



An
Bord
Pleanála

Inspector's Report

ABP-317698-23

Development	Construction of a dwelling and all associated site works.
Location	16 Shanganagh Vale, Cabinteely, Dublin 18, D18 C422.
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	D23A/0318
Applicant(s)	Gery Salley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party Appeal
Appellant(s)	Vincent Nolan & Family
Observer(s)	None
Date of Site Inspection	29 th September 2023
Inspector	Frank O'Donnell

1.0 SITE LOCATION AND DESCRIPTION

- 1.1. The appeal site is located within the Shanganagh Vale residential development, Cabinteely, Co. Dublin. The estate is accessed directly from the N11 road. The appeal site, which forms part of the front garden of no. 16 Shanganagh Vale, which is a large single storey flat roof dwelling, is located in the northwestern part of the overall estate. The site has a stated area of 0.03014 hectares (301 sqm).
- 1.2. The general area comprises single plots containing large single storey flat roof dwellings positioned behind high 'compound like' walls which has the result of the said dwellings being barely visible from the public realm.
- 1.3. The remainder of the estate includes a mix of varying house styles including single storey, one and a half storey/ dormer and two storey dwelling structures.

2.0 PROPOSED DEVELOPMENT

- 2.1. The proposed dwelling, as presented to the Planning Authority, is a 4-bedroom single storey structure with a stated Gross Floor Space of 125 sqm. The dwelling has a maximum height of 3.9 metres, a maximum length/ depth of 17.8 metres and a maximum width of 13.9 metres. An area of private open space at the rear of the dwelling is indicated to measure 49 sqm. There is no basement proposed in the subject application.
- 2.2. The dwelling is proposed to have a low pitch/ part A gable/ part mono-pitch metal clad roof, a predominant render finish to the external walls, aluclad windows and door system to the front, a hardwood slatted timber privacy screen to the front home office/ study and kitchen and vertical hardwood sheeting to the side/ south west of the proposed front door.

3.0 PLANNING AUTHORITY DECISION

3.1. Decision

- The Planning Authority issued a Notification of Decision to GRANT planning permission on 03/07/2023 subject to 9 no. conditions. The Reasons and Considerations provided in the First Schedule of the said Notification read as follows:

‘Having regard to the Objective A zoning of the site, and policies and objectives as set out in the 2022-2028 Dun Laoghaire-Rathdown County Development Plan, it is considered that the development would not detract from the amenities of the area and is consistent with the provisions of the current Development Plan and is therefore considered to be in accordance with the proper planning and sustainable development of the area Subject to (11) Conditions.’ (It is noted that the recommendation only included 9 no. conditions).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that overall, noting the relatively generous size/ infill corner site, the proposed (single storey detached house) similar size of proposal to those adjacent, including its ridge height and notwithstanding the slightly restricted rear separation distances, and the pattern of development in the immediate vicinity; that the subject proposal is acceptable, and would not have a serious negative impact on the residential, or visual amenities, or privacy of the area, or on the streetscape. Accordingly, the Planner recommended that planning permission be GRANTED subject to 9 no. conditions. This recommendation was endorsed and a Notification of Decision to GRANT permission was issued on 03/07/2023 subject to 9 no. conditions.

3.2.2. Other Technical Reports

- The **Transportation Planning Section** of the Local Authority, as per the Report dated 23/06/2023, recommend that a Request for Further Information be issued for the proposed development and revised drawings and details, as appropriate, shall be submitted for the following items:
 1. *The Applicant is requested to submit revised/additional drawings/details showing the provision of appropriate long stay (resident), secure, covered cycle parking spaces, and short stay (visitor) cycle parking spaces, for the proposed 2 bedroom house in accordance with the minimum requirements of Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018), without requiring bicycles to have to be brought through the living areas.*
- The **Drainage Planning Section**. No objection subject to 2 no. conditions. (See Condition 3 a) & 3 b).

3.2.3. Prescribed Bodies

- **Uisce Eireann**. No objection to the proposed development subject to 3 no. standard observations, See Advice Note 1 of the Notification of Decision to GRANT permission.

3.3. Third Party Observations

3.3.1. The Third-Party Appellant lodged a submission to the subject planning file, ref. no., D23A/0318 on 15/06/2023. The main points raised in the submission are as follows:

- Support for the construction of a smaller house properly set within the no. 16 site.
- Boundary Dispute/ Insufficient Legal Interest.
- Design, Scale, Bulk and Layout/ Inappropriate for Location.
- Detrimental impact of proposal on no. 15.
- Future proposals for planning permission at the vehicular entrance to no. 15 will be prevented if the proposed development proceeds.

4.0 PLANNING HISTORY

4.1. Subject Site (Applicant: Gery Salley)

- **D15A/0028/E:** EXTENSION OF DURATION (EOD) of planning reg. ref. no. D15A/0028. EOD was **GRANTED** on 9/12/2019 subject to 2 no. conditions. The expiry date is indicated in Condition no. 2 to be 10/08/2025.
- **D15A/0028 (Appeal Ref. No. PL06D.244728):** Planning Permission for single storey over basement house and associated site works. A Notification of Decision to GRANT Planning Permission on 13/03/2015 subject to 12 no. conditions. An Bord Pleanála **GRANTED** Planning Permission on 11/08/2015 subject to 8 no. revised conditions.
- **D12A/0380 (Appeal Ref. No. PL06D.241407):** Permission for a dwelling and site works. The reporting Planning Inspector recommended that permission be GRANTED subject to 9 conditions. An Bord Pleanála **REFUSED** permission for 1 no. reason relating to the scale, form and layout of the proposed dwelling/ in adequate public open space/ overdevelopment/ cramped nature of site/ out of character with its surroundings/ injurious to amenities of the area.
- **D10A/0202 (Appeal Ref. No. PL06D.237075):** Permission for the erection of single storey over basement flat roof dwelling and associated site works. A Notification of Decision to GRANT permission was issued on 10/06/2010 subject to 11 no. conditions. The decision to grant was appealed by a third party. The reporting Planning Inspector recommended that permission be granted subject to 9 conditions. An Bord Pleanála **REFUSED** permission on 30/09/2010 for 1 no. reason relating to the out of character nature of the proposal, proximity to the public road, cramped arrangement and seriously injurious to the residential and visual amenities of the area.
- **D09A/0796:** Planning Permission for the development of a single storey over basement flat roof dwelling and associated site works. Permission was **REFUSED** on 18/12/2009 for 1 no. reason relating to a substantial portion of the site being zoned objective F where residential development is not permitted.

- **D02A/0158:** Planning Permission for a proposed family flat extension. Permission was **GRANTED** on 26/07/2002 subject to 5 no. standard conditions.
- **93B/0594:** Permission **GRANTED** for a single storey extension and garage conversion to residential use.

5.0 POLICY CONTEXT

5.1. Development Plan

5.1.1. The subject site is zoned 'Objective A' in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective A zoned lands is: *'to provide residential development and improve residential amenity while protecting the existing residential amenities.'*

5.1.2. Residential development is 'Permitted in Principle' under this zoning objective.

5.1.3. Chapter 12: Development Management

- Section 12.3.4 Residential Development - General Requirements
- 12.3.4.2 Habitable Rooms
- Section 12.3.7 Additional Accommodation in Existing Built-Up Areas
- 12.3.7.1 Extensions to Dwellings
 - Extensions to the Front
 - Extensions to the Rear
 - Extensions to the Side
 - Alterations at Roof/ Attic Level
- 12.3.7.2 Sub-Division of Dwellings
- 12.3.7.3 Family Member/ Granny Flat Extension
- 12.3.7.4 Detached Habitable Room
- 12.3.7.5 Corner/Side Garden Sites
- 12.3.7.7 Infill
- Section 12.4.5 Car Parking Standards
- Section 12.4.8 Vehicle Entrances and Hardstanding Areas

- Section 12.8.3 Open Space Quantity for Residential Development
- 12.8.3.3 Private Open Space
- Section 12.8.7 Private Amenity Space - Quality Standards
- 12.8.7.1 Separation Distances
- 12.8.7.2 Boundaries

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. Environmental Impact Assessment (EIA) Screening

- 5.3.1. The proposed development is of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 20. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwelling house, it is significantly below the 500-unit threshold limit. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 THE APPEAL

6.1. Grounds of Appeal

- The Third-Party Appeal has been prepared and lodged by Vincent Nolan and Family, 28 Shanganagh Vale, Cabinteely (the Appellant states that they closed the sale and took possession of no. 15 Shanganagh Vale on 5/07/2023 and that registration as owners with the land registry is in course (reference is made to a Solicitors email dated 25/07/2023)). The grounds of the appeal may be summarised under the following headings.

- **Sufficient Legal Interest:** The Applicant does not have sufficient legal interest to carry out the proposal. The Appellants believe that the Board should either set aside the decision and/ or the development modified whereby the Applicant must obtain written permission from the owner of the adjoining site before permission can be implemented or if not obtained the proposed development must be modified.
- **Design, Layout, Traffic/ Pedestrian Safety:** The permission permits the construction of a wrongly located, excessively large building, which is oppressive on no. 15 and surrounding area, and will reduce car driver visibility, and impact pedestrian safety. The Appellant raises the issues of a reduced driveway width to no. 15, traffic safety/ visibility, pedestrian safety, the private status of the walkway, overdevelopment, and increased car parking close to the site arising because of increase activities at Kilbogget Park.
- In addition to the above Grounds of Appeal, additional background information is provided including:
 - An overview as to the attachment of the Appellant and his wider family to this area, properties in the area and his ownership of no. 15 Shanganagh Vale.
 - A Map showing the disputed area of ground superimposed in yellow onto a copy of the site layout plan submitted with the planning application.
 - A copy of the Appellants submission to the Local Authority including 2 no. map attachments received on 16/06/2023 and a copy of the Local Authority receipt letter for same.
 - Copies of 2 no. legal correspondences relating to the sale of no. 15.
 - Property Registration Letters (x 2), a copy of a Land Registry Compliant Map, a professional letter confirming encroachment of a map submitted with the subject application at no. 16 onto a portion of the property of no. 15, an Architects opinion on compliance for no. 15, a Statutory Declaration from the vendor, a Statutory Declaration/ Planning Search in respect of no. 15.

6.2. First Party Response to Appeal

- **Site Boundaries.** The Applicant acknowledges that the site of the proposed dwelling does not reflect the title map of their property.
- The Applicant is proposing a second Option as per revised ground floor plan, DWG. No.85709-PL-03A, attached as part of the Response.
- Although it would not be their preferred option, should this appeal be successful, it is their intention to proceed to construct the approved dwelling (Reg. Ref. no. D15A/0028), and make the necessary minor adjustments to ensure that the dwelling lies within the boundaries of the title map.
- **Density of Development.** The current proposal does not include a basement. The previously approved dwelling (D15A/0028) included a basement.
- The Applicant states that both An Bord Pleanála and the Local Authority have on 3 no. occasions, considered a dwelling of this size to be appropriate at this location. The application meets the requirements for public open space, appropriately matches the height of the adjoining flat roof structures, matches the building line established by the garage to No. 17 and maintains the open garden aspect characteristic of the original houses in the estate.
- **Vehicular Access.** The proposed development does not restrict sight visibility to the left for vehicles exiting no. 15.
- The Applicant cannot solve the perceived issue with views to the right on exist from no. 15.
- Other matters.
 - Under the heading Point 2. F, the Applicant states that presumably what is referred to here is the view to the left from no. 15. To reiterate, the clear view will be unaffected by the proposed new dwelling.
 - The design of the house and front garden maintains the open, airy, and spacious low-density nature of the estate.
 - The 3D images included in the appeal are for the dwelling already granted planning permission and not of the proposed dwelling.

- The strip of land coloured yellow on the ground floor plan of the house in the appeal does not correctly show the land at issue. Please refer to drawing no. 85709-PL-03A and title map enclosed.

6.3. Planning Authority Response

- A Response Letter was received from the Planning Authority dated 17/08/2023 which states, inter alia, that:
 - *'The Board is referred to the previous Planners Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.'*

6.4. Observations

- None.

6.5. Further Response from Third Party Appellant

- A further Response was received from the Third-Party Appellant on 18/09/2023. The main issues raised in the said Response may be summarised as set out below.
- **Site Boundaries:** The Appellant disputes the site boundary as it relates to no. 15 Shanganagh Vale.
- **Density of Development:** The Appellant considers the site density to be excessive and not in keeping with the established density of the area. The height of the proposed dwelling structure relative to other dwellings is also raised. The Appellant disputes the Applicants' claim that the development will *'maintain the open garden aspect characteristic of original houses in the estate.'*
- **Vehicular Access:** Traffic and Pedestrian safety. Visibility is already impaired. The proposed development will further block visibility. The Appellants suggested remedy to improve sightlines to the north of the access into no. 15, which involves liaising with the Resident's Association is not

realistic. The Appellant suggests that An Bord Pleanála could persuade the local authority to take the area in charge and carry out these works.

- **Inaccuracies - Point 2.f (View to the left from no. 15):** The Appellant clarifies that the relevant view is on exit from no. 15 in reverse. The clear view to the right will actually be grossly adversely affected by the proposed development as located in the original drawings or as located in the newly submitted drawing.
- **Inaccuracies - Point 3:** A large part of the proposed site development cannot be included in the development as it belongs to no. 15. The Applicant's claim that the proposal maintains the *'open, airy and spacious low-density nature of the estate'*, is disputed by the appellant.
- The Appellant notes that the 3D images included in the Appeal relate to the house for which planning permission has already been granted. The Appellant intends to prevent the construction of this said house due to encroachment onto their property.
- Ground Floor Plan Drawing submitted by the Appellant in their initial Appeal submission is correct. Drawing now submitted by the Appellant is clearly incorrect. The referenced title map supports the Appellants boundary situation. The Applicant does not own part of no. 15 land.
- The Appellants state that they are aware An Bord Pleanála is not concerned with ownership matters. The Appellant's position has not changed as per their initial appeal submission. Ownership matters will be dealt with in Court. The Appellants won land and can prove they own land used in the subject planning application.

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 and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development/ Zoning
- Design and Layout

- Residential Amenity
- Residential Density
- Vehicular Access/ Traffic and Pedestrian Safety
- Other Issues
 - Sufficient Legal Interest/ Site Boundaries
 - Appropriate Assessment

7.2. Principle of Development/ Zoning

- 7.2.1. The subject site is zoned 'Objective A' in the Dun Laoghaire County Development Plan 2022-2028. The relevant zoning objective for Objective A zoned lands is: '*to provide residential development and improve residential amenity while protecting the existing residential amenities.*' Residential development is 'Permitted in Principle' under this zoning objective.
- 7.2.2. Therefore, subject to adherence to the above zoning objective, I am satisfied that the proposed development for a single dwelling on a site zoned Objective A is acceptable in principle subject to the detailed considerations below.
- 7.2.3. Notwithstanding the above, the Board should be aware as to the previous planning history on this site which includes, most recently, a GRANT of permission for a similar proposal, as Appeal Ref. no. PL06D.244728 (Planning Reg. Ref. No. D15A/0028) refers. In this case the Planning Authority issued a Notification of Decision to Grant Planning Permission and the reporting Inspector also recommended a Grant of permission. The Board should note that the duration of this said permission has been extended under Extension of Duration Permission D15A/0028/E and that the expiry date is 10/08/2025, as per Condition no. 2 of same.
- 7.2.4. Previous planning history also includes 2 no. previous refusals for similar proposals to that of the current proposal, as Appeal Ref. No. PL06D.241407 (Planning Reg. Ref. No. D12A/0380) and Appeal Ref. No's PL06D.237075 (Planning Reg. Ref. no. D10A/0202) refer. In both cases the Planning Authority issued a Notification of Decision to Grant Permission and the reporting Inspectors also recommended that permission be Granted.

- 7.2.5. In the case of the first of the 2 no. previous refusals, Appeal Ref. No. PL06D.241407, the Board refused permission on grounds including the low-density/ mature character of the area, the cramped form of development, the lack of private rear open space for both the proposed and existing houses, overdevelopment of a site with a restricted site layout and impacts on the established residential amenities and property in the vicinity.
- 7.2.6. In the case of the second appeal, Appeal Ref. No. PL06D.237075, the Board refused permission on similar grounds but including the impact on the visual amenities of the area, depreciation of the value of property in the vicinity and the prejudicial nature of the proposal to the symmetry of the estate.
- 7.2.7. Both cases included a basement level and proposed gross floor spaces of 160 sqm and 179 sqm on a site of 360 sqm respectively. The subject development proposal does not include a basement and has a proposed gross floor space of 125 sqm on a site measuring 301 sqm.
- 7.2.8. The Board should also be mindful of a separate application, reg. ref. no. D09A/0796, wherein permission for a similar proposal, inclusive of a basement, was Refused by the Local Authority on 18/12/2009 for 1 no. reason relating to a contravention of the substantial Objective F zoning of the site, which was in place at that time.

7.3. Design and Layout

- 7.3.1. The subject site, with a stated site area of 0.03014 hectares (301 sqm), is positioned to the north-west of no. 16 Shanganagh Vale.
- 7.3.2. No. 16 includes 1 no. single storey flat roof dwelling, associated private open space and circulation space, and is positioned, for the most part, behind a high rendered wall. No. 16, excluding the grassed area to the front north-west of the dwelling, upon which the subject proposal is predominantly located, has an estimated site area of 0.0760 hectares (760 sqm). The existing dwelling at no. 16 has an estimated floor area of 215 sqm.
- 7.3.3. The subject site overlaps a portion of the north-eastern part of no. 16 site, as shown on the site location map, scale 1:1,000 received by the Planning Authority on 12/05/2023. The proposed development, as presented, will result in the provision of ample residual private open space to serve the existing dwelling, within site no. 16.

- 7.3.4. There is an established staggered/ stepped building line in the area. The perimeter wall of no. 17 is estimated to be within 6 metres of the near edge of the estate road to the north-west. By comparison, the front perimeter wall of no. 16 is estimated to be set back, at its nearest point, 19.5 metres from the near edge of the estate road.
- 7.3.5. The building line of the proposed dwelling is estimated to be set back 10.5 metres from the near edge of the estate road and is consistent with the established building line of the garage associated with the adjacent dwelling to the west at no. 17.
- 7.3.6. In my opinion, the proposed front building line and the associated set-back is appropriate for this setting and is reflective of the established building lines on the adjacent sites and the curvature of the estate road.
- 7.3.7. The subject site has a stated site area of 301 sqm and the proposed dwelling has a stated gross floor area of 125 sqm. The proposed site coverage and plot ratio are both acceptable in this instance.
- 7.3.8. The existing dwellings within the immediate surroundings of the subject site, i.e., on sites no's 15, 16, 17 & 18 are all single storey structures. The overall height of no. 16 is shown to measure 3.0 metres. The remainder of the estate includes a mix of varying house styles including single storey, one and a half storey/ dormer and two storey dwelling structures.
- 7.3.9. The previously approved dwelling under planning reg. ref. no. D15A/0028 (Appeal Ref. No. PL06D.244728) has a maximum overall height of 4.6 metres and includes 2 no. opposing low mono-pitch roofs, similar in character to that of the subject proposal. The overall height of the subject proposal measures 3.9 metres, i.e., 0.6 metres below that of the previously approved dwelling.
- 7.3.10. It is proposed to provide a private garden/ rear patio area of 49 sqm to the rear/ south-east of the proposed dwelling. The relevant development plan standard is for a minimum of 48 sqm for a 2-bed unit. The quantum and orientation of private open space proposed is acceptable in my opinion. It is proposed to install a new boundary wall with no. 16 at the rear/ southwest of the site. This wall, as shown in Section BB, has an approximate height of 2 metres, which is acceptable and will serve to provide sufficient privacy for both dwellings.

- 7.3.11. The proposed dwelling has a maximum height of 3.9 metres at the apex of the main roof and, in keeping with the previously permitted development, as planning reg. ref. D15A/0028 refers, also includes low pitched roofs.
- 7.3.12. The contemporary design style of the proposed dwelling, together with its overall low profile, the choice of materials proposed, the separation distances observed, and the building line presented, in my opinion, result in a proposal which successfully integrates with its surroundings. The design and layout of the proposed development is therefore, in my opinion, acceptable and in accordance with the proper planning and sustainable development of the area.
- 7.3.13. The Board should note that the Applicant submitted a second-floor plan option as part of the Appeal Response, see Drawing no. DWG. No.85709-PL-03A. Based on the Applicant's comments raised in the Appeal Response, this drawing is considered to represent the Applicants' proposals to address the Third-Party concerns. As such this option is considered to represent the Applicants' current proposal.
- 7.3.14. If the Board is of a mind to Grant planning permission, a specific prior to commencement condition should be attached, which stipulates that revised floor plan, elevation and section drawings shall be provided, in accordance with the submitted revised floor plan drawing no. DWG. No.85709-PL-03A to the Planning Authority for prior written agreement.

7.4. Residential Amenity

- 7.4.1. The proposed dwelling is, as per the submitted site layout plan, positioned over 30 metres to the north-west from the Appellants single storey dwelling structure at site no. 15 and 11.5 metres to the north-east of the dwelling structure at no. 17. The proposed new dwelling is, however, immediately adjacent to the north-western site boundary of no. 15 and at its nearest point, excluding the proposed external store is located 5 metres from the adjacent single storey dwelling at no. 16. The rear boundary of the proposed dwelling adjacent to no. 15 is proposed to comprise of a new boundary wall.
- 7.4.2. I am satisfied, owing to the separation distances observed from surrounding dwellings, the single storey dwelling design and rear boundary treatment, that the proposed development will not result in a negative impact on established surrounding residential amenities. In the event of a Grant of permission being issued,

a specific landscaping and boundary treatment condition should be attached with a particular focus paid to the rear boundary treatment of the subject dwelling.

7.5. Residential Density

- 7.5.1. The Board should note the previous planning history on the subject site and, in particular, planning reg. ref. no. D15A/0028 (Appeal Ref. No. PL06D.244728) wherein a similar proposal for 1 no. dwelling of comparable size, scale and footprint, was previously permitted on the subject site. The duration of this said permission was extended under Extension of Duration Application, ref. no. D15A/0028/E, (Expiry date as per condition no. 2 of same is 10/08/2025).
- 7.5.2. In my opinion, the low residential density arising as a result of the proposed development is consistent with the established low residential development in the general area and would not be out of character with said established density. The proposed low residential density is therefore, in my opinion, acceptable in this instance.

7.6. Vehicular Access/ Traffic and Pedestrian Safety

- 7.6.1. It is proposed to provide a new vehicular access and an associated driveway to serve the proposed dwelling directly from the adjacent estate road. The new driveway is positioned parallel with and to the immediate north-west of the existing driveway serving no. 16. The driveway itself is indicated on the submitted site layout plan to accommodate 1 no. car parking space.
- 7.6.2. The site is located within Zone 2 for the purposes of the Development Plan Car Parking Standards. As per Table 12.5 of the Development Plan, the maximum car parking requirement for a two-bedroom house within Zone 2 is 1 no. car parking space per unit. The proposed quantum of car parking is therefore acceptable.
- 7.6.3. The recommendation of the Transportation Planning Department to seek Further Information in relation to cycle parking is noted. A specific condition based on this recommendation can be attached in the event of a Grant of permission being issued.
- 7.6.4. The Appellants concerns in relation to sightlines/ visibility and pedestrian safety are noted. In my opinion the proposed development will not impede upon existing sightlines available at the intersection of the driveway into no. 15 in a south-western

direction. I am therefore satisfied that the proposed development is acceptable from a traffic and pedestrian safety perspective.

7.7. Other issues

- 7.7.1. **Sufficient Legal Interest/ Site Boundaries:** The issue of site ownership, particularly relating to the boundary between no. 16 Shanganagh Vale and no. 17 Shanganagh Vale, is a matter of dispute between the First and Third Parties.
- 7.7.2. In terms of the legal interest, I am satisfied that the applicants have sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 to 2023.
- 7.7.3. **Appropriate Assessment:** Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, 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. I recommend that planning permission should be GRANTED, subject to conditions, for the reasons set out below.

9.0 REASONS AND CONSIDERATIONS

- 9.1. Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan, 2022 to 2028 and to the nature, form scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area and would integrate well with other properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 25th day of August 2023, 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 any work on site, the Applicant shall submit revised plans and elevations and a revised site layout plan to the Planning Authority for prior written agreement. The revised drawings shall be consistent with the revised floor plan drawing, DWG. No.85709-PL-03A, received by An Bord Pleanála on the 25th day of August 2023.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of any work on site, the Applicant shall submit proposals for the provision of appropriate (resident), secure, covered cycle parking spaces, and short stay (visitor) cycle parking spaces, to the Planning Authority for prior written agreement.</p> <p>Reason: In the interests of orderly development.</p>
4.	<p>The proposed dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of orderly development.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The proposed new driveway/parking area shall be constructed with Sustainable Drainage Systems (SuDS) in accordance with</p>

	<p>details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
6.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of private open space is retained for the benefit of the occupants of the proposed dwelling.</p>
7.	<p>The width of the proposed vehicular entrance shall be a maximum of 3.5 metres and the footpath shall be dished and strengthened to the requirements of the planning authority at the developer's expense. The proposed timber fence along the northern site boundary shall be no higher than 1.1 metres.</p> <p>Reason: In the interest of pedestrian and vehicular safety.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder] [which shall not include prunus species] ii) Details of screen planting [which shall not include cupressocyparis x leylandii] iii) Details of roadside/street planting [which shall not include prunus species].

	<p>iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation [including details of phasing]</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>The rear boundary wall of the subject dwelling site shall be a 2-metre high capped and plastered block wall only.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>The applicant shall ascertain and comply with all requirements of the planning authority in relation to parking and access arrangements, prior to the commencement of any works on site.</p> <p>Reason: In the interests of traffic safety.</p>
11.	<p>The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil, and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>

12.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
13.	<p>The external finishes of the proposed extensions including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture. Details of the materials, colours, and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
14.	<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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
15.	<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</p>

	<p>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>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.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <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 Supplementary Development Contribution Scheme made under section 49 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.

Frank O'Donnell
Planning Inspector

20th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317698-23		
Proposed Development Summary	Construction of a dwelling and all associated site works.		
Development Address	16 Shanganagh Vale, Cabinteely, Dublin 18, D18 C422.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	√	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	√		Proceed to Q.3
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]?			
	Threshold	Comment (if relevant)	Conclusion
No			
Yes	√	N/A	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		

Inspector: _____

Date: _____