



An
Bord
Pleanála

Inspector's Report

ABP-319753-24

Development	Construction of a dwelling and all associated site works.
Location	Adjacent to 18 Kilkieran Court, Cabra West, Dublin 7, D07 C9T3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3301/24
Applicant(s)	John Fetherston
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Fetherston
Observer(s)	Sue & David Callanan Sandra & Mark O'Neill
Date of Site Inspection	24 th September 2024
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The site measures a stated area of 0.0125ha and forms part of the front driveway and front garden of an end of terrace two storey dwelling at no. 18 Kilkieran Court. The site is partly comprised of a lawn and part hard surface area used for car parking and which contains a small shed.
- 1.2. The rear gardens of no.'s 383, 385 and 387 Carnlough Road form the boundary to the west with the boundary between the rear gardens of no. 385 and 387 and the appeal site comprising a low wall which has been supplemented with a wooden fence to the rear of no. 385 and a wire fence to the rear of no. 387. The side garden of no. 17 Kilkieran Court is located to the south and a garage associated with this dwelling defines the appeal site boundary to the south. There is a footpath along the sites eastern boundary which adjoins the end of the cul-de-sac at Kilkieran Court.

2.0 Proposed Development

- 2.1. Permission is sought for a single storey 2 bedroom dwelling with a stated floor area of 60 sq.m. located to the front of no. 18 Kilkieran Court, Cabra, Dublin 7.

3.0 Planning Authority Decision

- 3.1. On 23rd April 2024 the Planning Authority decided to refuse permission for one reason as follows:

The proposed new house would not provide appropriate residential amenity to future residents, providing inadequate quality private open space with no visual privacy, and internal accommodation that fails to comply with the standards set in the Ministerial Guidelines Quality Housing for Sustainable Communities'. The proposed development fails to comply with the criteria set out in Section 15.13.3 Infill/Side Garden Housing Developments of the Dublin City Development Plan 2022-28, being out of character with adjoining houses and the character of the street.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report reflects the decision to refuse permission and can be summarised as follows:

- The design and layout is different in character, form, scale and palette of materials to the other houses in the cul-de-sac.
- Room sizes do not comply with Quality housing for Sustainable Communities 2007 or the recent Design Manual for Quality Housing (2022) and inadequate storage space has been provided.
- The window serving bedroom 2 has a 1.5m cill and is close to the rear boundary (c.2.2 m) which is to have a 1.8m high fence, limiting daylight, sunlight and outlook.
- The building is located directly on the footpath with drainpipes located over the public footpath. A setback could address this and also provide a privacy strip in front of front windows. There is limited potential for a setback due to the shallow depth of the site.
- There are concerns in relation to the amenity value of the proposed private open space.
- There is potential for some additional overshadowing to nos. 385, 387, and 389 Carnlough Road. Nos. 385 and 387 have unusually low rear boundary walls, and all three properties have small rear gardens, and the cumulative impacts of the proposed development with the existing overshadowing might have undue impacts.
- No site section has been submitted and it is unclear whether there would be undue impacts on daylight.
- There are concerns regarding the proximity of the proposed outdoor amenity area and main living area to the front elevation of the existing house at 18 Kilkieran Court and resulting impacts on privacy for both dwellings.
- Transport Planning Division state no objection to the lack of car parking, subject to conditions, including the provision of sheltered bicycle parking and

that future residents be adequately informed that the development has zero car parking on site.

- Drainage division require further information on Surface Water Drainage and SuDS prior to commencement of development. Due to the lack of setback from the front boundary, the drain downpipes and water butts would be located on the public pavement.

3.2.2. Other Technical Reports

Road Planning Division: No objection subject to condition. A slight overhang on the public road is shown which can be addressed by condition.

Drainage Division: Additional information required in relation to information relating to surface water management.

3.3. Prescribed Bodies

TII: A Section 49 condition should be applied in relation to Luas Cross City.

3.4. Third Party Observations

Six observations were received in relation to the planning application. The issues raised are comparable to the issues raised in the observations to the appeal.

4.0 Planning History

Appeal Site:

3386/23: Permission refused for a 2-storey building consisting of 2 no. 1 bed apartments adjacent to 18 Kilkieran Court, Cabra. Permission refused for the following reasons:

1. Given the minimal set back of the proposed development from the western boundary wall, the proposal would result in a substandard and unacceptable form of residential accommodation which would negatively impact on the residential amenities of future occupants particularly by reason of a poor outlook from the ground floor apartment. The proposed development would, therefore, be contrary to Policy QHSN36 of the Dublin City Development Plan

2022-2028 which seeks to promote the provision of high-quality apartments by achieving suitable levels of amenity within individual apartments. The proposed development would therefore, by itself and by the precedent it would set for other development in the area, seriously injure the residential amenities of future occupants of the development, thus being contrary to the Z1 zoning objective for the site and to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the proposed development to adjoining residential properties to the west, (Nos. 385 and 387 Carnlough Road) and to the south (No.17 Kilkieran Court), it is considered that the proposed development would give rise to undue overbearing effects of these properties. In addition to this, given the minimal set back of the proposed development from the western boundary of the land, the proposed development would cause undue overshadowing effects and as a result would adversely impact on residential amenities in the area. The proposed development would therefore be seriously injurious to the residential amenities of the area and contrary to the proper planning and sustainable development of the area.

0073/24: Application for social housing exemption certificate in respect of a proposal for one dwelling granted on 25th March 2024.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2022-2028 (CDP) is the operative Development Plan for the area. The Appeal site is zoned Z1 - Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: 'To protect, provide and improve residential amenities'. Residential is a use which is Permitted in Principle on lands zoned Z1 - Sustainable Residential Neighbourhoods.
- 5.1.2. The plan has regard to national and regional policies in respect of infill development within existing built-up areas. Policy QHSN6, Policy QHSN10 and Section 15.13.3 support residential consolidation and sustainable intensification through appropriate

infill and backland development on suitable sites. Requirements for infill development are set out in section 15.5.2.

- 5.1.3. Section 15.8 recognises that minimum standards may not always be possible to achieve and may be relaxed on tight urban infill sites subject to the provision of good quality accommodation.
- 5.1.4. Section 15.11 sets out standards for housing, including floor areas, aspect, daylight/sunlight and ventilation, private open space, and separation distances. Section 15.11.3 Private Open Space states that where dwellings have little or no front gardens in urban settings, it is important that 'defensible space' is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully considered. Rear gardens and similar private areas should be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries, and not back on to roads or public open spaces.
- 5.1.5. Section 15.13.3 sets out criteria to be considered in applications for Infill/Side Garden Houses. In assessing proposals the planning authority will have regard to, inter alia, the character of the street; Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings; Accommodation standards for occupiers; Development plan standards for existing and proposed dwellings; Impact on the residential amenities of adjoining sites; Open space standards and refuse standards for both existing and proposed dwellings; The provision of landscaping and boundary treatments which are in keeping with other properties in the area; The maintenance of the front and side building lines, where appropriate; 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.

5.2. National Planning Guidelines

- 5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024)

SPPR 1 - Separation Distances ... When considering a planning application for residential development, a separation distance of at least 16 metres between

opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. ... There shall be no specified minimum separation distance at ground level or to the front of houses. ... The obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 2 – Minimum Private Open Space Standards for Houses requires new houses provide a minimum private open space area of 30 sq.m for a 2 bed house. For urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

SPPR 3 - Car Parking (i) In city centres and urban neighbourhoods car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

5.3. Natural Heritage Designations

- 5.3.1. The site is located approximately 250 metres south of the Royal Canal pNHA (002103). The site is not located within any designated Natura 2000 site(s), with the nearest Natura 2000 sites, South Dublin Bay and River Tolka Estuary SPA (004024) located approximately 4.5 kilometres east and South Dublin Bay SAC (000210) located approximately 6.5 kilometres east of the site.

5.4. EIA Screening

- 5.4.1. See Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the

established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted and includes revised drawings providing for alterations to the internal layout, a setback of 200mm from the eastern site (roadside) boundary and revisions to external finishes. The first party appeal can be summarised as follows:

- The current proposal is revised from a previously refused proposal and reduced to single storey to mitigate overlooking, overbearing and daylight and overshadowing impacts
- To enhance privacy existing 900mm boundary walls are proposed to be increased to 1800mm using a light timber fence to enhance the privacy to 385 and 387 Carnlough Road.
- A high level window for bedroom 2 would increase daylight into this bedroom and a revised proposal submitted with the appeal to lower the height of the sill to 900mm will increase the quality of daylight in this room.
- The proposal complies with the Design Manual for Quality Housing as shown on the revised schedule of floor areas submitted with the appeal.
- Private open space exceeds the minimum 20 sq.m. and with landscaping to a high standard will provide a usable area of amenity space.
- In relation to Dublin City Council's Transport Planning Division and Drainage Division requirements, a revised site layout plan submitted with the appeal shows a setback of 200mm from the boundary line to accommodate the slim

fascia and gutter system with 3 water butts on private property and so no part of the development will overhang the public realm.

- The proposed cladding is to be removed and replaced with rendered finish and the proposal will remove a vacant site that is out of character with existing development in the area.
- Correspondence from DCC relating to pre-planning consultation for the proposed development indicates the proposal is acceptable in principle.

6.2. Planning Authority Response

A response received requests that the decision of the planning authority be upheld and that if permission is granted conditions be attached requiring a section 48 development contribution, a social housing condition and a naming and numbering condition.

6.3. Observations

Two observations received from the occupants of no. 385 and no. 389 Carnlough Road can be summarised as follows:

- The proposed increased 1800mm high timber fence will cut off light into 385 and 387 Carnlough Road and removal of the existing shed will mean this fence will impact on light into 389 Carnlough Road.
- The lowering of the cill to bedroom 2 will reduce privacy for no.'s 385, 387 and 389 Carnlough Road as it will result in overlooking directly into the rear of properties on Carnlough Road.
- The stated setback of 200mm to accommodate guttering and fascia appears to only be set back 95mm and brings the proposed houses closer to houses on Carnlough Road.
- The proposal is out of character with existing development and would set a precedent for future development.
- The appeal site is used for car parking, bin storage and open space for no. 18 which will be lost thereby reducing the amenities for this property.

- No external storage space or cycle storage space and inadequate car parking.
- The comments of the drainage division have not been sought in relation to the proposal submitted with the first party appeal to provide water butts.
- Properties on Carnlough Road have unusually low rear boundary walls and small rear gardens. The proposed rear private amenity space is small and located close to the boundary wall with Carnlough Road properties without storage for bins and bicycles and will adversely remove privacy to rear gardens on Carnlough Road.
- No shadow study has been carried out.
- Overlooking will arise from the proposed living room window/door into no. 18 Kilkiernan Court and vice versa.
- Reduction in daylight will arise from the proposed roof.

7.0 Assessment

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

- Principle of Development
- Design and Layout
- Car Parking
- Surface Water Drainage

7.2. Principle of Development

7.2.1. The site is zoned Z1 – Sustainable Residential Neighbourhoods whereby it is the objective 'To protect, provide and improve residential amenities' and residential use is a permissible use. I note that national, regional and local policy and Ministerial Guidelines seek to consolidate and provide for compact growth in urban areas and I

am satisfied that residential development on infill sites is acceptable in principle subject to compliance with development management standards and amenity considerations.

7.3. Design and Layout

- 7.3.1. The proposed two bed single storey dwelling has a pitched roof with a ridge height of 4.735m, an eaves height of 2.5m and a floor area of 60sq.m. Private amenity space is proposed to the north with a depth of 4.65m and a stated area of 55 sq.m. At its closest the proposed dwelling would be 1.4m from the western site boundary, 7m from the rear elevation of no. 385 Carnlough Road, 8m from the rear elevation of 387 Carnlough Road, 9m from the rear of 389 Carnlough Road and 8m from the main front elevation of no. 18 Kilkieran Court. The proposed dwelling would be located directly on the site boundary to the east with no setback from the public footpath.
- 7.3.2. Revised drawings submitted with the appeal provide for a setback of 200mm from the eastern (roadside) site boundary and a reduced setback from the western site boundary where the minimum distance is 1.3m at its closest point. Revisions to the internal layout and a schedule of room areas are also included with the appeal.

Proposed Internal Standards

- 7.3.3. The floor plan drawings indicate a floor area of 70sq.m. whereas an overall floor area of 61.5sq.m. is indicated on the schedule of rooms and 60 sq.m. in the planning application form. Having reviewed the drawings submitted with the planning application and the appeal I estimate the proposed floor area would appear to be approximately 60 sq.m.
- 7.3.4. In relation to internal standards, the planning authority raised concerns that the proposal does not comply with recommendations contained in Quality Housing for Sustainable Communities Guidelines (2007) and the more recent Design Manual for Quality Housing Guidelines which reiterate the standards contained in the 2007 Guidelines. I share the concerns of the planning authority in relation to the room sizes on drawings submitted with the planning application noting that the bedrooms do not comply with the minimum floor areas recommended. The first party appeal includes a revised internal layout and a schedule of room areas demonstrating compliance with the Quality Housing Guidelines for typical room sizes and having

reviewed same I am satisfied that compliance with internal room sizes and dimensions has been demonstrated.

- 7.3.5. I share the concerns of the planning authority in relation to the proximity of the window serving bedroom 2 to the 1.8m high rear boundary fence, with this window located approx. 2.2 m from the boundary and with a 1.5m high cill is likely to provide for a poor level of amenity to this bedroom in terms of daylight. The revised drawings submitted with the appeal includes a proposed reduction in cill level of this window to 900mm which would improve the amenity of this room and would address these concerns. Located at ground floor and proposed to be separated from adjoining properties by a 1.8m fence, I do not consider this window would give rise to overlooking of adjoining properties.

Proposed Private Open Space

- 7.3.6. The drawings submitted with the application and appeal indicate a proposed area of private open space to the north of the proposed dwelling measuring 55 sq.m. This area appears to include the area to the western side of the proposed house which would not form part of the usable open space area. I calculate the usable private open space area to the north to measure approximately 30 sq.m. when the area to the west side of the house is omitted. I am satisfied that the quantity of private open space is acceptable in line with SPPR 2 of the Compact Settlements Guidelines requirement of 30 sq.m. for a two bed dwelling. I note the concerns of the planning authority that the open space area is north facing thereby reducing its amenity value. Having regard to the scale and layout of the dwelling on the site I consider the orientation is generally acceptable.
- 7.3.7. The northern gable of the proposed dwelling would be located 8 metres from the main front elevation of no. 18 and approximately 7 metres from a front porch extension at no. 18 which is not shown on drawings. The proposed northern boundary wall would be approximately 3.1m from the main front elevation of no. 18 and approx. 2m from the front porch extension. It is not clear from the drawings submitted what height boundary treatment is proposed between the proposed private open space and the front of no. 18. CGI images in the design statement submitted with the planning application show this wall in line with the existing 1 metre high front boundary wall. The boundary treatment to the front of the site and defining the east

boundary of the private open space which will separate the open space from the existing pedestrian access to no. 18 and the public road is indicated as approximately 1 metre in height.

- 7.3.8. The development plan in section 15.11.3 includes a requirement that rear gardens should be screened from public areas and provide safe and secure play areas for children. SPPR 1 of the Compact Settlements Guidelines relates to separation distances and states that there shall be no specified minimum separation distance at ground level or to the front of houses and that the planning authority or An Bord Pleanála should be satisfied that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.
- 7.3.9. Having regard to the height of the boundary treatment surrounding the proposed private open space and to its proximity to and relationship with no. 18, the private open space would be visible from the ground and first floor windows and the front garden and pedestrian access of no. 18 and from the public road fronting the site. This would result in a poor level of privacy and would fail to provide for an adequate standard of amenity for future occupants of the proposed dwelling. The proposed open space also has potential to give rise to an unacceptable level of overlooking into no. 18 which I consider would negatively impact on the privacy of its occupants. I consider the provision of an increased height boundary treatment to provide for adequate privacy at this location would result in negative impacts on the amenities of no. 18 as a result of the proximity of the proposed boundary to the front of this dwelling.
- 7.3.10. Having regard to the above I consider that the proposed development would provide a poor standard of residential amenity for future occupants of the proposed development and the host property and is contrary to the guidance for Infill Development as set out within Section 15.13.3 and Private Open Space as set out within Section 15.11.3 of the Dublin City Development Plan.
- 7.3.11. The development plan in section 15.11.3 also refers to front gardens and requires that where dwellings have little or no front gardens in urban settings, it is important that 'defensible space' is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully

considered. I consider the proposal to locate the front elevation directly adjacent to the public footpath as proposed in the planning application fails to provide for an appropriate set back as required in section 15.11.3. I do not consider a setback of 200mm as provided for in the revised drawings submitted with the first party appeal is adequate for the purpose of providing a defensible space as outlined in the development plan. Whilst the site is located at the end of a cul de sac with limited vehicle and pedestrian traffic passing the site, I consider a privacy strip to the front of the site would provide for a more appropriate form of development at this location and would provide for improved residential amenities for future occupants of the dwelling.

Visual Impact

- 7.4. Section 15.13.3 of the development plan sets out guidance for infill developments within side and rear gardens. Relevant considerations include the compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings and the maintenance of the front and side building lines, where appropriate.
- 7.5. The appeal site is not located within the vicinity of a protected structure, an architectural conservation area or a residential conservation area and I note that the site contributes little to the visual amenity of the area. Having viewed the site from the surrounding streetscape and noting its position at the end of a cul de sac, I do not consider that the proposed building would significantly detract from the visual amenity of the wider area.
 - 7.5.1. Whilst I am satisfied that the proposal will not detract from the character of the area having regard to the existing pattern of development, I have concerns in relation to the proposal for a dwelling in the front garden of no. 18. An existing pedestrian access to no. 18 is to be retained with the front garden reconfigured to facilitate the pedestrian access and the proposed development. I consider this constitutes a haphazard and disorderly form of development which would set an undesirable precedent for similar development in the area.
 - 7.5.2. I consider the proposed development constitutes overdevelopment of this restricted site, as evidenced by the failure to provide for appropriate private open space and

also given the adverse impacts on the residential amenities of the host property, as referred to above.

- 7.5.3. The Planning Authority raised concerns in relation to finishes proposed and I note the first party appeal includes revised proposals including the omission of cladding and the proposal to match existing finishes. I note that the finishes in the area generally comprise a mix of painted render and brick. I consider that the concerns raised within the planning authority's decision in relation to the detailing of the façade design and finishes could be addressed by condition in the instance that the Board is minded to grant permission for the development and I do not recommend a refusal of permission on this basis.

Overshadowing, Daylight and Overbearing

- 7.5.4. The rear gardens of properties on Carnlough Road are located to the west of the appeal site. No. 385 Carnlough Road contains a single storey extension to the rear which is located 5m from the western site boundary and approximately 7 metres from the western elevation of the proposed dwelling. No. 387 and no. 389 Carnlough Road also have rear extensions which are not shown on the drawings submitted. I estimate the single storey extension to the rear of no. 387 would be approx. 5.5m from the rear boundary and 7.5m from the proposed western elevation. A two storey extension to the rear of no 389 would be approx. 8m from the rear of the proposed dwelling. No sunlight or daylight assessment has been submitted in relation to the proposed development. Having regard to the orientation of the appeal site east of the dwellings on Carnlough Road and to the height of the proposed dwelling, I consider it unlikely that the private amenity space to the rear of dwellings on Carnlough Road will receive less than two hours of sunshine on March 21st in accordance with BRE standards.
- 7.5.5. A proposed site section drawing has been included with the first party appeal. Noting the limited height of the proposed dwelling with an eaves height of 2.5m and a pitched roof with a ridge height of 4.735m, and the separation distance from surrounding dwellings, I consider the development is unlikely to result in significant negative impacts on daylight levels to existing habitable rooms.
- 7.5.6. I note the proximity of the proposed dwelling to the existing dwellings on Carnlough Road and the concerns raised in the observations to the appeal. Nos. 385 and 387

Carnlough Road have been extended to the rear, have shallow rear gardens and low rear boundary walls separating them from the appeal site. The boundary to the rear of no. 385 has been supplemented with a fence to increase its height. Having regard to the design of the proposed dwelling with an eaves height of 2.5m and ridge height of 4.735m I consider the proposed dwelling unlikely to result in significant negative overbearing impacts when viewed from the rear of these properties. A 1.8m high timber fence is proposed along the western boundary between the site and the rear gardens on Carnlough Road. I note the concerns of the observers in relation to this proposed boundary treatment, however having regard to its height I am satisfied that this boundary treatment would not give rise to unacceptable impacts on daylight or overshadowing and would be acceptable as proposed.

7.6. Car Parking

- 7.6.1. The Transportation Division report includes a requirement that no part of the proposed development shall overhang the existing public realm. Revised drawings submitted with the first party appeal provide for a setback of 200mm from the public road to provide for fascia and gutters within the appeal site. Whilst this addresses the concerns raised in relation to overhang onto the public realm, I consider it does not address the concerns outlined in section 7.3.11 above.
- 7.6.2. The proposal does not provide car parking for future occupants and will also result in the removal of existing car parking serving no. 18. I am satisfied that this is acceptable having regard to the urban location of the site and to the requirements of SPPR 3 of the Compact Settlements Guidelines which seeks to minimise car parking in city centres and urban neighbourhoods.

7.7. Surface Water drainage

- 7.7.1. The report of the Drainage Division states that the management of surface water as indicated on the drawings is not acceptable and that additional information is required. The first party appeal states that water butts and permeable paving are included and located within the site. I consider the proposed surface water arrangements are acceptable and that details relating to surface water management could be addressed by standard conditions relating to surface water management in the event of a grant of permission.

8.0 AA Screening

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

The subject site is located approx. 4.5 km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) North Dublin Bay SAC (000206).

The proposed development comprises the construction of a new dwelling. No nature conservation concerns were raised in the planning appeal.

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 nature and scale of the proposed dwelling and the serviced nature of the site.
- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. I recommend that permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, it is considered that the proposed development, by reason of its location in the front garden of no.18 Kilkieran Court and its relationship therewith, to the restricted overall site size, and to the design and layout proposed, would result in an unsatisfactory standard of residential amenity in terms of failure to provide for adequate private open space for future occupants and of overlooking into no. 18 resulting in an unacceptable impact on the residential amenities of that property. Furthermore, the proposal fails to provide for adequate defensible space behind the public footpath, which combined with the unsatisfactory relationship with no. 18 would result in a substandard form of development at this location by reason of haphazard and disorderly development and represents overdevelopment of a restricted site. The proposal would fail to comply with section 15.11.3 and section 15.13.3 of the Dublin City Development Plan 2022-2028 and would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.

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.

Bernadette Quinn
Planning Inspector

08th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319753-24			
Proposed Development Summary	Construction of a dwelling and all associated site works.			
Development Address	Adjacent to 18 Kilkieran Court, Cabra West, Dublin 7, D07 C9T3			
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	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	X		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	X	Class 10(b)(i) and (iv) of Schedule 5 Part 2		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319753-24	
Proposed Development Summary	Construction of a dwelling and all associated site works.	
Development Address	Adjacent to 18 Kilkieran Court, Cabra West, Dublin 7, D07 C9T3	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. 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>Proposal for residential development on land zoned residential located in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>No, the proposal will be connected to the existing water supply and waste water drainage infrastructure. Construction waste can be managed through standard waste management conditions.</p>	No
<p>Size of the Development 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 and / or permitted projects?</p>	<p>The proposed development seeks permission for 1 house on a site measuring 0.0125ha which is not considered exceptional in the context of the existing urban environment.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>No, South Dublin Bay and River Tolka Estuary SPA (004024) is located 4.5km east of the site and South Dublin Bay SAC (000210) is located approximately 6.5 kilometres east of the site. The Royal Canal pNHA (002103) is 250 metres north of the site..</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance</p>	<p>No</p>
<p>Conclusion</p>		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA is not required. 		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)