



An
Bord
Pleanála

Inspector's Report

ABP-319648-24

Development	Subdivision of site; construction of two storey dwelling with flat roof and all associated site works.
Location	Chinook, 6 Knocknacree Grove, Dalkey, Co. Dublin, A96 D267
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0005
Applicant(s)	Johnny Ross Murphy
Type of Application	Planning permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Ruairí O' Flynn and Susan O'Flynn Richard Cullen and Carol Flynn Brian and Maeliosa Smith
Date of Site Inspection	10 th December 2024
Inspector	Sarah O'Mahony

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.3. Planning Authority Reports	5
3.4. Prescribed Bodies	6
3.5. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Sustainable Residential Development and Compact Settlement Guidelines	8
5.3. Quality Housing for Sustainable Communities, DoEHLG 2007.....	9
5.4. Regional Spatial Economic Strategy 2019-2031, Eastern and Midlands Regional Assembly	9
5.5. Natural Heritage Designations	9
5.6. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	12
6.3. Planning Authority Response.....	14
6.4. Further Responses	14
7.0 Assessment	14
7.1. Introduction	14
7.2. Planning Policy and Principle.....	15
7.3. Dwelling Design and Scale	16

7.4.	Eastern Elevation and Green Wall	18
7.5.	Boundaries.....	19
7.6.	Visual Impact	20
7.7.	Residential Amenity – Overlooking and Overshadowing	21
7.8.	Property Devaluation	23
7.9.	Surface Water	23
7.10.	Car Parking	24
7.11.	Construction Impacts.....	24
7.12.	Design Standards.....	25
8.0	AA Screening.....	25
9.0	Recommendation.....	26
10.0	Reasons and Considerations.....	26
11.0	Conditions	27
Appendix 1 – Form 1: EIA Pre-Screening		

1.0 Site Location and Description

- 1.1. The 0.08ha site is situated in a mature residential area of Dalkey, 620m northwest of Sorrento Point and 350m southeast of Dalkey dart station.
- 1.2. The site comprises a split-level detached 299m² dwelling in Knocknacree Grove which is a cul-de-sac of 7 detached dwellings. The landform of both the site and the wider area slopes sharply down to the north and east. Access is provided from the Knocknacree Grove estate road at the south of the site.
- 1.3. Private open space serving the existing dwelling is situated to the east and north (side and rear) and comprises a number of terraces with steep flights of steps between each. Boundaries comprise dense and tall evergreen hedging to the north, east and west while the roadside boundary comprises stone and brick walls with low railings.

2.0 Proposed Development

Planning permission is sought for development which comprises the following:

- Subdivision of the existing residential site,
- Construction of a 2-storey, split level, detached 157m² dwelling at the east of the site within an area currently serving as private open space,
- The flat roof dwelling would have its main entrance from the upper level at Knocknacree Grove. A green wall is proposed along this upper level at the eastern elevation.
- Minor elevational alterations to existing dwelling,
- Revised vehicular access to serve both dwellings,
- Connection to services.

3.0 Planning Authority Decision

3.1. Further Information

- 3.1.1. Further information was sought to provide:

- Accurate drawings reflecting the current built form and extent of development in the area,
- Additional operational and management information regarding the proposed green wall,
- Alternative finishes for the green wall and
- Revised fenestration.

3.1.2. The further information response included detailed information about the green wall and suggested one alternative in the form of a simple rendered wall. The Planning Authority's report does not discuss or assess the virtues of the proposed living green wall over the alternative finish but recommends a condition to permanently maintain the green wall.

3.1.3. A revised rear elevation drawing was also submitted to ensure glazing at the upper level was no more than 50% of that northern façade, and the Planning Authority's assessment submits that this is sufficient to ensure undue overlooking would not occur to adjacent properties.

3.2. Decision

3.2.1. A notification of decision to GRANT planning permission was issued by Dún Laoghaire Rathdown County Council (the Planning Authority) on 16th April 2024 subject to 10 conditions including no. 2 as follows:

"2. The "Living Green Wall" shall be fixed and maintained permanently on the eastern elevation of the dwelling, in accordance with the submitted details.

REASON: To safeguard residential amenities of adjoining properties and to prevent an overbearing appearance."

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report considered that the principle of development was met having regard to the A zoning on the site and also that the dwelling design is contemporary but is

acceptable for the area. It also notes that the proposed vehicular entrance is acceptable in principle but requires revisions and recommends condition no.5 to ensure a maximum width is provided.

- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Drainage Planning: Report received stating no objection subject to specified conditions. It also notes that there is a private drain crossing the land for which the Applicant would require permission if alterations are proposed.
- Transportation Planning: Report received stating no objection subject to conditions including that the vehicular entrance is a maximum width.

3.4. Prescribed Bodies

- Uisce Éireann: Report received setting out observations which take the form of three recommended conditions to adhere to codes of practices and standards etc.

3.5. Third Party Observations

Three third party observations were received which all object to the proposal and raise the following concerns:

- Inappropriate dwelling design and scale representing overdevelopment.
- Drawing inaccuracies
- Construction methodology.
- Overbearing green wall.
- Boundary hedging and trees.
- Impact to residential amenity of existing dwelling and neighbouring dwellings by reason of overlooking, overshadowing and overbearing design.
- Visual impact to 'Lismore' dwelling which is a protected structure and impact to public views to the sea which are protected under the County Development Plan.
- Traffic hazard.

- Flooding and surface water management.
- Non-compliance with the County Development Plan and Regional Spatial and Economic Strategy.
- Precedent set by other proposals.
- Development would be premature pending a pre-planning meeting.

4.0 Planning History

There is no relevant recent planning history on the site. I note the following however on the adjacent property to the west:

- D20A/0736 Planning permission granted at 'Radharc', No. 5 Knocknacree Grove to alter and relocate the vehicular entrance, carry out elevational alterations to the dwelling and boundary alterations.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned A where the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Policy Objective PHP 18 seeks to promote increased housing supply and density on infill and brownfield lands while balancing residential amenity of existing properties.
- 5.1.3. Policy Objective PHP 19 provides the policy background to provision of infill housing developments in the Plan area:

It is a Policy Objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

5.1.4. Policy Objective PHP 20 seeks to protect the amenity of existing residential neighbourhoods and properties where they are located adjacent higher density and greater height infill proposals.

5.1.5. Section 12.3.7.5 of the Development Plan provides a context and framework for subdividing residential properties and developing infill proposals.

5.1.6. Section 12.3.7.7 of the Development Plan refers to infill dwellings and states the following:

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

5.1.7. Policy Objective HER 8 refers to architectural heritage and seeks to protect not simply the structural element of a protected structure but also its setting and curtilage including any complex of adjoining buildings, historic gardens, stone walls and entrance gates etc.

5.2. Sustainable Residential Development and Compact Settlement Guidelines

5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms.

5.3. Quality Housing for Sustainable Communities, DoEHLG 2007

- 5.3.1. The guidelines are a best practice handbook for identifying good quality residential amenity in order to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended, but are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity. They do not purport to be comprehensive nor seek to prescribe design solutions. They are intended to assist designers but proper design input on each project remains essential.

5.4. Regional Spatial Economic Strategy 2019-2031, Eastern and Midlands Regional Assembly

The strategy, hereafter referred to as EMRA's 2019 RSES, sets out a high-level growth and development strategy for the eastern and midlands region including Regional Policy Objectives (RPO) and Regional Strategic Outcomes (RSO). RPO 3.7 refers to sustainable growth as follows:

Local authorities shall have regard to environmental and sustainability considerations for meeting sustainable development targets and climate action commitments, in accordance with the National Adaptation Framework. In order to recognise the potential for impacts on the environment, local authorities shall address the proper site/route selection of any new development and examine environmental constraints including but not limited to biodiversity, flooding, landscape, cultural heritage, material assets, including the capacity of services to serve any new development.

5.5. BRE Guidelines: Site Layout Planning for Daylight and Sunlight (2022)

- 5.5.1. The guide gives advice on site layout planning to achieve good sun lighting and daylighting, both within buildings and in the open spaces between them. It contains guidance on site layout to provide good natural lighting within a new development; safeguarding of daylight and sunlight within existing buildings nearby; and the protection of daylighting of adjoining land for future development. The appendices contain methods to quantify access to sunlight and daylight within a layout.

5.6. Natural Heritage Designations

The site is situated 500m west and 300m northeast of the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area. It is also located 600m west of Rockabill to Dalkey Island Special Area of Conservation and Dalkey Islands Special Protection Area.

5.7. EIA Screening

See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required. A formal determination or notification is not required in these cases.

6.0 The Appeal

6.1. Grounds of Appeal

- Green wall and eastern elevation are overbearing, out of character with established architecture with concerns also submitted regarding its future maintenance. One appeal suggests an alternative finish, on a smaller scaled dwelling, in the form of 'soft brick rendering' which in my opinion is likely a typographical error and should have said 'rendering'.
- Boundary hedgerows should be retained. Trees and hedgerows do not provide permanent screening.
- Concerns regarding ground stability, cut and fill, noise and vibration during construction.
- Cut and fill requirement is contrary to climate action chapter of the Development Plan. Planning Authority should not distance itself from ensuring that the proposal would comply with building regulations.
- Inappropriate dwelling design which represents overdevelopment on the constrained site. Proposed design is overbearing, has inadequate setbacks and

would result in overshadowing and overlooking to adjoining properties resulting in property devaluation. Finished floor levels do not correspond to those in the existing dwelling and floor to ceiling heights are excessive, which results in a dwelling out of scale with the plot and surrounding structures. Solid to void ratio on front and rear elevations is inappropriate.

- Impact to residential amenity by reason of overlooking, overshadowing, noise and visual impact. Glazing at the upper level on the rear elevation is excessive and does not address the further information request to reduce its scale to 50% of that elevation. A revised proposal should illustrate glazing in only 50% of the width of the elevation. Finished floor levels and internal floor to ceiling heights are exaggerated which contribute to the overall excessive height of the dwelling.
- Visual impact to protected views in public areas and impact to views and setting of 'Lismore' protected structure.
- Planning Authority assessment did not reference relevant sections of the Sustainable Residential Development and Compact Settlement Guidelines relating to overarching and guiding principles of infill development (references made to sections 1.3.2, 3.1 and 3.4.2).
- Proposed development does not comply with the following sections of the Development Plan:
 - Zoning
 - Section 2.6.2.1 regarding compact growth and regeneration
 - Objectives PHP 18, 19 and 20,
 - Section 12.3.7 regarding additional accommodation in existing built up areas,
 - Section 12.3.7.7 regarding infill development,
 - Section 2.3.4 regarding the building height strategy,
 - Section 12.3.7.5 regarding corner/side garden sites and
 - Section 12.7.4 regarding car parking.

- Planning Authority assessment did not address grounds of objection including some items already listed in this section together with the following:
 - Lack of precedent in the area,
 - Impact to residential amenity which results in non-compliance with the zoning,
 - Proposal doesn't comply with national and regional planning guidance,
 - No visual impact assessment or photomontages,
 - Development would set a negative precedent,
 - Surface water management concerns, and
 - Property devaluation.
- In terms of overlooking, topography of the area exacerbates overlooking opportunities and therefore adherence to SPPR1 and minimum separation distances is not sufficient to prevent significant overlooking. Additionally, the proposed first floor louvre to restrict views to the east will focus views to the west and impact amenity levels of the existing dwelling.
- Proposed alterations to existing dwelling are excessive, will detract from the internal amenity and the external character of the area.
- Car parking proposals are not feasible and would cause a traffic hazard. Concern raised about how demolition of existing boundary to facilitate new vehicular access would impact existing boundary.
- No referral made to the Parks and Outdoors Department of the Local Authority.
- Encroachment – dispute over property boundary and installation, operation and maintenance of green wall.
- 11 no. suggested reasons for refusal provided.

6.2. Applicant Response

- Existing dwelling has no architectural merit and proposed amendments will not alter its existing amenity levels.

- Existing side garden is unused therefore the proposed development would maximise the sites potential and increase efficiency.
- The proposed vehicular entrances would safely facilitate both existing and proposed dwellings.
- The proposed contemporary design would provide a clear definition and contrast between the existing dwellings and proposed dwelling. Its design is in proportion to those existing dwellings in terms of height and scale and is lower than the roof of the existing dwelling on the site. It is a modest size for a 3-bed unit and its flat roof mitigates against any visual dominance while maintaining the integrity of the streetscape. Adequate separation distances are incorporated to overcome any overlooking or overshadowing impacts.
- Technical matters such as surface water and traffic movements are addressed in the Local Authority's internal department reports.
- Boundaries have been accurately measured and corroborated with property deeds.
- Open space proposals for both dwellings are above the minimum requirements.
- Views will not be impacted from Knocknacree Road, Torca Road or Ardburgh Road. It will not impact views to the skyline.
- The Case Planner's report outlines how the design will not unduly alter the physical character or the area nor appear visually obtrusive.
- The green wall will enhance the structures integration with the surrounding environment. The appellants perspective critiquing the architectural decision to incorporate a living green wall as a 'gimmick' fails to appreciate the comprehensive and strategic design approach. The green wall represents a visually appealing and progressive design solution with a number of benefits including air purification, temperature regulation, biodiversity enhancement, rainwater management and noise reduction, thereby integrating the building more harmoniously with its surroundings.

6.3. Planning Authority Response

- The response refers the Board to the Planner's Report and states that the grounds of appeal do not raise any new matter which would justify a change in opinion.

6.4. Further Responses

- One further response is received from one of the Appellants which states that the Appellants read the other two appeals and agree with their contents and grounds of appeal.

7.0 Assessment

7.1. Introduction

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, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal therefore are as follows:

- Planning policy and principle
- Dwelling design and scale
- Eastern elevation and green wall
- Boundaries
- Visual impact
- Residential amenity – overlooking and overshadowing
- Property devaluation
- Surface water
- Car Parking
- Construction Impacts
- Design Standards

- 7.1.2. The topic of precedent is also raised in the third-party appeals, both that there is no precedent in the area for this type of development and that permitting the development would result in setting a negative precedent. In this regard, I consider it appropriate to note that all planning applications are assessed based on their own merits. Regard is had to any existing trends and impacts in the area as a result of permitted development, however ultimately this application and appeals are assessed on their own merits and based on the information submitted.

7.2. Planning Policy and Principle

- 7.2.1. This following section refers to national, regional and local planning policy, with an assessment provided of each to establish if the principle of development is met.
- 7.2.2. The site is situated on lands zoned A where the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities. Section 12.3.7.7 of the Development Plan facilitates infill residential development subject to respecting the height and massing of existing residential units and retaining the physical character of the area. As set out later in this report, I consider that residential amenity and the character of the existing neighbourhood are both retained in compliance with Policy Objective PHP 20 of the Development Plan.
- 7.2.3. Additionally, section 12.3.7.5 of the Development Plan provides for infill development in side garden sites and I consider that the development complies with each of the parameters set out including the relationship with existing dwellings, impact on residential amenity, accommodation standards and car parking etc.
- 7.2.4. Lastly in the context of local policy, the development would comply with PHP 18 and PHP 19 as well as section 2.6.2.1 of the Development Plan which refer to compact growth and regeneration as it promotes increased housing supply at higher densities while balancing the protection of existing residential amenity.
- 7.2.5. The appeals make reference to the Compact Settlement Guidelines and considers that the development does not comply with specific sections regarding the overarching and guiding principles of infill development including Sections 1.3.2, 3.1 and 3.4.2.
- 7.2.6. Section 1.3.2 refers to compact growth and states that higher densities should be subject to the protection of historic fabric, character, amenity, natural heritage,

biodiversity and environmental quality. Section 3.1 is an introduction to settlement, place and density. It highlights how a shift to increased residential densities was made based on three significant social, economic and environmental considerations, the latter of which was the need to reduce CO² emissions. Section 3.4.2 refers to considerations of character, amenity and the natural environment.

- 7.2.7. In my opinion, the proposed development complies with these guidelines, and the highlighted sections. As outlined later in this report, I consider that that the development would not impact on residential amenity or the character of the area. I also consider that construction of an energy efficient infill dwelling, in a serviced urban area close to public transport connections, is a more sustainable choice than a dispersed low density settlement. I also consider that the benefits of a denser settlement supporting local services and public transport outweighs any negative CO² emissions created by a more dispersed settlement pattern or the CO² emitted during the construction period for the proposed development. I therefore consider that the proposed development complies with the Compact Settlement Guidelines.
- 7.2.8. The appeals state that the proposed development does not comply with EMRA's 2019 RSES, namely RPO 3.7 regarding sustainable growth as the proposal impacts the landscape and residential amenity, cannot provide safe car parking and would impact the cultural heritage of the area. RPO 3.7 requires an assessment of a proposed development against a range of environmental topics to ensure the most appropriate outcome is realised, safeguarding the built and natural environment.
- 7.2.9. As outlined later in this report, I have assessed the proposed development against a number of environmental topics and consider that no significant negative impact is likely to occur, and I conclude that the proposed development represents sustainable development in compliance with the RSES.
- 7.2.10. In conclusion, I consider that the proposed development complies with the relevant planning policy and that the principle of development is established.

7.3. Dwelling Design and Scale

- 7.3.1. The proposed 157m² detached and flat roof dwelling is positioned centrally on the site and retains a 1m pedestrian separation from the eastern boundary and the

western elevation of the existing dwelling to provide pedestrian access to the rear of both.

- 7.3.2. The site slopes steeply down from north to south (front of site to rear) meaning an element of fill is required at the lower levels to accommodate the level floorplate and retain universal access throughout both floors. The design of the dwelling however responds to this and positions windowless plant and storerooms at the south of the lower level which will effectively be built into the existing bank and retaining walls. It also positions the front door and living space at the upper level to maximise natural light and seaviews for the living areas and positions the three bedrooms on the lower level for privacy and amenity purposes.
- 7.3.3. The dwelling is contemporary in character and distinct from the adjacent dwelling on the site which is mid-20th century in character with a split-level pitched roof and horizontal emphasis gable and fenestration. The flat roof of the proposed dwelling would be 640mm lower than the maximum ridge of the existing adjacent dwelling. The depth of the dwelling also aligns with the existing building line while the width spans most of the plot while retaining the aforementioned pedestrian access. Maintaining the front and rear building lines also serves to maintain the existing rear garden depth of over 11m to the north of the dwelling.
- 7.3.4. For these reasons, I consider the scale of the dwelling to be similar to and representative of an extension to the existing dwelling and acceptable in scale and form when viewed from the streetscape at the south.
- 7.3.5. The appeals focus on the impact of the proposal when viewed from the adjacent properties northeast of the site. The northeast corner of the proposed dwelling would be situated 11m from the closest single storey rear projection of the closest dwelling called 'Martello' which is northeast of the site. The appeal considers that the design is inappropriate due to its height, massing, scale, length and proximity to boundary. The ground slopes down to the north meaning the dwellings northeast of the site are situated at a lower ground level.
- 7.3.6. The northeast corner of the proposed dwelling would reach a parapet height of 57.6mOD which is lower than the existing dwelling but would be situated 6.5m closer to the eastern boundary of the site. While I acknowledge that construction of a new 8.75m long wall in this location is a noticeable and tangible change in the visual

environment for the dwellings to the northeast, I do not consider that the structure would be overbearing or represent a design, scale and massing which is inappropriate for the site. I consider that the separation distances and orientation between the proposed dwelling and neighbouring dwellings to the northeast is sufficient to mitigate against any overbearance or significant negative visual impact, with or without the green wall on the eastern elevation of the proposed dwelling.

- 7.3.7. In terms of the contemporary nature of the design, I consider it is complimentary to the area and does not detract from the established character. While it would be noticeably distinct, in my opinion the simple palette of materials and relatively plain, paired back design and fenestration is an unobtrusive addition to the streetscape as illustrated in the photomontages received. I also note examples of similar flat roof contemporary dwellings amongst a wide variety of architectural types in the area.
- 7.3.8. The development also proposes alterations to the existing dwelling in order to accommodate the new dwelling. Windows on the eastern gable elevation will be removed however each room that these windows serve will still be served by other existing and larger windows and therefore, in my opinion residential amenity of the existing dwelling would not be significantly impacted and I consider that each room would still maintain a high level of natural light and residential amenity.

7.4. Eastern Elevation and Green Wall

- 7.4.1. The appeals consider that the proposed green wall is out of character with the area and is an unsightly decoy which is unlikely to mitigate against the overbearing nature of the proposed eastern elevation. As set out above, in the first instance having regard to its scale and relationship to surrounding properties, I do not consider that the eastern elevation would be overbearing.
- 7.4.2. Secondly, in my opinion, green walls are a successful and environmentally sustainable technology which have numerous benefits as highlighted in the Applicant's response. One appeal focuses on an existing green wall at Trinity Business School and considers it to be out of character with the area however I disagree and consider it softens the sharp finishes of an urban environment. Any additional green landscaping and introduction of softer finishes is beneficial in my opinion in combating air quality, noise, surface water management and biodiversity.

- 7.4.3. The appeal submits there is no room to maintain the wall however the drawings illustrate a 1m pedestrian access between the dwelling and the boundary which is sufficient in my opinion to provide access for maintenance purposes. I also note that the flat roof affords additional opportunities to provide access for maintenance purposes which a pitched roof may not.
- 7.4.4. One appeal questions why the application was not referred to the Parks Department of the Local Authority however I understand the Parks Department typically has a responsibility for public recreational spaces only such as public parks. Nonetheless, this is outside of the remit of An Bord Pleanála. Similarly, I note one appeal questions the financial viability of the green wall however this is also outside of the scope of planning matters.
- 7.4.5. The appeals suggest that an alternative finish such as a rendered brick could be applied in lieu of the green wall as set out above. I consider the green wall is a more appropriate finish due to its environmental benefits and I consider it is a suitable design response in this location.

7.5. Boundaries

- 7.5.1. There is an existing tall and dense leylandii hedge along the eastern boundary of the site. Its height varies due to the changing ground levels but I estimate it is 5-6m tall and I noted during the inspection that it is in poor condition in places and quite brown. It is proposed to cut back the hedge as far as the boundary line, maintaining the living trees themselves in situ and installing a timber fence, the height of which is not specified but which appears to be 1.8-2m tall on the drawings.
- 7.5.2. The adjacent landowners object to this proposal due to impacts to the hedge, the cost of replacement and the lengthy duration of time to reach maturity.
- 7.5.3. I consider that the existing hedge is in need of significant maintenance and note the degree of decaying branches. In this regard, I consider the applicant's proposal to install a timber boundary fence as part of the proposed development is appropriate. I also note that such works would likely constitute exempted development if carried out aside from the proposed development.

7.6. Visual Impact

- 7.6.1. As noted previously, I consider that the design and siting of the proposed development is such that it would not negatively impact views from the streetscape nor would it significantly alter and detract from the current visual amenity of dwellings to the northeast.
- 7.6.2. Some of the appeals refer to protected views and prospects seawards from the public realm as well as views from 'Lismore' which is a detached dwelling situated south of the site and which is a protected structure. The appeals consider that the development would contravene Policy Objective HER 8 of the Development Plan relating to the protection of protected structures including their setting and curtilage.
- 7.6.3. In my opinion, when regard is given to the multiplicity of rooftops and built form in the current views north towards the sea, I do not consider that the imposition of another dwelling and rooftop would significantly detract from views of the sea. The existing southern boundary treatment along the Knocknacree Grove estate road comprises a low wall and tall hedge behind which already blocks all views from a pedestrian's perspective. In this regard, some glimpsed views would be obstructed, however I note that views from this location are not specifically protected under Table 8.1 of the Development Plan. The mapping published with the Development Plan identifies views from the public Knocknacree Road to the east and Torca Road and Ardbrough to the south to be protected, however in my opinion the proposed development would not interfere with or alter those views due to the scale of the proposed dwelling, the distance between those roads and the site, changing ground levels, intervening screening and their orientation to one another which already prevents most views to the site.
- 7.6.4. I also consider that views to and from Lismore would not be significantly impacted for the same reasons; namely the extent of existing built form in close proximity to the protected structure which forms a large part of the existing viewshed, together with the scale and design of the proposed dwelling and the scale of existing hedging and boundary walls at the north of the Lismore property adjacent the Knocknacree estate road. I have had regard to photographs taken within the Lismore property submitted with the appeal and in my opinion, the proposed development would not contravene HER 8.

7.7. Residential Amenity – Overlooking and Overshadowing

7.7.1. The Appellants submit that a reduction in residential amenity would occur by means of visual impact, construction impacts, overlooking and overshadowing. The first two are addressed in other sections of this report concluding that no significant deterioration in residential amenity is expected to occur.

7.7.2. Overshadowing

7.7.3. The new structure would be situated at a higher ground level to the dwellings situated to the north and northeast and therefore there is a potential for overshadowing to occur. The adjacent dwelling directly north of the site is situated close to the shared 5-6m high hedgerow with a separation of 4-5m between it and the hedgerow which already causes overshadowing. The proposed dwelling would be stepped back another 12m from that rear boundary and therefore I consider it unlikely that any significant additional overshadowing would occur as a result of the proposed development.

7.7.4. In terms of overshadowing to the 'Martello' dwelling which is situated adjacent and northeast of the site, I note its set back from the boundary and its long south facing rear garden allows more direct sunlight to penetrate windows than in the previous scenario. The BRE guidelines recommend a more detailed check is undertaken in circumstances where a new structure is situated within 45° of a window to a habitable room on the horizontal plan drawing and/or subtends greater than 25° on the horizontal on a section drawing.

7.7.5. The Martello dwelling would be situated 11m northeast of the new dwelling and in the absence of detailed information regarding ground levels or the rear elevation of that dwelling, in my opinion, the proposed dwelling would be situated within 45° of the rear elevation of Martello on the horizontal plan drawings, and subtends greater than 25° on the horizontal on a section drawing measured from the centre of the lowest window to a habitable room in Martello. This information is drawn from a combination of google earth imagery, OSI discovery mapping and site investigation noting the general land form in the area.

7.7.6. In this context I consider there would be some perceptible change to the degree of sunlight entering the Martello property at points during the year as a result of the

proposed development. However, in my opinion, any change in access to direct sunlight would be minor when regard is given to the height of the existing hedgerow, 20m depth of the Martello garden which faces southwest, the presence of other mature trees at the south and east of the site within the Martello rear garden, together with the height and proximity of the existing dwellings to each other and the existing change in landform. The proposed development would effectively introduce the same height of structure as that currently on the site, but now situated 6.5m closer to the boundary and in my opinion there remains a sufficient set back and orientation to maintain very good degrees of residential amenity reducing the likelihood of any significant overshadowing. In this regard I consider that an additional detailed Sunlight and Daylight Assessment is not required and note that Section 1.6 of the Guide states that numerical guidelines should be interpreted flexibly and the guidance is not mandatory.

7.7.7. Overlooking

- 7.7.8. Regarding overlooking, the Appellants submit that overlooking would be excessive from the large rear elevation window on the upper level of the proposed dwelling as well as from the proposed parking space which are both situated at a higher ground level than the Martello dwelling. In my opinion, the nature of a car parking space is a transitory space not occupied by persons for extended periods of time, which means that overlooking opportunities are limited. Overlooking to the Martello property from the proposed parking area is also further physically restricted by the presence of the hedgerow and trees which form the property boundary.
- 7.7.9. The large rear elevation window at the upper level is set out parallel to the rear boundary and designed to maximise sea views, directing the gaze over the tall hedgerow and adjacent rooftops. A projecting fin is proposed along the eastern elevation to entirely obscure views from the eastern most corner of this window. The fin would also severely restrict views from the centre and the west of this window and in my opinion, any views from the window to the Martello property would be restricted by the acute angle afforded by the orientation of both dwellings to one another. I do not consider that any significant overlooking would occur to the ground floor windows of Martello which would be 14m from the centre of the proposed window in question while the second-floor windows of Martello would have a separation of 18-19m, further reducing overlooking opportunities and complying with

SPPR 1 of the Compact Settlement Guidelines. In this context I do not consider that any reduction in the scale of the window is merited.

- 7.7.10. In conclusion, I do not consider that the existing residential amenity of adjoining properties would be significantly impacted by overlooking or overshadowing from the proposed development and I consider that the development would comply with Policy Objective PHP 19 of the Development Plan which seeks to *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

7.8. Property Devaluation

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

7.9. Surface Water

- 7.9.1. One appeal references an existing drain on the Martello property and submits that there is a flow of water present, however its origin and destination are unknown. The appeal raises concerns regarding the management of surface water from the proposed development and states that permission is not given to connect into any infrastructure on that adjoining property.
- 7.9.2. The proposed surface water strategy is to manage surface water entirely within the site by providing a soakway in the rear open space to the north of the dwelling. Condition no. 4 of the notification to grant permission supports and confirms this proposal by stating that surface water shall not be discharged to a public sewer but shall be infiltrated within the site. It goes on to state that if a soakway is not feasible, the Applicant may submit an alternative SuDS proposal subject to detailed infiltration tests. In my opinion this is an acceptable and appropriate approach to surface water management which would not impact on adjoining properties.

7.10. Car Parking

- 7.10.1. It is proposed to alter the existing vehicular access to accommodate separate in-curtilage car parking for both dwellings. A new vehicular entrance would be opened in the southwest of the site and a 36m² level platform provided to accommodate two vehicles. It is not clear from the drawings whether the area underneath would be infilled or if a raised platform on stilts/columns would be provided however if infilling is required, the small area would equate to a relatively small volume of fill which would not, in my opinion result in any significant construction related disruption, even in tandem with the fill required for the new dwelling.
- 7.10.2. One parking space is proposed within the curtilage of the new dwelling which is considered an acceptable rate of car parking for the 3-bed dwelling having regard to the proximity of the site to public transport connections including the nearby dart station which would be a 650m walk from the site.
- 7.10.3. Sightlines of 24m would be achievable in both directions from both new entrances which I consider to be acceptable having regard to the 30km/h design speed of the estate road.
- 7.10.4. The appeals consider that the lack of turning space within both sites results in an arrangement where vehicles would need to reverse onto the estate road and submit that this is a traffic hazard. I note the Planning Authority's Transport Department report does not raise any objections to this proposal, but does recommend a condition requiring a maximum width of new entrances which I consider is an acceptable response.
- 7.10.5. I also note the scale of the Knocnacree estate which has only 5no. other dwellings accessing the cul-de-sac beyond the proposed new entrances. In this context, I consider that the proposed access arrangements, including the absence of in-curtilage turning space, are acceptable and are not likely to result in any traffic hazard.

7.11. Construction Impacts

- 7.11.1. The site is situated on a slope and therefore some element of infill will be required to create a level platform forming the lower floor. Having regard to the levels illustrated

on the layout and section drawings received with the application, this implies that fill depths of 1-3m across a footprint of 90m² are required which equates to 90-270m³ of fill material. In my opinion this is not an excessive quantity of material necessitating significant HGV deliveries and therefore residential amenity and the structural integrity of the public road are unlikely to be impacted.

- 7.11.2. I also consider it unlikely that significant quantities of cutting and excavation of existing ground levels are required due to the scale of the proposal with a 90m² floorplate.
- 7.11.3. I do not agree therefore with Appellant's submission that significant quantities of HGV deliveries would be required, or that the construction phase would lead to significant disruption.
- 7.11.4. I note the health emergency set out in the appeal which was attributed at the time to noise from nearby rockbreaking. In the absence of any expert report setting out any health impacts, together with the likely scale and duration of the construction phase associated with a two storey detached dwelling, I consider that the preparation of a Construction Management Plan with a robust complaints and communications procedure would sufficiently manage any environmental impacts during the construction phase.

7.12. Design Standards

- 7.12.1. I note that sufficient private open space and car parking would be provided for both dwellings to comply with the requirements of the Development Plan. Opportunities for in curtilage bin and bicycle storage is provided at both sites. Both dwellings would be triple aspect structures and I note the proposed internal floorspaces all meet the required standards as set out in the Quality Housing for Sustainable Communities document including room widths and internal storage.

8.0 AA Screening

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

The subject site is located 600m west of Rockabill to Dalkey Island Special Area of Conservation and Dalkey Islands Special Protection Area.

- 8.2. The proposed development comprises subdivision of site, alterations to existing dwelling and vehicular access and construction of new detached dwelling
- 8.3. No nature conservation concerns were raised in the planning appeal.
- 8.4. 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 and domestic nature of the works in a serviced urban area,
 - The distance from the nearest European site and lack of connections, and
 - Taking into account screening report/determination by LPA,
- 8.5. 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.
- 8.6. 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 be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including Policy Objectives PHP 18, PHP 19, PHP 20, HER 8, and the 'A' zoning objective for the area as well as Regional Policy Objective 3.7 of the Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously

injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 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 the planning authority on the 20th day of March 2024, 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>The 'living green wall' shall be fixed and maintained permanently on the eastern elevation in accordance with the plans and particulars submitted.</p> <p>Reason: In the interest of architectural interest and sustainable development.</p>
3.	<p>The access arrangements and works to the public footpath shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details of the access arrangements and works to the public footpath for the written agreement of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p>

	Reason: To prevent flooding and in the interests of sustainable drainage.
5.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, complaints management procedures, public liaison and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
6.	<p>The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network prior to the commencement of development.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</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</p>

	<p>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>
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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.

Sarah O'Mahony
Planning Inspector

20th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319648		
Proposed Development Summary	Subdivision of site, alterations to existing dwelling and vehicular access and construction of new detached dwelling.		
Development Address	Chinook, 6 Knocknacree Grove, Dalkey, Co. Dublin, A96 D267		
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	X
		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)?			
Yes	X	Class 10 (b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	One dwelling proposed which is below the threshold of 500.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Threshold = 500 dwelling units. Proposed development = 1 dwelling unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Form 2
EIA Preliminary Examination

The Board carried 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.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.	The urban site is serviced and forms part of the curtilage of an adjacent dwelling which is not exceptional in the context of the surrounding area and development.	No

Will the development result in the production of any significant waste, emissions or pollutants?	A short term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	The development is situated in an urban area on an infill site to the side of an existing dwelling and the scale of the single unit proposal is not considered exceptional in the context of surrounding development. It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.	No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?	Having regard to the modest nature of the proposed development and the nature of the works constituting a single dwelling unit, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIA required.

Inspector: _____

Date: _____