



---

<b>Development</b>	Construction of a house and all associated site works.		
<b>Location</b>	Lands to rear of No. 1D Silverdale, Rathmines, Dublin 6		
<b>Planning Authority Ref.</b>	5117/22		
<b>Applicant(s)</b>	Jamie Moran and Lauren Healy		
<b>Type of Application</b>	Permission	<b>PA Decision</b>	Grant w Conds
<b>Type of Appeal</b>	Third party	<b>Appellant</b>	Deirdre & Colm Holmes
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	12/12/2023	<b>Inspector</b>	D. Aspell

---

## Context

### 1. Site Location/ and Description

The site comprises what was a portion of the rear garden of No. 1D, 'Silverdale', Palmerston Park, Rathmines. Silverdale is a large detached 2-storey dwelling, currently undergoing renovation and extension.

The site fronts onto Palmerston Villas from the south. Palmerston Villas is a cul de sac, with a footpath and on-street parking on the north side of the road only.

### 2. Description of development

The proposal is for:

- Removal of the existing rear boundary wall along Palmerstown Villas;
- Construction of a 2-storey 3-bedroom dwelling over lower ground level and construction of vehicular access and one parking space.

The dwelling incorporates an central open-air courtyard.

### 3. Planning History

#### Subject site:

- None recorded.

#### Nearby sites:

- Ref. 4054/22: Planning permission granted by the planning authority in July 2022 at 1D Silverdale, Palmerston Park, for alterations and extensions to the existing dwelling including a part-single-part-two-storey extension to side and rear.

This application provided for the rear extension of the dwelling adjacent the subject site, that is, extension of the dwelling which the subject proposal is within the rear garden of. This permission is under construction.

- Ref. WEB1096/19: Planning permission granted by the planning authority in 2019 at 1A Palmerston Park for demolition of derelict dwelling and construction of replacement dwelling.

The replacement dwelling permitted as part of this application has a 'U'-shaped layout such that the southern elevation aligned generally with the other dwellings along Palmerston Park to the south, but the northern elevation was set along Palmerston Villas to the north, similar to the subject proposal.

Construction of this dwelling has commenced on site.

- Ref. WEB1457/18: Planning permission refused by the planning authority in 2018 at 1A Palmerston Park for demolition of derelict dwelling and construction of replacement dwelling.
- Ref. 3324/16: Planning permission granted by the planning authority in 2016 at Brooklawn Tennis Club for removal of floodlight / CCTV pole and replacement with pole carrying telecommunications, floodlight and CCTV camera.

### 4. Planning Policy

I note the following provisions of the Dublin City Development Plan 2022-2028:

- The land use zoning objective for the area is 'Z1 Sustainable Residential Neighbourhoods'. I note the lands to the north across Palmerston Villas are zoned Z2 'Residential Neighbourhoods' (Conservation Areas).

- Policy SC5 Urban Design and Architectural Principles
- Policies SC19 High Quality Architecture, SC20 Urban Design, and SC21 Architectural Design
- Policy QHSN6 Urban Consolidation
- Chapter 15 Development Standards
- Sections 15.4.2 Architectural Design Quality, 15.11 House Developments, 15.12 Standards for Other Residential Typologies, and 15.13 Other Residential Typologies
- 15.13.4 Backland Housing

Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.

Guidelines for Planning Authorities, Sustainable Residential Development in Urban Area & Best Practice Urban Design Manual, 2008.

#### **5. Natural Heritage designations**

None relevant.

### **Decision and Grounds of Appeal**

#### **6. Planning Authority decision**

The planning authority issued a notification of decision to grant on 16<sup>th</sup> June 2023 with 10 no. conditions, including Condition No. 7(ii) in relation to the parking and No. 9 in relation to surface water drainage.

#### **7. Appeal**

The submitted third party appeal is summarised as follows:

- Site coverage is 70%, in excess of indicative development plan range of 45-60%;
- Site coverage of neighbouring site 1A was 44% (WEB1096/19). Doubling site coverage indicates overdevelopment;
- Development is completely inward looking with monolithic walls on each side. Impression of 100% site coverage affects visual amenity;
- The building massing, depth and width are larger than any house in the vicinity;

- Scale of proposal dwarfs the original house and dominates the site. Mews dwellings should be subservient;
- Aside from small area of sedum roof no SUDS measures are proposed. The roof will cover an area that is permeable and will add to surface water runoff;
- Impact of access/egress for on-street parking directly across the road has not been addressed. There is a concern regarding site lines;
- Concerns regarding constructability as proposal essentially has 100% site coverage and extends to every boundary of the site;
- The house cannot be constructed without access to third party lands and to the roadway at Palmerston Villas for materials storage and general construction;
- Paid parking opposite the site would be unusable for long periods. Construction will have implications for vehicular access to Palmerstown Villas;
- Request An Bord Pleanala overturn decision due to impact on daily lives of residents and impact on residential amenity.

#### **8. Planning authority response**

Response received 17<sup>th</sup> August 2023 requesting the Board to uphold the decision and to apply conditions relating to Section 48 contributions, contributions in lieu of open space, and naming & numbering.

#### **9. Applicant response**

Applicant response to appeal dated 21<sup>st</sup> August 2023 is summarised as follows:

- Proposed dwelling is of exemplary architectural design;
- Proposal provides considerable private amenity space comprising a central courtyard at ground level and additional courtyards at first floor;
- Regarding overdevelopment, development plan standards are indicative. When taken with 1D Palmerston Park the overall site coverage is 46%;
- The proposal is unrepresentative of overdevelopment. The unique layout is purposefully arranged to protect residential amenity of adjoining properties;
- The extension permitted to 1D Palmerston Park has a greater depth and height than the subject proposal which is subordinate to the existing house in height;
- There is a direct precedent for contemporary dwelling design within 50m of the site, at 1A Palmerston Park (Ref. WEB1096/19);

- Proposal is modest and significantly smaller in scale than traditional mews dwelling;
- Proposal is modest in scale relative to recently granted dwelling at 1A Palmerston House (Ref. WEB1096/19);
- Dwelling is subservient in scale to houses on Palmerston Villas;
- Proposal incorporates architectural details including faceted red brick which is sympathetic to Palmerston Villas houses;
- In relation to off-street parking, response emphasises Condition 7(ii) of the decision which provides for one parking space not two spaces;
- City Council Transport Planning dealt with appellant's concerns regarding access & parking. There are no undue issues in relation to on-street parking;
- The lack of footpath on the southern side of Palmerston Villas, and the low-speed of this roadway dispels concerns of limited sightlines at the site;
- Regarding surface water, Condition 9 (ii) & (iii) requires agreement of surface water management and is sufficient to meet City Council drainage standards;
- Regarding construction, Condition 7(iv) requires agreement of a construction management plan to ensure no undue impacts from construction.

## **Environmental screening**

### **10. Environmental Impact Assessment screening**

Having regard to the nature of the proposed dwelling located in a serviced urban area, I consider 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 (See Form 1 & 2 Appendix 1).

### **11. Appropriate Assessment screening**

Having regard to the nature of the development and the location in an urban area with connection to existing services, and absence of connectivity to European sites, I conclude 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 any European site.

## 2.0 Assessment

2.1. Having regard to the foregoing; having examined the appeal; having visited the site; and having regard to relevant policies and objectives, I consider the main issues in the appeal are:

- Building form and visual amenity;
- Overdevelopment and residential amenity;
- Related matters raised in the appeal.

### Building form and visual amenity

2.2. In relation to building form, the width, depth and footprint of the building is greater than others in the area, especially considering the site dimensions. However the height of the proposal as reduced at further information stage is subordinate to the main dwelling adjacent to the south and to the other dwellings in the vicinity. The height is also varied on all sides and the sloping roof element serves to moderate the building's mass, scale and impression of depth, although I consider this is less successful along the eastern side of the proposal. I note the dwelling permitted at 1A Palmerston Park is of similar width along Palmerston Villas but is taller and its mass and scale significantly greater, with less modulation and height variation.

2.3. When viewed from the south and west the sloping roof presents a contemporary and visually interesting building form. In relation to the northern / street elevation, I consider this is reasonably well modulated, with complementary materials, which creates a coherent frontage that addresses the street well. The eastern elevation presents less design relief, however I am satisfied that the amendments to materials, roof profile and fenestration proposed at further information stage, coupled with the reduced visibility of this elevation due to the tennis club boundary planting is acceptable.

2.4. Overall, I consider the building would not appear overly monolithic but instead would present a varied and modulated built form that responds well to the site and surrounding environment. Whilst the immediate area is characterised predominantly by period dwellings of varying designs, contemporary styled dwellings have been permitted in the area. I consider the scale, massing and design of the proposal responds well to the site and context and as such I consider it to be acceptable.

### Overdevelopment and residential amenity

- 2.5. The development plan sets out an indicative site coverage range, with an upper figure of 60% for this area. The appellant states the proposal represents overdevelopment as the site coverage is 70%. I note the applicant correctly accounts for the proposed open-air courtyard in the site coverage figure. I also note the proposal is comfortably within the indicative plot ratio range for the area.
- 2.6. I acknowledge the site coverage exceeds the development plan indicative threshold however I consider this occurs without significant detriment to residential or visual amenity for either neighbouring dwellings or future occupants of the proposal.
- 2.7. In relation to residential amenity, I note the appellant commentary that the development is inward looking. I acknowledge that the proposed fenestration and voids on each elevation are not typical, however the benefit of the design is that it negates overlooking of adjoining dwellings or of the proposal itself, including from the proposed first-floor courtyards, whilst not compromising residential amenity.
- 2.8. In relation to internal residential amenity of the proposal, the minimisation of windows to the side and rear is achieved whilst providing sufficient internal residential amenity in the development, primarily via the central and first floor courtyards. In this regard I am satisfied the proposal would provide sufficient privacy, private amenity space (c.79sqm main courtyard plus c.10sqm split between two smaller courtyards) and sunlight and daylight for occupants. I consider the design is an appropriate solution for development of the site and considers the residential and visual amenities of both future occupants and neighbouring properties.
- 2.9. I note the proposal would be relatively close to the extension permitted to the rear of 'Silverdale' (Ref. 4054/22). However, on account of being to the north of that dwelling, the proposed reduced height, and in the absence of first floor opposing windows in either dwelling I consider the proposal would not have a significant detrimental impact in terms of residential amenity, including in terms of privacy or access to light for both developments. In relation to overbearance, I consider that the mix of single and double height elements and the varied roof form successfully mitigates concerns in this regard.

### Related matters

### Access

- 2.10. Regarding vehicular access and parking, Palmerston Villas is a cul de sac. Traffic volumes and vehicle speeds along the road are relatively low. There is on-street parking across the road from the site. I note a number of existing rear vehicular accesses onto Palmerston Villas with no evidence of significant issues in this regard. There is a footpath on the northern side of the road.
- 2.11. The planning authority transportation division report indicates the revised proposal submitted at further information stage is satisfactory subject to conditions relating to detailed design of the entrance door, agreements regarding works affecting the public road, detailed design of car parking, and reduction of car parking spaces from two to one. In this regard I note the transportation division are satisfied the width of the public carriageway is sufficient in front of the proposed dwelling to enable access and egress including in relation to on street parking along the road.
- 2.12. The planning authority transportation division recommended a reduction in on-site parking provision to 1 no. space alongside other alterations to the proposal including the setting back from the road of the façade. In this context, subject to condition I am satisfied the proposal is acceptable in these regards, including in relation to the available sight lines, safe vehicular and pedestrian movement, and the ability of vehicles to safely access and egress the site in the context of existing on-street parking.

### Construction management

- 2.13. In relation to construction management, I consider that the temporary construction impacts raised in the appeal can be dealt with by condition, including in relation to traffic and on-street parking management. In this regard, whilst the structure and foundations abut third party boundaries on all sides, no part of the development as amended at further information stage overhangs the site boundaries, be this the public road or adjoining private landholdings. I note the dwelling permitted at 1A Palmerston Park is currently under construction and accessed via Palmerston Villas with no evidence of significant impacts on this regard. I note also that the proposed basement element has been omitted.



2.14. In relation to the appellant's comments that access across third party lands is required, I note that the planning application red line boundary runs to the public roadway and that authorisation for the making of the application is submitted.

#### Surface water

2.15. Proposals for surface water management incorporating sustainable urban drainage systems are included and comprise green roof areas and part of the central courtyard. The report from the planning authority drainage division notes no objection subject to conditions.

2.16. However, I note that no dedicated drainage plans are submitted and limited surface water management design details are provided particularly having regard to the close proximity of construction to the party boundaries. I consider that for the purposes of granting planning permission sufficient information has been submitted, however a condition in relation to agreement of surface water management details is required.

### **3.0 Recommendation**

3.1. I recommend that permission be granted for the reasons and considerations below.

### **4.0 Reasons & Considerations**

Having regard to the design, scale and layout of the proposed dwelling, it is considered that, subject to condition, the proposed development would contribute to sustainable residential neighbourhoods consistent with the Z1 land use zoning objective for the area, and would be consistent with the relevant provisions of the Dublin City Council City Development Plan 2022-2028, would achieve acceptable level of residential amenity, would not be injurious to the visual amenities of the area, would not give rise to the creation a traffic hazard or prejudice public health, and would, therefore, be consistent with the proper planning and sustainable development of the area.

## 5.0 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, details of the following matters shall be submitted to, and agreed in writing with, the planning authority:</p> <ul style="list-style-type: none"><li>(i) Details of the main pedestrian entrance set back, and the provision of a shelter area to the front of the dwelling to provide safe pedestrian access;</li><li>(ii) Reduction in the number of parking spaces to 1 no. space, and;</li><li>(iii) Details of materials and finishes in public areas.</li></ul> <p>All costs relating to works within the public road incurred by the City Council as a result of the development shall be at the expense of the developer.</p> <p>Reason: In the interests of traffic and pedestrian safety.</p>
3.	<p>Water supply and drainage arrangements for the site, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, including in relation to the Greater Dublin Regional Code of Practice for Drainage Works. Details in these regard, including separation of foul and surface systems, incorporation of sustainable drainage systems, and construction details of outfall surface water manhole from the development shall be agreed in writing with the Planning Authority prior to the commencement of development. All rainwater collection and surface water management arrangements shall be fully within the site boundaries and shall not overhang party boundaries.</p> <p>Reason: In the interest of public health.</p>

4.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Proposals for house naming and house numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name and number shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and orderly street naming and numbering.</p>
6.	<p>The Developer shall comply with the following:</p> <p>The construction of the development shall be managed in accordance with a Construction 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, access, construction parking, management of on-street parking, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety 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>

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

*-I confirm 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.-*

---

Dan Aspell

Inspector

10<sup>th</sup> January 2024

**APPENDIX 1**

**Form 1**

**EIA Pre-Screening [EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317629-23		
<b>Proposed Development Summary</b>	Construction of a house and all associated site works.		
<b>Development Address</b>	Lands to rear of No. 1D Silverdale, Rathmines, Dublin 6.		
<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>	X	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>	X	Class/Threshold.....	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:** \_\_4<sup>th</sup> January 2024\_\_

**Form 2**

**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	317629-23		
<b>Development Summary</b>	Construction of a house and all associated site works.		
<b>Examination</b>			<b>Yes / No / Uncertain</b>
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
<b>Comment (if relevant)</b>			
<b>Conclusion</b>			
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b>			
There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No	

**Inspector** \_\_\_\_\_ **Date:** \_\_4<sup>th</sup> January 2024\_\_\_\_\_

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

(only where EIAR/ Schedule 7A information is being sought)