



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313499-22

#### Development

The setback, widening and relocation of a site entrance northwards along the public road, allowing for improved sight lines and it's repositioning, reordering and construction; a new pedestrian entrance; demolition of small shed/garage structure; filling-in of an existing swimming pool; demolition of a portion of the west flanking courtyard wall to re-establish a historic courtyard entrance ( as seen on Historic 6 Inch (1837-1842), Historic 25 inch (1888-1913) maps); construction of 11 residential units located surrounding Rookwood House (protected structure) on it's associated grounds, made up of Section 1: The Gate Lodge consisting of Unit 1, [1.5-Storey two bed, 4 person detached dwelling (83.50sq.m); Section 2: Mews Houses consisting of Units 2, 3 & 4, (two storey three bed, four person terraced dwellings (105.10sq.m) and Unit 5 (two Storey, three bed, six person detached dwelling

(138.00sq.m) and Section 3: Woodland Houses consisting of Units 6 & 9 (2.5-storey, four bed, six person detached dwellings (152.00sq.m), Units 7 & 10 (2.5-storey, four bed, six person semi-detached dwellings (152.00sq.m) and Units 8 & 11 (2.5-storey, three bed, six person semi-detached dwellings (125.90sq.m) and maintaining the existing Rookwood house (protected structure) as a residential house, as is; 22 car parking spaces, new pedestrian footpaths, internal road network, detailed landscaping, services and all associated works.

**Location**

Rookwood, Stocking Lane,  
Ballyboden, Dublin 16

**Planning Authority**

South Dublin County Council

**Planning Authority Reg. Ref.**

SD21A/0202

**Applicant(s)**

Brenda Weir.

**Type of Application**

Planning Permission.

**Planning Authority Decision**

Grant Permission

**Type of Appeal**

Third Party

**Appellant(s)**

Matt Barnes.

**Observer(s)**

No Observers.

**Date of Site Inspection**

7<sup>th</sup> of September 2023.

**Inspector**

Elaine Sullivan

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## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 1.15 ha and is located on the eastern side of the R115, Stocking Lane, Ballyboden. The entrance to the site is from the R115 and is located approximately 100m to the south of the junction with Scholarstown Road and approximately 640m to the north of the M50.
- 1.2. The site is generally flat and comprises a detached, two-storey dwelling known as Rookwood Lodge, which is listed on the Record of Protected Structures, (RPS Ref. 237). The site also comprises some detached buildings, tennis courts, areas of landscaped open space and mature trees. Extensive hedges and trees are in place throughout the site. To the north of the site is the three-storey residential development of Rockwood View and to the east and west are low-rise housing developments. Directly adjoining the site to the south-west is a large detached two-storey house known as Coolamber. Planning permission to develop housing on this site has been granted under ABP-311559-21. Planning permission has also been granted under ABP-311616-22 to develop a large field directly adjoining the southern boundary of the Coolamber and Rookwood sites.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the demolition of structures on the site and the in-filling of a swimming pool to construct 11 houses surrounding Rookwood House, which is listed on the Record of Protected Structures (RPS Ref. 237). The houses would comprise the following mix:
  - 1 x one and a half storey, two-bed, four-person 'Gate Lodge' dwelling (83.50 sq. m),
  - 3 x two-storey, three-bed, four-person terraced mews houses (105.10 sq. m) and,
  - 1 x two-storey, three-bed, six-person detached dwelling (138 sq. m) and,
  - 4 x two and a half storey, four-bed, six-person, detached dwellings (152.00 sq.m), and

- 2 x two and a half storey, three-bed, six-person, semi-detached dwellings (125.90 sq.m).

2.2. Rookwood house would be retained as a residential house. Additional works would include the setback, widening and relocation of a site entrance northwards along the public road, allowing for improved sight lines and its repositioning, reordering and construction; a new pedestrian entrance, 22 car parking spaces, new pedestrian footpaths, internal road network, detailed landscaping, services and all associated works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Planning permission was granted by the Planning Authority, (PA), subject to 25 planning conditions. Condition No. 3 (e) is the subject of the 3<sup>rd</sup> Party Appeal. Condition No. 3 states the following –

*Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:*

*Revised plans that incorporate all of the following amendments and details:*

*(a) Windows at first floor level to the rear elevation of units 2, 3 and 4 shall be permanently fitted with obscure glazing.*

*(b) The internal junction shall be amended to provide a strong, direct, pedestrian connection from north to south.*

*(c) Unit 6 is omitted from the permission.*

*(d) Unit 9 shall be turned 90 degrees to minimise impact on units 10 and 11.*

***(e) Provision of a pedestrian access / footpath (min width of 1.8m) to the potential future access to adjoining lands around unit 4.***

*REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The decision of the PA was informed by two planning reports from the Planning Officer, (PO). The first report dated the 13<sup>th</sup> of September 2021 recommended that further information be requested. The second report dated the 1<sup>st</sup> of April 2022 assessed the further information submitted and made a recommendation to grant permission.

The first report includes the following,

- The proposed residential development is permitted in principle under the 'RES' zoning objective, and acceptable in principle.
- The character and setting of the Protected Structure has been considered in the design of the development, which is sensitive to the site context.
- The proposed unit mix would mainly comprise 3-bed units but as there is a variety in terms of the numbers per three bed units, the mix is appropriate.
- Overall, the applicant has had regard to the amenity of existing properties surrounding the site in terms of sufficient separation distances and obscured glazing.
- The existing house, Rookwood Lodge would lose amenity space, but the site is large enough retain sufficient private open space.
- The proposed units would meet the development standards required but concerns were raised regarding the relationship between some units and the provision of public open space.
- The applicant should explore if connections can be made between neighbouring sites.
- Further information was requested on five points which related to,
  - the provision and layout of communal open space,
  - the positioning and layout of Units 6, 7, 9 and 10,
  - the lack of permeability and connections to the neighbouring sites,

- details regarding the design of the surface water drainage plan.

The second report dated the 1<sup>st</sup> of April 2022 assessed the response to further information submitted by the applicant and recommended that planning permission be granted. The report contains the following comments,

- To address the concerns regarding the communal open space, the site layout has been altered. A house on the south-west of the site has been removed and replaced with open space.
- The PO still has concerns regarding the lack of connections within the site and the indirect pedestrian routes. This can be dealt with by condition.
- The design response to address overlooking did not adequately address the issues raised regarding overlooking. The PO recommends that a condition be attached to re-orientate Unit 9 and to remove Unit 6 entirely.
- To address the lack of connections to the adjoining site, the applicant proposed two potential connections to the site, one vehicular and one pedestrian. The PO notes that the delivery of the links would be reliant on the consent of the adjoining landowner and would be subject to a separate planning application. Details of the footpath to the pedestrian link can be agreed by condition.

### 3.2.2. Other Technical Reports

- Architectural Conservation Officer – The report dated the 10<sup>th</sup> of September 2021 has no objection to the development subject to planning conditions.
- Public Realm – The report of the 3<sup>rd</sup> of March 2021 recommends that further information be requested regarding play facilities, green infrastructure, biodiversity, and arboriculture impact. The report dated the 29<sup>th</sup> of March 2022 recommends planning conditions to be attached.
- Roads Department – The report dated the 7<sup>th</sup> of September 2021 recommends that further information be requested regarding sightlines from the entrance, details of a shared footpath/cycle track to the front of the site, details of internal footpaths and internal roads, including emergency access.



- Water Services – the report dated the 18<sup>th</sup> of August 2021 recommended that further information be requested regarding surface water drainage. The second report dated the 1<sup>st</sup> of April 2022 requested that a clarification of further information be sought.
- Environmental Health Officer – No objection subject to planning conditions.

### 3.3. Prescribed Bodies

- An Taisce – No objection.
- Uisce Éireann – No objection.

### 3.4. Third Party Observations

Twelve third party submissions were received during the public consultation period.

The issues raised include the following,

- Overlooking and overshadowing of existing and proposed housing,
- Contrary to the Development Plan,
- Contrary to the Architectural Heritage Guidelines,
- Excessive tree removal,
- Impact on protected structure,
- Poor provision of open space,
- Inadequate bat survey,
- Overbearing impact on existing houses,
- Inadequate boundary treatment,
- Potential flood risk to existing houses,
- Safety concerns regarding change in levels between sites,
- Traffic impacts.

## 4.0 Planning History

No planning history for the subject site.

On the adjoining site to the south-west, (Coolamber) -

**ABP-311559-21, (PA Ref. SD21A/0194)** – Planning permission **granted** by the Board on the 25<sup>th</sup> of August 2023 for four number five-bed houses and five number duplex units in a three-storey block.

**ABP-306966-20, (PA Ref. SD20A/0002)** – Planning permission **refused** by the Board on the 8<sup>th</sup> day of October 2020 for four number five-bed houses and five number duplex units in a three-storey block for the following reason,

*Having regard to the provisions of sections 07 (Layout) and 08 (Public Realm) of the Urban Design Manual Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and the provisions of sections 3.40 and 3.41 (Security Considerations), 4.10, 4.11 and 4.12 (Communal Amenity Space) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, it is considered that proposed development would be substandard in its provision of quality public open space and quality communal amenity space. The proposed development would, therefore, seriously injure the amenities of future occupants of the development, would be contrary to the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.*

**ABP-304458-19, (PA Ref. SD19A/0058)** – Planning permission **refused** by the Board on the 3<sup>rd</sup> day of September 2019 for four number five-bed houses and five number duplex units in a three-storey block for the following reason,

*Having regard to the siting and orientation of Unit numbers 3 and 4 and the scale and proximity of these units relative to the existing adjoining dwelling 'Coolamber', it is considered that the proposed development would constitute overdevelopment of the site and have a negative impact on the amenity of*

*future occupants of 'Coolamber' by reason of overlooking, overbearing visual impact and visual intrusion. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, would be contrary to the residential zoning objective of the site and of the protection of residential amenity and would be contrary to the proper planning and sustainable development of the area.*

On the adjoining site to the south –

**ABP-VY06S.316603-23, (SD-C259-29)** – The Board issued a decision on the 28<sup>th</sup> day of August 2023 to confirm the determination of the local authority to include the site on the Local Authority Residential Zoned Land Tax Draft Map.

**ABP-311616-21** – Planning permission **granted** by the Board on the 25<sup>th</sup> day of March 2021 for a Strategic Housing Development comprising 131 residential units, (21 houses, 51 duplex units and 59 apartments), creche, shop and 167 car spaces.

**ABP-308763-20** – Planning permission **refused** by the Board on the 16<sup>th</sup> day of February 2022 for a Strategic Housing Development comprising 131 residential units, (21 houses, 2 duplex units and 108 apartments), creche, shop and 167 car spaces. The development was refused for two reasons –

1. The development was found to materially contravene Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which requires specific separation distances and height restrictions between new development and existing one and/or two-storey housing.
2. The statutory requirements relating to public notices and the submission of a material contravention statement was not complied with.

**ABP-305712-19** – Board opinion issued on a Strategic Housing Development, pursuant to section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of South Dublin County Council. The operative Development Plan for the area is the South Dublin County Development Plan, (CDP), 2022-2028, which came into effect on the 3<sup>rd</sup> day of August 2022.
- 5.1.2. The application was assessed by South Dublin County Council in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2022 – 2028 South Dublin County Development Plan, (SDCDP).
- 5.1.4. The following sections of the SDCDP are of relevance to the proposed development, The subject site is zoned 'RES', the objective of which is *'To protect and/or improve residential amenity'*.

Rookwood House is a two storey Georgian style house which listed on the Record of Protected Structures, (RPS, Ref. 327). There is also a separate Protected Structure on the adjacent lands to the west, and on the western side of Stocking Lane, RPS Ref. 333 (Reservoir). There is an indicative road upgrade route shown along Stocking Lane to the west of the subject site. The following text applies to the said indicative road link:

- Name: Ballyboden Road/Stocking Lane (R115)
- Description: Upgrade of existing road.
- Function: To enhance pedestrian and cycling facilities and exploit the tourist potential of the route.

The area of Ballyboden is in the Dublin City and Suburbs settlement typology.

**Policy CS7** promotes the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary. The following objectives support this policy –

**CS7 Objective 1:** To promote more intensive population and employment uses focussing on good community, civic and school facilities, good quality streets and spaces whereby existing and new neighbourhoods are knitted together alongside essential infrastructure and amenities that are required to develop sustainable communities and employment within the key urban centres, consistent with RPO 4.3.

**CS7 Objective 3:** To promote and support the development of undeveloped infill and brownfield zoned lands and to promote pre-application consultation in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) (consistent with RPO 4.3).

**Policy QDP1** supports the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities. Supporting objectives include -

**QDP1 Objective 4:** To reinforce the network of urban centres as the appropriate locations for new mixed-use development, ensuring that the existing context including identified built and natural assets, urban design, integration and potential for connectivity fully informs development.

**Policy QDP5** seeks to promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities. Supporting objectives include –

**QDP5 Objective 2:** To promote measures to improve pedestrian and cycle safety and convenience, including new or enhanced permeability links within all areas and pedestrianisation within identified centres.

**Section 12.6.7** – Sets out the Residential Standards for new housing.

## 5.2. National Guidance

**Development Management Guidelines for Planning Authorities, (2007).**

**Chapter 7 – Drafting Planning Conditions**

Planning conditions should be:

- Necessary – i.e., whether, without the condition, either permission for the development would have to be refused, or the development would be contrary to the proper planning and sustainable development in some identifiable manner.
- Relevant to planning – the requirements of a condition should be directly related to the development to be permitted or the condition may be ultra vires and unenforceable.
- Relevant to the development permitted.
- Enforceable – conditions should be effective and capable of being complied with.
- Precise – every condition should be precise and understandable.
- Reasonable - a useful test of reasonableness may be to consider whether a proposed condition can be complied with by the developer without encroachment on land that he or she does not control, or without otherwise obtaining the consent of some other party whose interests may not coincide with his/hers.

### **5.3. Natural Heritage Designations**

5.3.1. No designations apply.

### **5.4. EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development, which is for 11 houses in a serviced site in a suburban area with ancillary site works, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal

- The appellant wishes to appeal against Condition No. (e) of the permission, which requires that the developer provide a pedestrian access / footpath (minimum width of 1.8m) to the potential future access to adjoining lands around Unit 4.
- The appellant states that at the time of writing, the adjoining site is currently under appeal to An Bord Pleanála, (ABP 311559-21, PA Ref. SD20A/0002), and that proposed pedestrian access point does not consider the layout of the adjoining site, (referred to as the Coolamber Site).
- The appellant states that there is no logical spatial option but to place housing in this location, (on the Coolamber site), and there is no justification to providing a link between sites at this location.
- There are no existing desire lines across the site and circulation from the Rookwood site would naturally flow north to the main Rookwood entrance in the direction of schools and services.
- If a new planning application were to be submitted for the development of the Coolamber site, the condition has the potential to cause disruption to the amenity, security and value of any future proposal and would be prejudicial to the future development of the site.
- The appellant submits that the connections between sites requires consent between property owners and the owner of the Coolamber site does not consent to a new planning application establishing such a link.

### **6.2. Applicant Response**

- 6.2.1. A response was received from the applicant on the 7<sup>th</sup> of June 2022 and includes the following:

- The applicant states that there is some ambiguity in the grounds of appeal. The appellant refers to planning application SD20A/0002 and ABP 311559-21. These references do not relate to each other. SD20A/0002 was refused by the PA and was refused on appeal to An Bord Pleanála under ABP 306966-20. PA Ref. SD21A/0194 was refused by the PA and granted permission by the Board under ABP 311559-21.
- Throughout the planning process, the PA advised on the need for permeability between the Rookwood and Coolamber. The applicant sought to respond with proposal for 'potential connections', which would be subject to current or future landowners' agreement as a Common Law matter.
- The issue of permeability was also raised in the most recent application for the Coolamber site, (ABP 311559-21 / SD21A/0194) where the PA raised concerns about the lack of connections between sites.
- In response to the appellants argument that the connections were not identified in the Development Plan and as such the property owners are under no obligation to provide them, the applicant acknowledges that the connections would require the voluntary action of applying good practice principles.
- The applicant acknowledges that consent between landowners would be required to provide the connection and that such consent falls outside of the remit of the Planning and Development Act 2000 (as amended).
- Condition No 3(e) does not attempt to create a new physical, legal access between both sites but instead requests one landowner, the 1<sup>st</sup> Party Applicant, to present a design that creates the potential only, for a 'future potential access'. This results in a revised layout to accommodate an access but not the access itself.
- If Condition 3 (e) is retained by the Board, the applicant will seek to provide a revised design that complies with the aspiration for a future connection only, and that all agreements with future landowners will remain subject to future agreement as may or may not apply.



### 6.3. Planning Authority Response

A response from the Planning Authority, (PA), was received on the 18<sup>th</sup> of May 2022 and includes the following,

- The subject site, known as Rookwood, is one of three adjoining sites have progressed through the planning process concurrently. The site to the south and west is called Coolamber and lands on Stocking Lane to the south, 'the southern site'.
- The most recent applications on the neighbouring sites are,
  - ABP 311559-21, (PA Ref. SD21A/0194) at Coolamber – This application was granted by the Board on the 31<sup>st</sup> of August 2023 for four houses and five duplex units.
  - ABP 311616-21 at the southern site on Stocking Lane– Permission was granted by the Board on the 16<sup>th</sup> of February 2022 for 131 residential units comprising 21 houses, 2 duplex units and 108 apartments.
- Potential pedestrian connections between Coolamber and the southern site are identified in both applications. A connection between these sites would serve as a dual function of allowing for quality pedestrian facilities alongside Stocking Lane and allowing access to the shop and creche in the southern site.
- Historic developments in South County Dublin include a large number of cul-de-sacs and residential estates with little or no permeability. The PA's Active Travel team is engaged with the NTA to address these shortcomings and to improve access to amenities.
- The present situation with the development of three sites in proximity provides an opportunity to avoid the mistakes of the past and to enable basic connections between adjoining residential developments.
- The PA suggest that Condition 3 (e) of the permission can be read as follows,  
*(e) Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement off the planning authority:*

*Revised plans that incorporate all of the following amendments and details-*

*Provision of a pedestrian access / footpath (minimum width of 1.8m) to the potential future access to adjoining lands around unit 4.*

*Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

- The condition would facilitate a future connection to Coolamber but would also require both another permission and consent from both parties at the time.
- The adjustment of the proposed layout would be relatively minor and would not have a detrimental effect on adjoining parties or on the enjoyment of residential amenities by potential occupants of either Rookwood or Coolamber.
- In the context of the site layout at Coolamber not being fixed, (*Note – this was the case at the time of writing*), it is considered reasonable to facilitate a future connection between the sites, which is also in line with national and local policy on pedestrian movement and access to services.

#### **6.4. Observations**

- No observations.

#### **7.0 Assessment**

- 7.1. This is a third-party appeal against Condition No 3 (e) attached to the Planning Authority's decision to grant permission.
- 7.2. The development proposal has been subject to a lengthy and iterative design and planning process which has culminated in the decision of the PA to grant permission with the omission of one residential unit. I have reviewed the documentation at hand and visited the site and having regard to the nature and scale of the proposed development for 11 residential units, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, and that a *de novo* assessment would not be warranted. Therefore, the Board should

determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

**7.3. Condition No. 3 (e) states the following –**

*Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:*

*Revised plans that incorporate all of the following amendments and details:*

***(e) Provision of a pedestrian access / footpath (min width of 1.8m) to the potential future access to adjoining lands around unit 4.***

*REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

- 7.4. The grounds of the appeal object to this requirement as the appellant contends that the condition does not consider the layout of both sites and how they relate to each other and that there is no logic to creating a footpath access at this point or any point along the eastern boundary. Furthermore, the applicant is of the opinion that the proposed access point has the potential to cause disruption and damage to the amenity of future development on the Coolamber site.
- 7.5. When the subject appeal was lodged, the development at Coolamber was also on appeal to An Bord Pleanála, (ABP 311559-21), and a decision was pending. A decision to grant permission for this development has since been issued by the Board. In their decision, the Board made no changes to the layout of the site. As such, the permitted layout of the Coolamber site comprises four houses backing onto the south-western boundary of the Rookwood site. The layout permitted on the southern site, under ABP-311616-21 also shows houses backing onto the southern boundary of the Rookwood site. (See Appendix A for the layouts permitted under ABP311559-21 and ABP-311616-21).
- 7.6. I would agree with the appellant that there is limited scope for a pedestrian connection between both sites given the layout of the houses. However, it may be possible to provide a connection subject to agreement and a future planning application.
- 7.7. Throughout the application process the PA expressed a desire to provide for a future connection to the adjoining site to create a pedestrian connection between all three

development sites. This would allow for a pedestrian and cycle movements to the shop and creche on the southernmost site without having to leave the housing developments and negotiate road crossings on Stocking Lane. This is a reasonable request and would help to achieve the numerous policies and objectives of the SDCC Development Plan which seek to provide the creation of well-connected neighbourhoods.

7.8. The PA is constrained in what it can achieve by condition and Condition 3(e) seeks only to allow for a future connection to the adjoining lands, subject to agreement between landowners. The implementation of a physical connection would be subject to a separate planning application.

7.9. In their response to the appeal, the PA suggest that the wording of the condition be retained to read the following,

*(e) Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement off the planning authority:*

*Revised plans that incorporate all of the following amendments and details-*

*Provision of a pedestrian access / footpath (minimum width of 1.8m) to the potential future access to adjoining lands around unit 4.*

*Reason: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

7.10. I am satisfied that the condition as worded, is reasonable and relevant and should be attached as per the suggested wording.

#### **7.11. Appropriate Assessment**

7.11.1. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to retain condition number 3 as follows –

*Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:*

*Revised plans that incorporate all of the following amendments and details:*

*(a) Windows at first floor level to the rear elevation of units 2, 3 and 4 shall be permanently fitted with obscure glazing.*

*(b) The internal junction shall be amended to provide a strong, direct, pedestrian connection from north to south.*

*(c) Unit 6 is omitted from the permission.*

*(d) Unit 9 shall be turned 90 degrees to minimise impact on units 10 and 11.*

***(e) Provision of a pedestrian access / footpath (min width of 1.8m) to the potential future access to adjoining lands around unit 4.***

*REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.*

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, it is considered that the works to facilitate a future connection between the subject site and the adjoining site, subject to agreement between landowners and a future planning consent would be in accordance with the policies and objectives of the South County Dublin Development Plan 2022-2028, and in particular with QDP1 Objective 4 and QDP5 Objective 2, and would be in the interests of proper planning and sustainable development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Elaine Sullivan  
Planning Inspector

13<sup>th</sup> September 2023

Appendix A



Layout of Coolamber site – Permitted under ABP-311559-21





Layout of the site to the south – Permitted under ABP-311616-21