny, Dublin.

Decision

GRANT permission for the above proposed development in accordance
with the said plans and particulars based on the reasons and
considerations under and subject to the conditions set out below.

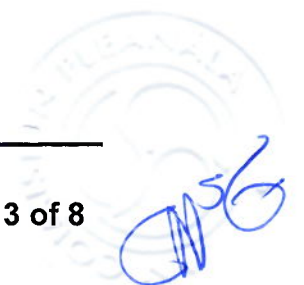
Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective, the location of the development site which is serviced by high frequency public transport and a dedicated cycleway, the character of the area with varying building lines, heights and dwelling types, the proposed single storey modest building form in line with number 11 Kilbarrack Road, the setback of the two-storey flat roofed element to the rear, the urban consolidation policy framework provided by the Dublin City Development Plan 2022-2028 and section 15.5.2 (infill development) of said plan, national and regional compact growth policy objectives and guidelines, including the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024), it is considered that the proposed development, subject to compliance with the conditions set out below, would provide a reasonable level of accommodation on site, would represent an innovative design response to the provision of an additional residential unit on a restricted infill site in a mature suburban location, would not have a significant adverse impact on the residential amenities of adjoining properties or the main house on site in terms of visual amenity, overbearance or overshadowing. Therefore, the proposed development would be consistent with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission considered and acknowledged the detailed assessment of the proposed development within the Inspector's report and agreed with the opinion of the Inspector that the proposed development achieves minimum accommodation and open space standards, provides a safe means of access and egress via the established entrance, and consists of a modern design response. In deciding not to accept the Inspector's recommendation to refuse permission, the Commission did not share the opinion of the Inspector that the proposed development would have a substantial and negative impact on the residential amenities of number 11 and

number 9 Kilbarrack Road in terms of overbearing and overshadowing given the alignment of the single storey element with the existing garage conversion to the front of number 11, the relatively modest scale, height and roof profile of the rear two-storey volume of the infill house which is generally aligned with the rear building line of number 11, and the screening provided by the massing of the east section (kitchen extension) of the existing house (number 9). In addition, the south orientation of the rear gardens to number 11 and number 9, the inclusion of a courtyard which breaks up the two-storey massing along the property boundary and the extent of amenity space unaffected by development serves to mitigate against any adverse impact in terms of overshadowing.

Furthermore, the Board considered the character of the area as established by the stepped building line, varying building heights (single, dormer, two and three-storey) and a large variation in architectural styles of dwellings along Kilbarrack Road, and determined that the infill house would have a modest unobtrusive and discreet presence on the street frontage given its restricted narrow width, alignment with the building line of number 11, and single storey presenting to the street. The setback from the streetscape of the two-storey element to the rear and the utilisation of the natural incline of the site which slopes to the south (rear) to create a split level reduces the volume and minimises any potential negative visual impact of the two-storey section, which, given the disposition of the existing houses, will have a limited presence when viewed from the street.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, a car parking layout and servicing plan including elevation drawings shall be submitted to the planning authority incorporating the following for written approval of the Transport Planning Division:
 - (a) The new vehicular access shall have a maximum width of three metres and shall not have outward opening gates.
 - (b) The front garden area serving number 9 Kilbarrack Road and the new dwelling shall be free of any internal boundary wall / fence between properties.
 - (c) There shall be no increase in footpath and kerb dishing as a result of the proposed development.
 - (d) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of road safety and orderly development.



3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.



7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Proposals for a house numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, located within the zone of archaeological constraint given its proximity to an identified enclosure/ fort on the first addition ordnance survey (circa.1837), and to secure the preservation and protection of any remains that may exist within the site.



11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission**

Dated this 23rd day of June 2025