



An
Bord
Pleanála

Inspector's Report

ABP-318249-23

Development	Detached single-storey one-bedroom dwelling and all associated site works.
Location	Rear of 123 Churchtown Road Lower, Churchtown, Dublin 14.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0504
Applicant(s)	Dr. Joseph Martin
Type of Application	Planning permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary Dooner
Observer(s)	John Connolly & Mary Bigley Dr. Iris & Dr. Greg Park
Date of Site Inspection	10 th May 2024
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.0327 ha. at no. 123 Churchtown Road Lower, Dublin 14. The site is located in the established residential suburb of Churchtown, approximately 5km south of Dublin City Centre within the Local Authority area of Dún Laoghaire Rathdown County Council. The site itself is located to the rear of a corner site at the junction of Flemingstown Park and Lower Churchtown Road. The corner site currently consists of a semi-detached 2 storey dwelling which functions as a medical practice, a two-storey extension to the rear along the northern elevation which functions as a duplex dwelling with a side entrance from Flemingstown Park and access from the front elevation which fronts onto a private parking area within the former front garden area. The site of the proposed development is located within the grassed private amenity space to the rear which is currently used by staff and residents of the property.
- 1.1.2. The site is bounded to the north by Flemingstown Park roadway, to the east by no.1 Flemingstown Park, to the south by no.125 Churchtown Road Lower and to the west by no.123 Churchtown Road Lower. The surrounding area consists of a mixture of detached bungalow dwellings and 2 storey semi-detached dwellings, the majority of which have been extended. Milltown Golf Course lies to the north of the site and the Green Line Luas lies to the east of the site.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
- Construction of a 1 bed single storey detached dwelling with a vehicular entrance from Flemingstown Park, a covered cycle and bin store, a green roof and a reinforced grass screened parking space and ancillary works to the rear of no.123 Churchtown Road Lower.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was GRANTED by Dún Laoghaire Rathdown County Council (the Planning Authority) for the above-described proposed development on the 18th September 2023 subject to 20 no. conditions. Conditions of note include:

- Condition 2 requiring the submission of written commentary, contiguous elevation and side section drawings confirming the existing and proposed boundary and/or hedgerow treatments.
- Condition 10 setting a maximum height of 0.9m for the boundary walls and piers on either side of the proposed new vehicular entrance to provide adequate visibility for exiting vehicles.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's Report found the principle of the proposed development to be acceptable based on an assessment of the proposed development as infill development on a corner site. The Planning Officer considered the proposed scale and layout to be acceptable. In addition, the Planning Officer considered the proposed development to provide adequate private amenity space and parking, and to achieve appropriate separation distances from neighbouring properties. The Planning Officer also determined that there is no potential for undue overshadowing, overlooking, residential or visual amenity impacts, and that previous reasons for refusal onsite have been overcome due to the proposed bulk, massing, fenestration and roof profile.

3.2.3. Other Technical Reports

3.2.4. Drainage Department – no objection, subject to 2 no. conditions.

3.2.5. Transportation Department – no objection, subject to 6 no. conditions.

3.3. Prescribed Bodies

3.3.1. Irish Water/Uisce Éireann – no objection, subject to 3 no. conditions.

3.4. Third Party Observations

3.4.1. 6 no. 3rd party submissions were received in response to the application. The issues raised by the observers are generally reflected in the 3rd party appeal and observations, and also raise the following:

- The design of the proposed development does not assimilate with existing surrounding development.
- The proposed development should be assessed as backland development.
- The hedging along the front elevation could be removed at any time, therefore the drawings do not accurately reflect the visual impact of the proposed development on surrounding properties.
- Would depreciate the value of surrounding properties.
- The proposed development will remove several existing on-street parking spaces.
- No consultation undertaken with neighbouring properties.

4.0 Planning History

Subject Site:

4.1.1. D21A/0523 (ABP Ref. 311118-21) – Outline Permission REFUSED in 2021 by the Board for a two-storey dwelling on the grounds of insufficient detail provided and the two-storey nature of the development.

Wider Subject Site:

4.1.2. D07A/0924 (ABP Ref. PL06D.225459) – Permission REFUSED by the Board in 2008 for alterations to previous permission D06A/1107 to sub divide 1 no. apartment to provide 2 no. apartments, additional 5th parking space and external stairs to rear at 123 Churchtown Road Lower.

- 4.1.3. D07A/0311 – Permission REFUSED in 2007 for alterations to previously approved permission (D06A/1107) comprising: Sub-division of proposed 3-bed apartment to provide 1 x 2-bed apartments and 1 x 1-bed apartment, provision of additional car parking space and provision of external stair to rear of building to access garden at 123 Churchtown Road Lower.
- 4.1.4. D06A/1107 – Permission GRANTED in 2006 for Alterations and extensions to side and rear of existing building including - provision of enlarged surgery accommodation and new storage shed at ground floor level and relocated access to residential accommodation over, reconfiguration of existing residential unit to create enlarged residential unit and associated site works (to include 4 parking spaces and improved site lines at corner of site) at 123 Churchtown Road Lower.
- 4.1.5. D06A/0026 – Permission REFUSED in 2006 for alterations and extensions to side and rear of existing building (ground floor surgery and duplex apartment at first and second (attic) floor level) to provide enlarged surgery and storage shed at ground floor and additional duplex apartment at first and second (attic) floor level at 123 Churchtown Road Lower.

Neighbouring Sites of relevance:

- 4.1.6. D19A/0007 - Permission GRANTED in 2019 for demolition of an 88 sqm bungalow and the construction of a 216 sqm dormer bungalow and ancillary works on lands at Lislea, Flemingstown Park, Churchtown Lower, Dublin 14.
- 4.1.7. D14A/0225 – Permission GRANTED in 2014 for development consisting of - demolition of existing out houses and garage to the side and rear of the dwelling, to be replaced by a single storey extension to the side and rear of the dwelling to include all associated site works, widening of the existing vehicular access and the removal of the pedestrian access onto Flemingstown Park at 2, Flemingstown Park, Churchtown, Dublin 14.
- 4.1.8. D10B/0153 - Permission GRANTED in 2010 for demolition of a detached garage and chimney to the side of existing house, and the construction of a two-storey side extension to contain garage on ground floor and habitable accommodation on first floor with extended front canopy roof at 125, Lower Churchtown Road, Dublin 14.

5.0 Policy Context

5.1. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007

- 5.1.1. Published in 2007 by the Department of the Environment, Heritage and Local Government, these guidelines serve to implement national planning policies in place at the time, including the superseded National Spatial Strategy and National Development Plan. Given that no updated guidelines have been published since, these guidelines are still applicable in this instance.
- 5.1.2. With regard to the proposed development, the guidelines indicate minimum floor areas likely to be required to satisfy the requirements of normal living standards.

5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2023

- 5.2.1. These ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches of relevance:
- SPPR 2 – This SPPR sets minimum private open space standards as follows:
 - 1 bed house 20 sq.m.
 - SPPR 3 - Car Parking – ‘In city centres and urban neighbourhoods of the five cities....car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling’.
 - Section 5.3.7 – Daylight – This section proposes that planning authorities weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban development.

5.3. Dún Laoghaire Rathdown County Development Plan 2022-2028

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

- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Policy Objective PHP19: Existing Housing Stock – Adaptation – ‘Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods’.

Chapter 12 Development Management: Section 12.3.7.5 Corner/Side Garden Sites – ‘Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built-up areas. In these cases, the Planning Authority will have regard to the following parameters:

- 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.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible’.

Section 12.4.8.1 General Specifications – ‘Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres...Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary..... Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed’.

Section 12.4.8.2 Visual and Physical Impacts – ‘Proposals for off street parking need to be balanced against loss of amenity (visual and physical) and will be considered in light of overall traffic flows and car parking in the vicinity’.

Section 12.4.8.3 Driveways/Hardstanding Areas – ‘A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties this requirement may be relaxed’.

Section 12.4.11 Electrically Operated Vehicles – ‘New dwellings with in-curtilage car parking - the installation of appropriate infrastructure to enable installation at a later stage of a recharging point for EVs’.

Section 12.8.3.1 Public Open Space – ‘It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space... In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended’.

5.4. Natural Heritage Designations

- 5.4.1. The closest site of natural heritage interest to the proposed development is the Fitzsimon’s Wood proposed Natural Heritage Area (001753) which is approximately 3.2km from the proposed development. The Booterstown Marsh proposed Natural

Heritage Area (001205), the South Dublin Bay proposed Natural Heritage Area (000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210) lie approximately 4km from the proposed development. And the Grand Canal proposed Natural Heritage Area (002104) lies approximately 3.8km from the proposed development.

5.5. EIA Screening

- 5.5.1. The proposed development does not fall within a class set out in Schedule 5, Part 1 or 2 of the Planning & Development Regulations 2001, as amended, therefore no preliminary screening or EIA is required (see Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd party appeal was submitted by Mary Dooner, on the 16th October 2023 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

- Further development onsite inappropriate due to the residential location.
- Proposed development is excessive and will cause further parking restrictions.
- No parking available on Flemingstown Park road due to the lack of provision for resident and practitioner staff parking at 123 Lower Churchtown Road.
- Parking congestion on Flemingstown Park road is making it harder for residents to access their driveways.
- The back garden of 123 Lower Churchtown Road should instead be developed as a private car park for the onsite doctor's surgery.
- The appellant's original submission to the Planning Authority is included with the appeal.
- Does not follow building line of existing dwellings on Flemingstown Park.

- Impact on residential amenity of surrounding dwellings.
- Proposed development should be refused on the same grounds as previous development applications on this site.
- Contrary to Development Plan policies for corner/backland sites and infill sites.
- The proposed development represents overdevelopment.
- Traffic safety issues will arise as a result of the proposed development.

6.2. Applicant Response

6.2.1. The response of the applicant, to the grounds of appeal can be summarised as follows:

- The proposed development building line is supported by adjacent building lines to Flemingstown Park.
- The contemporary format of the proposed development is not at odds with precedent examples of similar development in the area.
- The appellant's own dwelling is itself an infill development.
- There will be minimum visibility of the proposed development from dwellings opposite the site (a composite drawing is attached to demonstrate this).
- The appellant's commentary surrounding the removal of the hedge does not reflect the details of the proposal which retains the hedge. Retention of the hedge was also conditioned by the Planning Authority.
- The hedge along the front elevation will not impact on the access to daylight from any principal window on this elevation.
- Parking pressures in the vicinity of the site are as a result of the close proximity of Windy Arbour Luas stop and are not due to the Doctor's Surgery.
- The proposed development will not materially impact on the availability of non-specific on-street parking along Flemingstown Park.

6.3. Planning Authority Response

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

6.4. Observations

- 6.4.1. 2 no. observations were received by the Board on the 9th & 10th November 2023 from Dr. Iris & Dr. Greg Park and John Connolly & Mary Bigley, and can be summarised as follows:

- The access road is narrow, and a footpath is only provided on one side of the road.
- Access to and from Flemingstown Park is constrained by on-street parking which narrows the width of the road to single lane traffic (photos are provided in support of this).
- The intensification of the existing GP practice and the sub-division of the 3-bed apartment onsite without permission has led to parking issues on Flemingstown Park.
- Any further intensification of this site will have a negative impact on the residential amenities of surrounding residents.
- The Planning Authority have incorrectly described the proposed development in the reasons and considerations section of their decision letter.
- It's not clear whether the proposed development was assessed as a detached single storey dwelling or an extension and modification to the existing dwelling.
- Potential for overlooking of important factors as a result of the lack of clarity relating to how the proposed development was assessed.
- The proposed development will result in the loss of the only private open space which is used by the staff of the GP practice and apartment residents.
- The proposed development will be overbearing due to its scale and bulk.

- Increased traffic congestion due to the decreased availability of parking.
- The proposed vehicular entrance will present a pedestrian traffic hazard due to a lack of appropriate sightlines for vehicles reversing out of the entrance.
- Visibility from the proposed vehicular entrance is likely to be limited as vehicles are likely to park in close proximity to the entrance.
- The proposed development does not conform with the zoning of the site which is to protect residential amenity.
- The applicant does not live onsite or close by and therefore will not be impacted by the proposed development.
- Adequate separation distances to surrounding properties are not achieved by the proposed development, thereby negatively impacting on the residential amenity of said properties.
- Suggests the implementation of a construction plan, in the event of a grant of planning permission, due to concerns surrounding construction traffic.
- The proposed development will exacerbate existing amenity and safety issues.
- It is unclear whether the standard of remaining private amenity space for the residents of the existing apartment onsite has been assessed on the basis of one or two apartments.

7.0 Assessment

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

- Design & Layout
- Access & Parking
- Residential Amenity

- Other Matters

7.2. Design & Layout

- 7.2.1. In the interests of clarity, I can confirm that the proposed development is assessed as a single storey infill residential dwelling to the rear of a corner site. The addition of the proposed dwelling within the subdivided curtilage of the existing dwelling onsite constitutes infill development on what is a corner site.
- 7.2.2. Having analysed the proposed development as a 1 bed two person dwelling, I consider the internal dimensions of the proposed dwelling to be compliant with the dimensions set out in the Quality Housing for Sustainable Communities Guidelines.
- 7.2.3. I note that separation distances to surrounding dwellings from the proposed development have been questioned. Such separation distances relate to overlooking from above ground floor level, of which there is none in the proposed development. Thus, I am not of the view that the separation distances relating to overlooking apply in this instance. With regard to overshadowing, I am satisfied that the proposed development achieves sufficient separation distances from the existing onsite 2 storey property and surrounding properties of a similar height.
- 7.2.4. With regard to the impact of the proposed development on the building line of Flemingstown Park, I note that the appellant and observers have outlined that there is an established building line of at least 12m from the roadside, although the dwellings on Flemingstown Park are staggered further behind this building line. Notwithstanding this, I am of the view that the proposed development more strongly relates to the building line of no.123 Churchtown Road Lower based on its location within the curtilage of this site. In addition, the natural vegetative screening retained along the northern and eastern boundary of the site will serve to sufficiently detach the proposed development from the building line of Flemingstown Park, to which it does not relate. I am satisfied, having regard to the scale of development, that the building line setback of the proposed development approximately 2m from the roadway will serve to respect the existing building line of no.123 Churchtown Road Lower without negatively impacting on the Flemingstown Park streetscape.
- 7.2.5. I note that the design of the proposed development must be assessed in terms of its relationship with the existing onsite dwelling and adjoining properties which are varied in design. The single storey nature of the proposed development serves to

reflect the character of adjoining single storey bungalow dwellings. The part mono-pitched part flat roof design respects the pitched roof and hipped-roof vernacular of the area, whilst providing a modern element by way of a zinc roof. The façade plaster finish and cembrit fiber cement sheets will, in my opinion, further add to the modern element of the proposed development. I also consider the pergola car port to be an acceptable modern feature to the side of the proposed dwelling.

7.3. Access & Parking

- 7.3.1. I note that parking in the immediate vicinity of the site has been raised as an issue by the appellant and observers. Whilst the origin of the parking issue is disputed, this is not within the scope of my assessment, however, I do agree that there are parking pressures on Flemingstown Park which I observed on my site visit. Notwithstanding this, I am not of the view that the proposed 1 bed dwelling will substantially exacerbate this issue as it provides for 1 no. car parking space. Thus, it will cater for the needs of the proposed dwelling without adding to the existing need for on-street parking. In providing for 1 no. in-curtilage parking space, I note that this will lead to the removal of on-street parking space, however, I do not consider this to be of such a scale that it would substantially exacerbate existing on-street parking issues. I am also of the view that the provision of 1 no. car parking space with the proposed development is appropriate and the dimensions of the car parking space are compliant with the provisions of the Development Plan.
- 7.3.2. With regard to vehicular access to the site, I am satisfied that sufficient width is provided, however there are notable concerns relating to visibility from the access to the site considering the likely positioning of parked vehicles in close proximity to the access. Taking account of this, the narrow width of the Flemingstown Park roadway and the fact that the road functions as a cul de sac where vehicle speeds are normally reduced, I am of the view that the proposed vehicular access would allow for sufficient visibility when entering and exiting the proposed development so as not to create a traffic or pedestrian hazard. In addition, similar levels of visibility are evident from other access points along Flemingstown Park where vegetation and on-street parking constrain visibility, and it is not apparent that such hazards arise at these access points. Notwithstanding this, I do consider it necessary, in the event of a grant of planning permission, to dish the footpath and remove the grass verge at

the point of the vehicular entrance to facilitate compliance with the Development Plan and DMURS.

7.4. Residential Amenity

- 7.4.1. Given that the subdivision of the existing apartment onsite has been confirmed by the Planning Authority, I have assessed the remaining private amenity space based on provision for 2 no. apartments and a doctor's surgery against the standards set out in the latest Section 28 Design Standards for New Apartments Guidelines and the provisions of the Development Plan. Thus, I am of the view that the remaining private amenity space will sufficiently cater for 2 no. apartments and the staff of the existing doctor's surgery. In addition, the level of private amenity space provided with the proposed dwelling is in conformity with the requirements of the Compact Settlement Guidelines.
- 7.4.2. With regard to the impact of the proposed development on the amenities of surrounding residents, I am satisfied that, having regard to the scale of the dwelling and the separation from adjacent properties, the proposed development will be appropriately screened, and the site subdivided to the extent that no negative visual or residential amenity impact will occur.
- 7.4.3. I note that no public open space is provided as part of the proposed development which could be addressed by way of planning conditions, in the event of a grant of planning permission. In addition, I note that no condition seeking a contribution in lieu of public open space was applied by the Planning Authority. Section 12.8.3.1 of the Development Plan and Section 6 of the Development Contribution Scheme provide for payment in lieu of public open space provision, and I recommend a condition be attached in this regard. This may be a new issue in the consideration of this appeal.

7.5. Other Matters

- 7.5.1. I note that planning enforcement matters have been raised at Planning application stage and the Planning Authority have responded on this matter. Any further matter relating to enforcement is outside the scope of the planning appeal.

7.6. Conclusion

- 7.6.1. Having regard to the above, I consider the proposed development would be acceptable in terms of design and would not give rise to undue impacts on residential amenity, parking and accessibility. The proposed development will positively contribute to the character of the area and allow for the appropriate development of a corner site, without negatively impacting existing and future residential amenities. Thus, I conclude that a grant of planning permission should be issued, subject to conditions.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The subject site is located along the Lower Churchtown Road northwest of Dundrum Town Centre within 4km of the South Dublin Bay and River Tolka Estuary Special Protection Area and the South Dublin Bay Special Area of Conservation.

The proposed development comprises construction of a 1 bed single storey detached dwelling and accompanying vehicular entrance from Flemingstown Park to the rear of no.123 Lower Churchtown Road and all associated site works.

No nature conservation concerns were raised in the planning appeal.

- 8.1.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small-scale nature of the proposed development.
- The location of the proposed development in an established suburban area that is suitably serviced and well removed from any European sites with no direct connections to European Sites.
- The Planning Authority determined, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

- 8.1.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to nature of the proposed development, the design, layout and orientation of the proposed dwelling, the proposed access to the site and the zoning of the site for residential development, it is considered that the proposed development would not give rise to undue impacts on the residential or visual amenities of the area, or give rise to the creation of a traffic hazard or congestion on this road, subject to the conditions set out below. The proposed development would therefore be acceptable and will be in accordance with the proper planning and sustainable development of the area, the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines and the Quality Housing for Sustainable Communities Best Practice Guidelines.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th day of July 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.

Reason: In the interest of clarity.

2. The footpath and grass verge in front of the proposed vehicular entrance shall be dished in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

3. The parking space serving the proposed development shall be provided with an electric connection to the exterior of the proposed dwelling to allow for the provision of electric vehicle charging. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

4. 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.

Reason: In the interest of visual amenity.

5. 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.

Reason: In the interest of orderly development.

6. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. 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.

Reason: In the interests of public safety and residential amenity.

12. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential developments.

- 13.** 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.

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.

- 14.** The developer shall pay a financial contribution to the planning authority as a special contribution, in lieu of public open space in accordance with Section 6 of the Dún Laoghaire Rathdown County Council Development Contribution Scheme 2023-2028. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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 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.

Conor Crowther
Planning Inspector

30th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318249-23			
Proposed Development Summary	Detached single-storey one-bedroom dwelling and all associated site works			
Development Address	Rear of 123 Churchtown Road Lower, Churchtown, Dublin 14			
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	No further action required	
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?				
Yes		Class.....	EIA Mandatory EIAR required	
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		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **30th May 2024**

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318249-23	
Proposed Development Summary	Detached single-storey one-bedroom dwelling and all associated site works	
Development Address	Rear of 123 Churchtown Road Lower, Churchtown, Dublin 14	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</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>Given the location of the proposed development in a suburban area where infill residential development of a similar nature has previously been permitted, I do not regard the nature of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing</p>	<p>Given the location of the proposed development in a suburban area where infill residential development of a similar size has previously been permitted, I do not regard the size of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p>

