



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314193-22

#### Development

Permission is sought for the demolition of an existing single storey detached house and the construction of 4 no. two storey detached four-bedroom houses each with off street car parking with landscaping and ancillary site works and services.

#### Location

site of 0.14 hectares 24 Shanganagh Vale, Loughlinstown, Co. Dublin

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D21A/0955

#### Applicant(s)

Penny Alexander

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Jason O'Conaill

#### Observer(s)

Ruth & Gerald Kennedy  
Brian Twomey

**Date of Site Inspection**

19<sup>th</sup> December 2023

**Inspector**

Conor Crowther

## 1.0 Site Location and Description

- 1.1.1. The site is located within the established suburban residential estate of Shanganagh Vale in Loughlinstown, County Dublin. The estate is characterised by 1960s detached bungalow development reflecting the low rise nature of the area. The site is bounded to the south by an overgrown laneway separating the site from No.25A Shanaganagh Vale, to the east by No.23 Shanganagh Vale and to the north and west by Shanganagh Vale roadway, including a public parking bay along the site frontage. Nos.23 and 25A Shanganagh Vale are also 1960s detached bungalows.
- 1.1.2. The site itself currently consists of a detached bungalow dwelling, including a garage to the side. The surrounds of the site are heavily covered in semi-mature and mature vegetation, and an elevated wooden shed lies to the southwest of the dwelling within the confines of the site. The N11 Bray Road, a quality bus corridor, lies to the west of the site and to the north lies Kilbogget Park which is used for various recreational purposes.

## 2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Demolition of an existing single storey detached dwelling.
  - Construction of 4 no. two storey, four bedroom detached dwellings within the curtilage of the existing dwelling.
  - Provision of off-street car parking, landscaping, ancillary site works and services.
- 2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage to:
- Remove a wrap-around window from the first floor of units no. 2, 3 & 4 and replace it with a single window on their eastern elevations;
  - Set back the 1<sup>st</sup> floor level of units no.1-3 to achieve a minimum separation distance of 11m from the eastern boundary with no.23 Shanganagh Vale;
  - Include boundary finishes;

- Retain the 2 no. existing street trees along the frontage by way of altering the vehicular entrance and parking layout;
- Provide for waste storage compounds including a 3 bin system at each proposed dwelling.

2.1.3. The application is accompanied by:

- Pre-Planning Application to Dun Laoghaire Rathdown County Council.
- Appropriate Assessment Screening Report.
- Planning Report.
- Photomontages.
- Landscape Plan.
- Tree Removal Plan.
- Tree Constraints Plan.
- Arboricultural Assessment.
- Construction Management Plan (FI).
- Construction & Demolition Management Plan (FI).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council (The Planning Authority) issued a FURTHER INFORMATION request on the 15<sup>th</sup> December 2021, and subsequently issued a GRANT of permission for the above-described proposed development on the 15<sup>th</sup> July 2022, subject to 19 no. conditions. Conditions of note include:

- Condition 2 which modifies Unit 1 to include a revised driveway entrance and parking arrangement avoiding any impact on existing street trees and suggests shared parking arrangements for Units 3 and 4.

- Condition 4 requiring the submission of a Cycle Statement as part of a new provision in the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- Condition 7 requiring re-use of existing materials from demolished structures, where possible.

### 3.2. **Planning Authority Reports**

#### 3.3. Planning Reports

3.3.1. The Planning Officer's Report dated 15<sup>th</sup> December 2021 requested further information on 9 items, including the following items of relevance:

- Replace existing 'wrap-around window' within Unit Nos. 2, 3 and 4 with a single window on their eastern elevations.
- Proposals for a minimum set back of 11m from the first floor level east facing windows of Unit Nos. 1-3 to the eastern site boundary.
- Submit modified proposal for vehicular entrances demonstrating no adverse impact on the 2 no. existing street trees that does not compromise the ongoing viability of these trees.
- Submit a Demolition Management Plan, a Construction Environmental Management Plan, a Noise Plan, a Materials Source and Management Circular Economy Plan, a Construction Waste Management Plan, proposals for monitoring of environmental nuisance and revised plans showing individual waste storage compounds sized to accommodate a 3 bin system.
- Submit revised plans showing minimum dimensions for car parking spaces, revised plans for residential parking to reduce the impacts on the mature trees at the road frontage and revised drawings showing details of proposed road widening works, visitor parking, footpath and location of mature trees.

3.3.2. Further Information (FI) was submitted to the Planning Authority on the 20<sup>th</sup> June 2022, at which point the current Development Plan had come into force, thereby superseding the Dún Laoghaire-Rathdown County Development Plan 2016-2022 against which the original application was assessed. The submitted FI was deemed

by the Planning Authority to be significant, thereby requiring readvertising to the general public. I note that the public notices were readvertised to the general public on the 30<sup>th</sup> June 2022 for a period of further public consultation.

3.3.3. Upon completion of the further public consultation period, a second Planning Officer Report was issued by the Planning Authority on the 15<sup>th</sup> July 2022 indicating that the FI items above were either fully addressed or can be adequately addressed by way of conditions. As such, a GRANT of permission was issued for the proposed development, subject to 19 no. conditions.

#### 3.4. Other Technical Reports

- Transportation Department – On the 7<sup>th</sup> December 2021 the Transportation Department issued a report requesting FI relating to 4 no. issues. On the 12<sup>th</sup> July 2022 the Transportation Department issued a further report requesting clarification relating to the 4 no. issues in their previous report.
- Environmental Health Officer (EHO) – On the 30<sup>th</sup> November 2021 the EHO issued a report requesting FI relating to 4 no. issues. On the 11<sup>th</sup> July 2022 the EHO issued a further report citing no objection to the proposed development, subject to 5 no. conditions.
- Drainage Department – On the 26<sup>th</sup> November 2021 & the 1st July 2022 the Drainage Department issued a report citing no objection to the proposed development, subject to 2 no. conditions.
- Environmental Enforcement – On the 17<sup>th</sup> November 2021 a report issued requesting FI relating to 5 no. issues. On the 6<sup>th</sup> July 2022 a report issued citing no objection to the proposed development, subject to 6 no. conditions.

#### 3.5. Prescribed Bodies

3.5.1. Irish Water/Uisce Éireann – On the 27<sup>th</sup> November 2021 Irish Water issued a report citing no objections to the proposed development, subject to 3 no. conditions.

#### 3.6. Third Party Observations

3.6.1. A number of 3<sup>rd</sup> party observations were received in response to the original application and further information submitted to the Planning Authority. The issues

raised by observers are generally reflected in the 3<sup>rd</sup> party appeal and observations, apart from the following concerns:

- The proposed development will add to traffic movements at the uncontrolled junction with the N11.
- The proposed development will exacerbate existing car parking problems in the estate.
- The proposed development will set an undesirable precedent.
- Impact on the residential amenities of surrounding properties/overbearing and loss of trees.
- The legal right of the applicant to access the site over an existing strip of public open space and roadside parking area is questioned.
- Proposed parking issues.
- Design and impact on the character of the area.
- The proposed development constitutes overdevelopment of the site.
- The existing dwelling proposed to be demolished has architectural merit as a rare example of a single storey flat roofed 1960s bungalow in Dublin.
- The proposed development would devalue homes in the surrounding area.
- The drawings submitted incorrectly omits no. 25A Shanganagh Vale.
- The proposed development would not make a positive contribution to the identity of the area or its character.
- Lack of shadow analysis provision.
- The applicant's ownership of the property is questioned.

#### 4.0 **Relevant Planning History**

##### Subject Site:

No planning history identified onsite. However, I note that pre-planning consultations were undertaken on the 6<sup>th</sup> August 2020.

##### Neighbouring Site:

D23A/0318 (ABP Ref. PL06D.317698) – GRANTED application, on the 3<sup>rd</sup> July 2022, for construction of a single storey dwelling and all associated site works at no.16 Shanganagh Vale (Note – a 3<sup>rd</sup> party appeal remains before the Board at the time of writing).

D22A/0486 - GRANTED application, on the 29<sup>th</sup> August 2022, for part demolition of the south west side of dwelling, single storey extensions to front (south east) and side (south west), increase in height of roof level and existing facia & other internal modifications and all associated site works at no.26 Shanganagh Vale.

D18A/1223 - GRANTED application, on the 29<sup>th</sup> March 2019, for construction of a single-storey detached 3-bedroom house, 1 no. new vehicular access, new boundary walls, landscaping and all associated site works at no.19 Shanganagh Vale.

## **5.0 Policy Context**

### **5.1. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009**

5.1.1. Although significantly dated at the time of writing, these guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches:

- Encourage increased densities on residentially zoned land, particularly on land within 500m of a bus stop or 1km of a light rail stop.
- Utilise the capacity of existing social and physical infrastructure.
- ‘In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill’.

### **5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028**

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:



- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Policy Objective PHP18: Residential Density – ‘Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria... 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.’
- Section 4.3.1 Delivering and Improving Homes – This section sets out a minimum density for new residential development at 35 units per hectare but notes that this may not be suitable in all circumstances.
- Policy Objective PHP19: Existing Housing Stock – Adaptation – ‘Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods’.
- Policy Objective PHP20: Protection of Existing Residential Amenity – ‘It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments’.
- Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features – ‘It is a Policy Objective to:
  - i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
  - ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

- iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting’.
- Chapter 12 Development Management: Section 12.3.7.7 Infill – ‘infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings’.
- Section 12.4.5.2 Application of Standards – states that the Planning Authority can deviate from parking standards within the parking zone of the proposed development subject to a number of criteria. It is noted that small infill sites may be likely to fulfil these criteria.
- Table 12.5 ‘Car Parking Zones and Standards’ of the Development Plan shows that 2 no. car parking spaces per unit is the standard level of parking to be provided for a development of 4 no. four bed units in this area.
- Section 12.4.6.1 Requirements for New Development – requires a Cycle Statement to be submitted for residential development of less than 5 units ‘setting out how it meets the requirements of Council’s ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018)’.
- Section 12.8.7.1 Separation Distances – ‘A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This normally results in a minimum rear garden depth of 11 metres... In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased’.

### 5.3. Natural Heritage Designations

- 5.3.1. The closest site of natural heritage interest to the proposed development is Loughlinstown Woods proposed Natural Heritage Area (001211), which is approximately 860m from the proposed development.

### 5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third party appeal was submitted by the appellant on the 27<sup>th</sup> July 2022 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:
- The proposed development is out of character with the modern architectural style of Shanganagh Vale. Particularly the finish, materials and colours of the proposed dwellings.
  - Inadequate open space between the proposed dwellings and existing neighbouring properties.
  - The density is out of character with the surrounding area.
  - The proposed development will lead to overlooking and overshadowing of existing neighbouring properties.
  - Inadequate separation between the boundary walls and the existing neighbours.

- The 2 no. existing trees to the front of the proposed development site will likely die as a result of damage to their extensive root network. A suitably qualified arborist should be appointed by the Local Authority to detail the root network and to recommend measures to ensure their preservation.
- Inadequate levels of private open space.
- Concern relating to considerable disruption likely to be caused by construction of the proposed development.
- No plan in evidence for utilities or opening of roads to lay services.
- The foul sewer system in Shanganagh Vale is already under pressure.
- The proposed parking layout is unreasonable and encroaches on land and amenities that do not belong to the applicant.
- The level of parking provided is inadequate for the level of development proposed. Shanganagh Vale already suffers from considerable visitor traffic.
- Adequate residential development land exists elsewhere in neighbouring areas such as Cherrywood, Tullyvale and Brennanstown.

6.1.2. Appended to the appeal are copies of 2 no. observations previously submitted to the Planning Authority by Vanessa O’Conaill and Jason O’Conaill.

## 6.2. **Applicant Response**

6.2.1. The response of PCMA Architects, agents on behalf of the applicant, to the grounds of appeal can be summarised as follows:

- The information provided as additional information addresses all of the matters raised by the appellants in their submitted documents.
- The proposed development complies with the relevant planning policy and design standards.
- The design of the proposed development is modern and contemporary.
- The proposed development provides new and improved passive surveillance onto Shanganagh Vale.

- The proposed development increases the density of a serviced site in line with both local and national policy.
- Private open space provision and separation distances meet the standards in the County Development Plan.
- External boundary walls proposed to surround the property are in place of the existing boundary walls.
- It is proposed to preserve what remains of the 2 no. trees located on the street adjacent to the frontage of the site. The trees in effect are largely already dead.
- All construction activities will be constructed with care and in compliance with condition 5, as set out by the planning authority.
- Irish Water have confirmed that the proposed connection for the proposed development can be facilitated.
- Proposals for visitor parking were made with good intentions and are by no means a necessary requirement for the planning application.
- The 3<sup>rd</sup> party appeal does not include any valid reason for the reversal of the decision of the planning authority.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

### 6.4. **Observations**

2 no. observations were received by the Board on the 9<sup>th</sup> & 12<sup>th</sup> August 2022 from Ruth & Gerald Kennedy and Brian Twomey. The issues raised by observers are mostly covered in the grounds of appeal, apart from the following concerns:

- Issues relating to visitor parking have not been addressed, therefore planning permission should not have been granted.

- The removal of the parking bay adjacent to the proposed development reduces the overall parking spaces available in the area by 33%.
- Removal of mature trees beyond the boundary of the proposed development will result in detrimental traffic noise and visual impacts.
- The proposed development is not in accordance with Policy Objective HER21 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.
- The roofline of the proposed development will be almost three times higher than that of the existing properties.

## 7.0 Assessment

7.1.1. I consider the main issues in determining this appeal are as follows:

- Design & Layout
- Residential Amenity
- Access & Car Parking
- Trees & Landscaping
- Other Matters

### 7.2. Design & Layout

7.2.1. The design and layout of the proposed development consists of 4 no. two storey detached dwellings, consisting of 3 no. unit types which are slightly different in layout but are otherwise similar in appearance. The proposed dwellings are 8.1m in width, 15.6m in length and range from 7.6 to 7.9m in height. The proposed exterior finishes are of a contemporary nature and the roof form consists of a part-flat/part pitched roof. A minimum separation distance of 11m is proposed between rear first floor windows of the proposed dwellings and existing neighbouring dwellings. The proposed development is considered to constitute infill development.

7.2.2. As stated previously, the proposed development is situated within an established suburban residential estate characterised by single storey 1960s detached bungalows. The existing bungalow dwelling on site is proposed to be demolished to facilitate the proposed development. I am of the view that the existing bungalow

dwelling carries little architectural significance, in that it is less architecturally striking than other dwellings in the estate and includes few design features of note, and that its loss would not impact negatively on the character of the surrounding area. I therefore find this aspect of the proposed development to be acceptable.

7.2.3. Upon undertaking my site inspection, it was evident to me that the predominant form of development within this part of the Shanganagh Vale estate is low rise single storey residential development. The existing roofscape appears to be of predominantly flat or part pitched form. The general design of each dwelling in the vicinity differs in many respects, which adds to the character of the area along with the low-rise nature and roof forms.

7.2.4. Whilst I am of the view that the existing dwelling carries little architectural significance and that the principle of the proposed development is acceptable, I believe that the characteristics of the existing dwellings in the vicinity represents an interesting or exemplar twentieth century estate as referenced in Policy Objective HER21. I acknowledge that neither the dwelling nor the estate is identified for protection. However, I do consider the estate to be unusual in its form by way of the proliferation of low density single storey modernistic dwellings. The extensive vegetation spread around the estate also contributes to this character as it reinforces the suburban location within which the estate is situated. The flat/part pitched roof form predominant in the estate is also considered to contribute to its character.

7.2.5. Having regard to the fact that the proposed development includes two storey development within a predominantly single storey established residential estate, I am of the view that the proposed development will negatively impact the character of the surrounding area by way of its height and scale. This impact will, in my view, compromise the character of Shanganagh Vale residential estate and therefore would contravene Policy Objective HER21 of the County Development Plan. In addition to this, section 12.3.7.7 of the County Development Plan states that 'new infill development shall respect the height and massing of existing residential development'. I am of the opinion that the proposed development does not respect the height of existing residential development, as previously outlined.

7.2.6. With regard to the roofscape of the proposed development, I consider the part flat/part-pitched form to be acceptable as it complements the existing roofscape in

the surrounding area. However, the height of the proposed development would negatively impact the character of the surrounding area, as it is characterised by single storey roofscapes in the immediate vicinity.

- 7.2.7. I note that concerns have been raised by observers with regard to the overdevelopment of the site. Whilst the site, when considered in isolation, could accommodate development of a scale as proposed, the constraints of the site, in my opinion, limit the scale of development on this site. I consider the layout of the proposed development to be constrained by parking and access requirements and the need to retain the 2 no. street trees. The building line of the proposed development is also out of character with that of existing developments due to the same constraints and the need to achieve separation from the surrounding dwellings. I am therefore of the view that the proposed development represents overdevelopment of the site due to the constraints of the site, as identified above.
- 7.2.8. Having considered the materials submitted as part of the response to the Further Information request from Dún Laoghaire Rathdown, I consider a contemporary design approach for the proposed development to be appropriate and in keeping with the differing design approaches exhibited by existing development in the vicinity. Notwithstanding this, the height and scale of the proposed development negatively impacts the character of the surrounding area.

### 7.3. Residential Amenity

- 7.3.1. I note that significant amendments have been made to the proposed development at Further Information stage to mitigate separation distance and overlooking concerns, and I consider that these serve to address these concerns. As such, I am of the view that the proposed development is not likely to lead to overshadowing or overlooking of neighbouring dwellings due to the orientation of the proposed dwellings. I will now consider the overbearing impacts of the proposed development.
- 7.3.2. I note that the proposed separation distance between the gable end of unit no.4 of the proposed development and no.25A Shanganagh Vale is approximately 6m. Considering the height of the proposed unit no.4 will be 7.6m, it is my opinion that this two storey dwelling is likely to have an overbearing impact on the neighbouring single storey property of no.25A Shanganagh Vale. In addition, the Landscape Plan submitted with the original application appears to indicate that shrubbery will be



planted within this area which will not, in my view, be sufficient to mitigate this overbearing impact. In any case, I do not consider that landscaping of any sort will sufficiently address this overbearing impact considering the short separation distance and the height of unit no.4.

7.3.3. I note that the Planning Authority officer's report on the significant further information received from the applicant references Policy Objective PHP20 as a policy that has been amended in the new County Development Plan. This policy objective relates to the protection of existing residential amenity where development is proposed. I also note that Zoning Objective A requires the protection of existing residential amenities. Having regard to my concerns above relating to overbearing impacts, I am of the opinion that existing residential amenities are not protected by this infill development of a greater height. I am therefore of the opinion that the proposed development contravenes Policy Objective PHP20 and Zoning Objective A of the County Development Plan.

#### **7.4. Access & Car Parking**

7.4.1. The proposed car parking arrangements allow for 2 no. car parking spaces per dwelling which aligns with the car parking standards in the Development Plan. However, concerns have been raised about the layout of the car parking spaces by the appellant, the observers and by the Planning Authority itself. The Planning Authority, in their grant of permission, conditioned car parking to avoid any impacts on the existing mature street trees and to alter the parking layout for units no.1, 3 and 4. I am in agreement with the Planning Authority with regard to the unsuitability of the parking layout for unit no.1, 3 and 4 and the protection of the existing street trees. However, I am not of the opinion that the condition proposed by the Planning Authority will lead to a satisfactory parking layout.

7.4.2. I am of the view that the existing street trees and the existing parking bay merit retention given their contribution to public parking and the aesthetics of the estate. Given that the proposed development does not provide replacement public parking and/or visitor parking, I am of the view that the existing parking bay should be retained. I consider that an alternate development layout could be applied to this site that may be considered satisfactory. However, given the likely materiality of this alteration I consider this to be outside the scope of my remit.

7.4.3. I note that the applicant proposed providing visitor car parking to the west of the site on the opposite side of Shanganagh Vale without providing any specific detail. Considering this is outside of the redline boundary of the proposed development and in the absence of any ownership details or permissions, I consider this to be outside of the scope of the proposed development.

## 7.5. **Trees & Landscaping**

7.5.1. I note that the applicant engaged an arboricultural specialist to assess the planting onsite and that the conclusion of this assessment was that there are no trees meriting retention onsite, including the 2 no. street trees to the west of the site. Whilst the Planning Authority did not provide any response from any specialist internal trees and landscaping departments, the Transportation Department did raise concerns with regard to the loss of the 2 no. existing street trees. As such, the Planning Authority sought the retention of the 2 no. existing street trees as part of their grant of permission.

7.5.2. Whilst the Planning Authority Transportation Department are not experts in the field of arboriculture, I am minded to agree with their assessment of the 2 no. existing street trees. I believe that these mature street trees contribute to the aesthetics of the estate and should be retained as far as practicably possible.

7.5.3. I am in agreement with the applicant with regard to the removal of trees onsite, as supported by the conclusion of their specialist arboricultural assessment. However, I am of the view that the landscaping of the site could be improved and I consider that this could be achieved by way of condition, in the event of a grant of planning permission.

## 7.6. **Other Matters**

7.6.1. I consider that appropriate detail has been provided by the applicant with regard to utilities and sewer drainage. I note that an Irish Water report has been issued confirming feasibility of connection, subject to minor works. Any further requirements could be attained by way of condition, in the event of a grant of planning permission.

## 7.7. **Appropriate Assessment Screening**

7.7.1. I note that the Application was accompanied by a Screening Report which concluded that the 'project poses no potential for significant effects and as such requires no

further appropriate assessment'. I also note that the Planning Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.

7.7.2. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.7.3. This determination is based on the following:

- The size and scale of the proposed development;
- The location of the proposed development in an established urban area that is suitably serviced; and
- The separation from and lack of connectivity to any European Sites.

7.7.4. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

## 8.0 Recommendation

8.1. I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

1. The proposed development, by reason of its height, scale and layout, including access arrangements, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the architectural character of this area and would constitute an excessive level of development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would contravene Policy Objective HER21 of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

2. The proposed development, by reason of its proximity to the site boundary with no.25A Shanganagh Vale, would provide an insufficient level of separation between the gable elevation of proposed dwelling No. 4 and the site boundary, resulting in an overbearing and injurious impact on the residential amenity of No. 25A Shanganagh Vale. The proposed development would, therefore, be contrary to Zoning Objective A and Policy Objective PHP20 of the Dún Laoghaire Rathdown County Development Plan 2022-2028, and the proper planning and sustainable development of the area.

**Inspector - Declaration**

***Having reviewed the case assigned to me, I hereby declare that to the best of my knowledge I am satisfied that I do not have a conflict of interest in relation to this case and I am in compliance with the Board's Code of Conduct.***

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

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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Conor Crowther  
Planning Inspector

11<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-314193-22</b>		
<b>Proposed Development Summary</b>	Permission is sought for the demolition of an existing single storey detached house and the construction of 4 no. two storey detached four-bedroom houses each with off street car parking with landscaping and ancillary site works and services.		
<b>Development Address</b>	24 Shanganagh Vale, Loughlinstown, Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	✓	Preliminary Examination required
Yes		Screening Determination required

**Inspector: Conor Crowther      Date: 11<sup>th</sup> January 2024**

**Appendix 2 - Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	<b>ABP-314193-22</b>	
<b>Proposed Development Summary</b>	Permission is sought for the demolition of an existing single storey detached house and the construction of 4 no. two storey detached four-bedroom houses each with off street car parking with landscaping and ancillary site works and services.	
<b>Development Address</b>	24 Shanganagh Vale, Loughlinstown, Co. Dublin	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?		No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing		No



and/or permitted projects?		No
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?		No  No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.  Yes	<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>  Schedule 7A Information required to enable a Screening Determination to be carried out.  No	<b>There is a real likelihood of significant effects on the environment.</b>  EIAR required.  No

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)