



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317355-23

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<b>Development</b>	Construction of one no. detached two storey, 2 bedroom dwelling as well as all ancillary site development works.
<b>Location</b>	6 Carraig Grennane, Killiney Avenue, Killiney, Co. Dublin, A96 CF70
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D23A/0201
<b>Applicant(s)</b>	Ciaran Hughes.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant, subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ul style="list-style-type: none"><li>• Carraig Grennane Residents Association</li><li>• Mark Carlin and Ann Flynn</li><li>• Niall Galligan and Jessica Russel-Carroll</li></ul>

- Eric Sherlock and Jeramae MacMahon

**Observer(s)**

None.

**Date of Site Inspection**

18<sup>th</sup> October 2023.

**Inspector**

Terence McLellan

## 1.0 Site Location and Description

- 1.1. The appeal site refers to the northern side garden of the dwelling and plot located at 6 Carraig Grennane, Killiney Avenue, Killiney, Co Dublin. The parent dwelling at no. 6 Carraig Grennane is a split level, two storey detached dwelling on an elevated plot, located at the end of a cul-de-sac of 10 similarly designed detached dwellings. The existing dwellings are in a staggered formation, with nos. 6 and 7 terminating the cul-de-sac. There is a consistent rise in levels from Killiney Avenue, with nos. 6 and 7 sitting at a higher level than the rest of the street (approximately 2.5m). All dwellings have off-street car parking and benefit from front and rear garden ground. Many of the dwellings are designed with the principle living accommodation located at first floor level, with bedrooms on the ground floor.
- 1.2. The immediate site boundaries are marked by the large, detached dwelling of Coundon House to the north. Coundon House sits within extensive garden ground, with semi-mature trees along the common boundary with the appeal site. To the east of the site is an area of open space and a tennis court. The parent dwelling at no.6 and the neighbouring dwelling at no. 5 Carraig Grennane are to the south, and the adjacent dwelling at no.7 Carraig Grennane is to the west.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the subdivision of the plot of 6 Carraig Grennane to facilitate the erection of a two storey, two bedroom detached dwelling. The development would provide one off-street car parking space, accessed from a shared vehicular driveway. Minor alterations to the parent dwelling include the removal of one window panel on the side elevation (north west).
- 2.2. The proposed dwelling would reflect the split level design of the existing dwellings on the street with a pitched roof and dormer window to the rear. Windows on the upper front elevation would be installed with a fixed vertical bris soleil. Materials include roof tiles, painted render and cedar cladding. The proposed dwelling would be located close to the boundary with the adjacent dwelling at Coundon House.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Notification of the Decision to Grant Permission was issued by Dun Laoghaire-Rathdown County Council on the 23<sup>rd</sup> May 2023, subject to 11 standard conditions, including restrictions on Exempted Development (Condition 2) and development contributions (Conditions 8, 9, and 10).

### 3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- Residential development is acceptable in principle under zoning objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.
- The report notes that the development would comply with housing quality standards in terms of dwelling size and amenity space, but notes that restrictions on Exempted Development should be applied, given the limited depth of the rear garden.
- Separation distances are considered acceptable given the pattern of development in the area. The report states that the development would not have any adverse visual or residential amenity impacts due to its design and the surrounding context.
- The development is considered to be acceptable in transport terms and conditions recommended by the Transport Planning Division relating to boundary walls and gates are not required.
- Issues relating to drainage and Irish Water are considered to be acceptable subject to appropriate conditions.

### 3.2.2. Other Technical Reports

3.2.3. **Drainage Planning (27.04.2023):** No objection, subject to conditions. The conditions relate to surface water run-off and car parking/hardstanding surfacing.

3.2.4. **Transport Planning (15.05.2023):** No objection, subject to conditions. The conditions relate to visibility, strengthening the footpath, vehicular gates, hardstanding surfacing, and orderly development.

### 3.3. **Prescribed Bodies**

3.3.1. **Uisce Éireann (15.05.2023):** No objection, subject to compliance with observations which relate to connection agreements, infrastructure, and compliance with Uisce Éireann standards, codes, and practices.

### 3.4. **Third Party Observations**

3.4.1. Seven Third Party observations were made on the planning application. These raise similar issues to the grounds of appeal which are set out in detail at Section 6.0 below.

## 4.0 **Planning History**

### *Subject Site*

4.1.1. There is no recent planning history for the subject site that is of immediate relevance to the appeal.

### *Carraig Grennane*

4.1.2. There is an extensive planning history for domestic works on the wider Carraig Grennane Estate which are set out in detail in the Planner's Report, including the parent consent for the construction of the estate in 1999 and I have given consideration to these previous applications.

4.1.3. More recent applications of immediate relevance to the appeal include:

### *Site to the rear of 5 Carraig Grennane*

4.1.4. **ABP Reference – 228796/Planning Authority Reference – D07A/1018:** Permission was granted by the Board in November 2008 for the erection of a detached single storey dwelling. This permission was extended by DLRCC under planning reference D07A/1018/E. This permission has not been implemented.

4.1.5. **ABP Reference - 129050/Planning Authority Reference - D01A/0896:** Permission was granted by the Board in September 2002 for the construction of a detached bungalow. This permission has not been implemented.

*7 Carraig Grennane*

4.1.6. **Planning Authority Reference – D06B/0435:** Permission was granted by DLRCC in August 2006 for the construction of a side extension. The two storey extension is located on the elevation facing the appeal site and has been completed.

4.1.7. **Planning Authority Reference – D06B/0058:** Permission was refused by DLRCC in March 2006 for the construction of a side extension, rearrangement of the existing floor levels to the rear of house to create a new ground floor bedroom with en-suite extension, and the creation of two dormer windows. Permission was refused on the basis that the development would injure amenity due to perceived and actual overlooking, would depreciate the value of property in the area, and would form a discordant and obtrusive feature.

## 5.0 Policy Context

### 5.1. Development Plan

### 5.2. Development Plan

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

5.2.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective ‘A’, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.

5.2.2. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter include:

- PHP20: Protection of Existing Residential Amenity
- PHP25: Housing for All

- PHP35: Healthy Placemaking

5.2.3. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter include:

- T19: Car Parking Standards

5.2.4. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter include:

- 12.3.3.1: Residential Size and Mix
- 12.3.7.5: Corner/Side Garden Sites
- 12.3.8: Housing for All
- 12.4.5.1: Car Parking Standards
- 12.4.6: Cycle Parking
- 12.4.8: Vehicular Entrances and Hardstanding Areas
- 12.8.3.3 (i): Private Open Space for Houses
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries

### 5.3. **Regional Policy**

#### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

5.3.1. This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

### 5.4. **National Policy**

#### **The National Planning Framework - Project Ireland 2040**

5.4.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage

more people to live or work in existing settlements. Objective 35 is to increase residential density in settlements and makes specific reference to infill development.

### **Ministerial Guidance**

5.4.2. Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

## **5.5. Natural Heritage Designations**

5.5.1. None relevant.

## **5.6. EIA Screening**

5.6.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

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

6.1.1. Four Third Party appeals have been submitted by the following:

- Carraig Grennane Residents Association, c/o nos. 1 and 2 Carraig Grennane, Killiney, Co Dublin.
- Mark Carlin and Ann Flynn of 5 Carraig Grennane, Killiney, Co Dublin.
- Niall Galligan and Jessica Russel-Carroll of 7 Carraig Grennane, Killiney, Co Dublin.



- Eric Sherlock and Jeramae MacMahon of 9 Carraig Grennane, Killiney, Co Dublin.

6.1.2. The grounds of appeal can be summarised as follows:

6.1.3. Infrastructure

- The current sewage system was built to serve five homes, not six. It is not clear if the current system can facilitate an additional home.
- Changes made to the current sewage system could have a negative impact on neighbouring homes during construction and operation.
- It is not clear if the sewage system can accommodate another home and no tests are requested by the permission to assess potential problems prior to adding a new home.
- No prior consultation has been undertaken regarding the sewage system issues. This is a private road and prior consent is required from homeowners to proceed.

6.1.4. Design and Amenity

- The dwelling would not align with the existing houses in terms of appearance, design, or scale, and would obstruct views.
- The proposal does not comply with CDP policy regarding houses in corner/side gardens, the scale is excessive, and the proposal is overdevelopment.
- Separation distances are insufficient and there would be amenity impacts in terms of a loss of daylight, loss of visual amenity, loss of views, overbearance, overlooking and loss of privacy, as well as a reduction in property values.
- Mitigation for overlooking is inadequate and could be removed.
- A shadow survey has not been submitted and there are inaccuracies on the plans and elevations.
- The estate was originally proposed as 11 houses but reduced to ten due to issues of overdevelopment and overlooking.
- The construction would result in noise, damage, dust, structural issues, and safety impacts during construction. This would be exacerbated as a result of building foundations into the hard granite terrain.
- Impacts on trees.

#### 6.1.5. Transport

- Parking is insufficient, the spaces do not meet the Council's minimum standards, and there is inadequate space to service the dwelling.
- Carraig Grennane is narrow with compromised visibility when cars are parked on the street.
- The development would lead to transport and pedestrian safety impacts.

#### 6.1.6. Other Matters

- Objections have not been given due consideration and the decision of the Council is inconsistent and unsubstantiated.
- Residents were not consulted on the proposals.
- Previous applications were refused on other sites for overlooking and overdevelopment.

### 6.2. **Applicant Response**

6.2.1. A First Party response has been submitted by Marston Planning Consultancy, for and on behalf of the applicant, Ciaran Hughes of 6 Carraig Grennane. The response is summarised as follows:

- The CDP sets out that there is capacity to relax certain standards, if required, to facilitate new housing, and this is supported by the NPF and the RSES.
- Mitigation has been employed to ensure that there would be no overlooking of the rear garden of no. 7 from any part of the proposed new dwelling.
- There would be no impact on the rear garden of no. 9 which is 38 metres away.
- The proposal remains approximately in the building line and is designed so that it forms a subsidiary architecturally designed side garden development.
- The function of a bris soleil is not just to reduce heat/glare but to mitigate overlooking. This will obscure views to the adjacent rear garden. The bris soleil would be fixed and removal would be unauthorised.
- Separation distances between the new dwelling and no. 7, as well as the angle and difference in levels is such that there would be no overlooking.

- There is no evidence that the proposed development would impact negatively on the structural integrity of adjacent property.
- The applicant would welcome a condition that requires a detailed structural construction methodology to be prepared prior to commencement of development.
- The application is for a two-bedroom dwelling and therefore only one parking space is required.
- The proposal would not amount to over development.
- There is more than adequate space for bin storage to the front or rear of both the proposed dwelling and the parent dwelling.
- The proposed dwelling is located to the north and there will therefore be no shadow cast on adjacent dwellings.
- No windows are proposed to the northern elevation of the new dwelling this will ensure privacy to Coundon House.
- The form, scale, height, and finish of the proposed new dwelling visually integrates with the existing character and aesthetic of the street.
- The existing pattern of development is not one of consistency.
- The proposed dwelling would not be highly visible.
- Cars accessing and egressing the site would be in a forward gear as existing. There would be no potential for traffic conflict to occur.
- No concerns regarding drainage were raised by the Council's Drainage Division or by Uisce Éireann.
- The site plan correctly indicates the relationship between the proposed dwelling and existing properties.
- The planning history of adjacent sites is noted. The appellant appears to have failed to recognise the different elements of that proposal and reasons why different elements of that application were refused.

- Development plan objectives are to densify existing built-up areas. The proposed development provides a new dwelling within the side garden of no. 6 and is fully in accordance with this objective.
- The proposed dwelling respects the existing height and massing of the existing dwelling within the site and adjacent to the site.

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

- 6.3.1. The Planning Authority do not consider that the grounds of appeal raise any new matter which would justify a change in attitude to the proposal.

### 6.4. **Observations**

- 6.4.1. None.

### 6.5. **Further Responses**

- 6.5.1. None.

## 7.0 **Assessment**

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Amenity
- Infrastructure
- Transport
- Other Matters
- Appropriate Assessment

### 7.2. **Design and Amenity**

- 7.2.1. The grounds of appeal raise several design concerns, notably that the proposed dwelling would not align with the existing houses in terms of appearance, design,

scale, or building line. It is argued that the proposal does not comply with CDP policy regarding houses in corner/side gardens, that the scale is excessive, and that the proposal is overdevelopment.

### *Design, Scale and Massing*

7.2.2. Section 12.3.7.5 of the CDP sets out the parameters for the provision of houses within side and corner gardens as follows:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.

7.2.3. In my opinion, the proposed dwelling would be of an acceptable scale and massing when accounting for the scale and massing of existing houses on the estate, and the design broadly reflects the architectural characteristics of the existing dwellings, including the pitched roofs, split level nature of accommodation, fenestration, and materials. I note concerns that the building line would not be respected but I consider that the proposed dwelling suitably respects the more relevant building line within its immediate context, that of nos .5 and 6 Carraig Grennane, as opposed to the building line of nos. 7-10 Carraig Grennane.

7.2.4. Despite the change in levels from the street, I am satisfied that the dwelling would not be highly visible due to its location, which is generally well concealed by the parent dwelling and, in longer views, no.7 Carraig Grennane. Furthermore, the proposed dwelling would meet housing quality standards and the garden space to the rear would

comply with development plan standards and the Compact Settlement Guidelines. I am therefore satisfied that the development would provide a good standard of accommodation for future occupiers and that it would not constitute overdevelopment of the site.

- 7.2.5. Amenity concerns raised in the appeals are that the separation distances are insufficient and that there would be a loss of daylight, loss of visual amenity, loss of views, overbearance, overlooking and loss of privacy, as well as a reduction in property values. It is further argued that the mitigation for overlooking is inadequate and could be removed.

*Overshadowing*

- 7.2.6. I acknowledge the concerns raised in the appeal that a shadow analysis has not been submitted with the application. Given the sites location to the north of the parent dwelling and to the north east of the dwellings at nos.7-10 Carraig Grennane, I am satisfied that there would be no excessive overshadowing or a loss of daylight and sunlight. The proposed dwelling sits to the south of Coundon House, however, due to the mature planting on the boundary within Coundon House, as well as the limited height of the dwelling and pitched roof formation, I am satisfied that there would be no significant adverse daylight and sunlight impacts.

*Separation Distances and Overlooking*

- 7.2.7. The proposed dwelling would present a typical domestic relationship with the parent dwelling and would not, in my opinion, compromise the amenity of the rear garden ground in terms of overlooking or a loss of privacy. Likewise, the lack of windows on the northern elevation as well as the mature planting on the boundary would ensure that there would be no overlooking of Coundon House to the north.
- 7.2.8. Separation distances between the upper level of proposed dwelling and no. 7 Carraig Grennane range from 8.5m to the boundary with the rear garden, and 11.5m to the east façade of the side extension of no.7 which has no directly facing windows. In order to protect the amenity of the garden of no. 7, the proposed dwelling has a fixed vertical brise soleil installed on the front and side facing windows at first floor level. This directs views away from the garden and I am satisfied that this is an appropriate design response to the relationship between these dwellings. I note concerns raised that this mitigation is not sufficient and that the bris soleil could be removed. However,

the bris soleil would be fixed, an integral part of the design, and removal at a future date would be a matter of planning enforcement for DLRCC.

- 7.2.9. Separation distances at the upper levels of the proposed dwelling to the main side elevation of no. 7, where there are habitable room windows, range from 16m (oblique) and 19m (direct). SPPR 1 of the Compact Settlement Guidelines states that a separation distance of at least 16 metres should be maintained between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. No minimum distance is specified for windows at ground level or to the front of dwellings. Given the context of the proposed front elevation of the dwelling facing the side elevation of no. 7, I consider that the 16m minimum distance should apply, in order to maintain amenity, and I am satisfied that the distances achieved, together with the oblique nature of some of the views, would be compliant with the aims of SPPR1.
- 7.2.10. Other neighbouring dwellings are located further away from the proposed dwelling and overall, given the separation distances involved, the oblique nature of some of the views and the proposed mitigation, I am satisfied that there would be no loss of amenity as a result of overlooking or a loss of privacy.

#### *Overbearance*

- 7.2.11. On the matter of the proposed dwelling being overbearing, I consider that the height and separation distance from no.7 Carraig Grennane is such that it would not be overbearing on this property, despite the change in levels. I acknowledge the location of the proposed dwelling directly on the boundary with Coundon House. The proposed dwelling would have a ridge height of 8m above ground level at the boundary. However, this height reduces to 2.8m at the rear eaves and 5.4m at the front eaves. The recessive nature of the height is sufficient, in my opinion, to ensure that it would not be overbearing on the garden ground of Coundon house. I also note the trees along the boundary within the rear garden of Coundon House, which would assist in screening views of the proposed dwelling in any event.
- 7.2.12. For the reasons set out in section 7.2.4 above, I do not consider that the development would be highly visible, nor do I consider that there would be a loss of any views or outlook and I am satisfied that it would not be overbearing or incongruous on the streetscape.

### *Noise, Disturbance, and Structural Issues*

- 7.2.13. The grounds of appeal state that the construction would result in noise, damage, dust, structural issues, and safety impacts during construction. Noise and disturbance can occur during the course of developing sites and are, to a degree, somewhat inevitable during construction. However, I am satisfied that a condition to secure a Construction Management Plan, alongside restricted working hours, would be sufficient to mitigate these temporary potential disturbance issues, as well as ensuring safety during construction.
- 7.2.14. Structural issues have been raised in the appeal, largely related to construction works and the underlying ground conditions and granite bedrock. I am satisfied that these are civil matters to be resolved between the parties, having regard to the provisions of S.34(13) of the Planning and Development Act 2000.

### *Impact on Trees*

- 7.2.15. I note that the trees within Coundon House are located close to the boundary with the appeal site. These trees are semi-mature and, in some instances, appear to overhang the boundary with the appeal site. It is therefore possible that some limited pruning works to the trees may be required to enable development to take place. However, these are also civil matters and agreement would need to be reached between the relevant parties, should any tree works be required.

### *Property Values*

- 7.2.16. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## **7.3. Infrastructure**

- 7.3.1. Several concerns have been raised in the grounds of appeal regarding the sewage system which it is argued may not be sufficient to serve an additional home, that changes to the sewage system could have an impact on neighbouring homes, that consent is required from existing homeowners to connect to the system, and that no prior consultation was undertaken.



7.3.2. The appeal by the Carraig Grennane Residents Association states that Carraig Grennane is a private road and that this extends to the sewage system/pipes. On that basis it is considered by the appellants that permission is required to connect to the system. In my opinion this is also a civil matter, and I would refer the parties to Section 34(13) of the Planning and Development Act 2000, as amended which states as follows:

*“A person shall not be entitled solely by reason of a permission under this section to carry out any development.”*

7.3.3. I note that the Council’s Drainage Division and Uisce Éireann were both consulted on the application and raised no objections, subject to conditions. Based on the information on file, I am satisfied that, subject to conditions and the applicant obtaining all relevant permissions and licence agreements, the proposal would be acceptable in terms of drainage and infrastructure.

#### **7.4. Transport**

7.4.1. Transport related concerns raised in the grounds of appeal include that car parking is insufficient, that the spaces do not meet the Council’s minimum standards, and that there is inadequate space to service the dwelling. Further concerns raised are that Carraig Grennane is narrow, with compromised visibility when cars are parked on the street, and that the development would lead to transport and pedestrian safety impacts.

7.4.2. At the time of my site inspection, I noted that no cars were parked on-street. The carriageway is straight, with good visibility, and in the event that vehicles are parked on the street I am satisfied that there is adequate room for vehicles to pass. The proposal has provision for three off-street parking spaces, one for the proposed dwelling and two for the parent dwelling, all accessed from the shared driveway with the parent dwelling. CDP parking standards are maximums and, in my opinion, one space to serve a two bedroom dwelling is sufficient and would be compliant with CDP policy (Table 12.5 of the CDP). I consider that there is adequate space on the plot to service both properties, and for vehicle manoeuvres to ensure that cars can access and egress the site in a forward gear. Parking issues during construction, when the on-site spaces are not available to the parent dwelling, would be temporary and are

not a reason to withhold permission. I am therefore satisfied that there would be no safety impacts or conflicts between vehicles and pedestrians.

## **7.5. Other Matters**

- 7.5.1. Concerns have been raised in the grounds of appeal that there are inaccuracies on the plans. Notably that the dwelling at no. 5 Carraig Grennane is not represented properly, and that the driveway and parking area of no. 7 Carraig Grennane are not shown. Whilst I note the minor discrepancy in the footprint of no.5 Carraig Grennane and the fact that the driveway of no.7 is not shown in detail on the drawings, I am satisfied that the plans are an accurate representation of the proposal within its plot and a full assessment of the relationship to the adjacent plots and dwellings was conducted during my site inspection. I am therefore satisfied that the minor discrepancy issues referred to in the appeal do not have a material impact on the full assessment of the proposed development.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as 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. From my assessment above, I recommend that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development, based on the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, traffic safety and amenity.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed dwelling shall be retained and occupied as a single residential unit and not let or otherwise transferred or conveyed unless permitted by way of a separate planning application.</p> <p><b>Reason:</b> To restrict the use of the dwelling in the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, and mitigation measures against flood risk, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Development described in Classes 1, 3, or 7 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 dwellinghouses without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity and to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>
5.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.</p>

	<b>Reason:</b> In the interests of public health.
6.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.</p> <p><b>Reason:</b> In the interest of public safety, environmental protection, and residential amenity.</p>
7.	<p>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 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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>

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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Terence McLellan  
Senior Planning Inspector  
21<sup>st</sup> February 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-317355-23		
<b>Proposed Development Summary</b>	Construction of one no. detached two storey, 2 bedroom dwelling as well as all ancillary site development works.		
<b>Development Address</b>	6 Carraig Grennane, Killiney Avenue, Killiney, Co. Dublin, A96 CF70		
<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>	X	
	<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>			EIA Mandatory EIAR required
<b>No</b>	X		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), threshold >500 dwellings.		Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-317355-23	
<b>Proposed Development Summary</b>	Construction of one no. detached two storey, 2 bedroom dwelling as well as all ancillary site development works.	
<b>Development Address</b>	6 Carraig Grennane, Killiney Avenue, Killiney, Co. Dublin, A96 CF70	
<p><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></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development</p>	<p>The size of the development would not be exceptional in the context of the existing environment.</p>	No.

<p>exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		



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

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