



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319888-24

#### Development

PROTECTED STRUCTURE:

Construction of 3.5m wide vehicular entrance with timber gates to rear of Harlech Downs (a protected structure) with removal of non-historic wall and installation of new brick gate piers and all associated site works.

#### Location

Harlech House, Harlech Downs,  
Dublin 14, D14 N2F7

#### Planning Authority

Dun Laoghaire Rathdown County  
Council

#### Planning Authority Reg. Ref.

D24A/0189/WEB

#### Applicant(s)

WZJ Ireland Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Grant, subject to conditions.

#### Type of Appeal

Third Party

#### Appellant(s)

Margaret Corry and others.

#### Observer(s)

None.

**Date of Site Inspection**

19<sup>th</sup> December 2024.

**Inspector**

Terence McLellan

## **1.0 Site Location and Description**

1.1. The appeal site refers to Harlech House, a large detached, two storey period dwelling which is a Protected Structure (RPS No. 212) and set within mature landscaped grounds with a stated site area of 0.360 hectares. Harlech House is accessed from Harlech Downs, a residential estate characterised by semi-detached dwellings with front and rear garden ground and off-street car parking. Harlech Downs connects to Goatstown Road and runs along the northern boundary of Harlech House, terminating in a cul-de-sac immediately adjacent to the appeal site. The boundary of this section of Harlech House is marked by brick walls and brick wall/railings. The site is further bounded to the west by Harlech Downs and public open space and bounded to the south and east by the rear garden ground of the neighbouring dwellings on Harlech Crescent.

## **2.0 Proposed Development**

2.1. Planning permission is sought for the removal of a section of the boundary wall to facilitate the creation of a new 3.5m wide vehicular entrance to the rear garden, with timber gates and new brick piers to match the existing wall and capping. An area of permeable paving would be created inside the new entrance to allow the parking of a maintenance vehicle.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Notification of the Decision to Grant Permission was issued by the Planning Authority on the 15<sup>th</sup> May 2024, subject to five standard conditions. Conditions of note include:

2. The Applicant shall provide a replacement semi-mature tree (in the next planting season, November 2024 to end February 2025) in the immediate vicinity of the existing verge tree adjacent to the proposed vehicular entrance at the Applicant's own expense, with the new tree type, maturity and location to be agreed with DLRCC Parks Department, and all to the satisfaction of the Planning Authority. With regards to the new tree the Applicant shall contact the

DLRCC Parks Department/Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.

**Reason:** In interests of amenity and the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The proposal is acceptable in terms of zoning, and it is considered that there would not be any negative impacts on the residential or visual amenity of the dwelling or neighbouring dwellings.
- The report notes the Applicant's claim that the entrance is for garden maintenance purposes and as such it is not considered to generate excess traffic in the estate.
- The section of boundary wall affected was constructed in 1988 and is not considered to be of any historic interest to the dwelling or site.
- Objections referencing the loss of parking are noted but the space at the end of the cul-de-sac is considered to be a turning space for vehicles and is not specifically for parking purposes. It is not considered that there would be any significant impact on parking.

### 3.2.2. Other Technical Reports

3.2.3. **Conservation Officer (03.05.2024):** No objection. The Conservation Officer notes that the existing wall on Harlech Downs through which the entrance is proposed dates from circa 1988, when the Harlech Downs housing development was built. The proposed entrance would be formed with brick piers to match the existing brick capping, with timber gates matching the wall height. Given that this is not an original wall and is of no historic interest, the Conservation Officer has no objections to a grant of permission.

3.2.4. **Parks Department (08.04.2024):** No objection, subject to a condition to secure replanting of five trees. The Planning Authority imposed this condition, generally in accordance with the request from the Parks Department, but securing the planting of one tree, reflecting the number of trees affected.

3.2.5. **Transport Planning (10.05.2024):** No objection, subject to six conditions. The conditions recommended by Transportation Planning are generally standard with the exception of Condition 1 which restricts the new vehicular entrance to occasional use only. The Planning Authority opted not to impose this condition given the scale of the proposal and the site use.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. A total of 17 observations were submitted to the Planning Authority in response to the planning application. The observations are summarised in the Planning Authority report and are on file for the Board's information. 16 of the submissions are in objection to the proposed development. The many issues raised are similar to the grounds of appeal, which are set out in detail in paragraph 6.1 below. One observation has been submitted in support of the application. This generally reflects the points made in the First Party response, set out in detail at paragraph 6.2 below.

## 4.0 **Planning History**

4.1.1. There is no planning history for the subject site or adjacent sites that is of specific relevance to the current appeal.

## 5.0 **Policy Context**

### 5.1. **Dún Laoghaire-Rathdown County Development Plan 2022-2028**

5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.

- 5.1.2. Harlech House is listed on the Register of Protected Structures (RPS Ref. 212). The single tree symbol shown on the Development Plan Zoning Map within the grounds of Harlech house indicate an objective 'To protect and preserve Trees and Woodlands'.
- 5.1.3. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter include:
- PHP20: Protection of Existing Residential Amenity
- 5.1.4. Chapter 11: Heritage and Conservation guides decision-making on protection of heritage through protection, management, sensitive enhancement or appropriate repurposing. Relevant sections include:
- HER7: Record of Protected Structures
  - HER8: Work to Protected Structures
- 5.1.5. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter include:
- 12.4.8 - Vehicular Entrances and Hardstanding Areas
  - 12.4.8.1 - General Specifications
  - 12.4.8.2 - Visual and Physical Impacts
  - 12.4.8.1 - General Specifications- In general, for a single residential dwelling, the maximum width of an entrance is 3.5m. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4m. Each car parking space for a residential dwelling shall have a minimum length of 5.5m depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3m to allow for clearance from nearby wall/steps/boundary.
  - 12.4.8.2 - Visual and Physical Impacts
  - 12.4.8.3 - Driveways/Hardstanding Areas

- 12.4.8.4: ACAs/Protected Structures - Boundary features such as walls, railings and gardens contribute to character and setting of Protected Structures and those areas which have been identified as ACAs and cACAs. Poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted. In areas characterised predominately by pedestrian entrances, new or widened vehicular entrances will be resisted. Where existing rear site vehicular access exists or can be easily provided, off-street parking to the front will generally not be permitted. All proposals for off-street parking will be considered on a case-by-case basis and should:
  - Minimise loss of original boundary treatment.
  - Retain a significant amount of soft landscaping and planting to reduce the visual impact of the parked car. The vehicular entrance and hard-standing area should not dominate a property's forecourt or result in the loss of traditional finishes such as granite setts and flags.
  - Provide surface treatments of a high quality using traditional materials compatible with the surrounding context. Bituminous and concrete surfacing are not acceptable.
  - Where favourable site conditions exist minimum intervention, integration and reuse of materials will be the key considerations.
  - All other criteria for car parking within Section 12.4.8 shall also apply to parking within ACAs/ Protected Structures.12.8.7.2 - Boundaries
- 12.11 - Heritage

## 5.2. Other Relevant Guidance

- Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011). Section 13.8 of the guidelines relates to development affecting the setting of a Protected Structure or an architectural conservation area.
- Design Manual for Urban Roads and Streets (2019).

### 5.3. **Natural Heritage Designations**

5.3.1. None of relevance.

### 5.4. **EIA Screening**

5.4.1. The proposal is not a class of development specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. A Third Party appeal has been submitted by BPS Planning and Development Consultants, for and on behalf of the following:

- Ken Barker, 3 Harlech Downs
- Paul and Sorintha Brady, 13 Harlech Downs
- Eileen Greene, 21 Harlech Downs
- Margaret Corry, 23 Harlech Downs
- Eoin and Olivia Corry, 24 Harlech Downs
- Eilish Goulding, 25 Harlech Downs
- Mary Patricia Gallagher, 26 Harlech Downs

6.1.2. I have reviewed the extensive appeal statement and consider the salient points to be as follows:

- The principle of two vehicular entrances for one house is not accepted and the proposal would not protect or improve amenity as required by the zoning objective. There is no justification for a second entrance and the dwelling has sufficient access and parking.
- The scale of the proposed gates and piers are excessive, do not respect the pattern or character of development and it is not clear why gates are required in this location.

- The development would set an unwelcome precedent for multi-entrance homes.
- The proposed entrance is too close to the existing entrance and there are concerns regarding the proliferation of entrances.
- The proposal is contrary to Section 12.4.8.4 of the CDP which states that this type of development will not generally be permitted.
- A second entrance would read as a second property entrance, and this could be for future development of a second house. The second entrance could also be used by a business and the Council have not interrogated the likely 'in principle' use of the second entrance.
- The proliferation of entrances in the cul-de-sac is not supported and would be overly imposing and would detract from the surrounding environment.
- It is feasible to explore alternative access within the grounds and along the other boundaries of the property.
- The site is a Protected Structure, and the proposal would detract from its historic appearance, setting and its relationship with the cul-de-sac/wider streetscape, contrary to Section 12.4.8.4 of the CDP.
- The Conservation Report is inadequate and is a de facto planning application covering letter. The Applicant's consultant is a man of many trades and does not claim to be a conservation architect or specialist.
- It is not clear why the Applicant wasn't required to provide information on the need for a new access, how occasional use would be enforced or why supplementary reports (arboriculture, swept paths) were not required.
- The Planning Authority report is a double standard with this Protected Structure allowed two entrances whilst others and Architectural Conservation Areas are repeatedly refused permission for such proposals.
- There are comparable cases where permission has been refused.
- The proposal would result in the loss of on-street car parking which would be unfair as there is an imbalance between the parking provision for the Applicants property and the Appellants'.

- CDP parking standards are maximums, and the property has already exceeded this. The standards should apply to all houses, regardless of size and the proposal would materially contravene the CDP on this matter.
- The loss of parking would affect mobility impaired people.
- It is a concern that large vehicles will have to reverse out and try to turn in the cul-de-sac. No swept path analysis has been provided. It has not been demonstrated that vehicles can enter and exit safely.
- The cul-de-sac would become a through road, and this would impact on service and emergency vehicles who use this area to turn.
- The end of the cul-de-sac is an area where children play with play goal posts located in this area at all times. The development would encroach upon this safe play area and be a threat to the safety and enjoyment of this space.
- The development would have an impact on trees, no arboriculture report was submitted. The removal of trees is not justified and would impact on visual amenity, biodiversity and habitats.
- The Applicant previously removed a tree from within the grounds despite trees being protected in the CDP.
- No Appropriate Assessment Screening has been submitted, there is an indirect hydrological connection via a stream, the development would require operational phase wastewater treatment which requires mitigation measures and as an NIS should have been submitted.
- The proposal would lead to a depreciation of property values.
- No pre-planning consultation took place with the Council or residents.

## 6.2. Applicant Response

6.2.1. A First Party response has been submitted by William Doran Planning and Property Management Consultant, for and on behalf of the Applicant. The response can be summarised as follows:

- The development would have no impact on the Appellants' property or the visual/residential amenity of the area.

- The proposal is a simple domestic vehicular gate/entrance, pre-application consultation would not be required.
- Parking on the cul-de-sac/hammerhead has only commenced following the erection of the planning site notice.
- Vehicles parked on the hammerhead protrude onto the carriageway and prevent the hammerhead from being used as a turning bay as originally intended.
- The proposal does not need a wastewater treatment system, it is connected to the public sewer. There are no streams running through the site and no watercourses within 1km and no Appropriate Assessment is required.
- Contrary to the Appellants, the existing dwelling does not have space for 20 cars to park. This is an attempt to mislead the Board. There is room for three cars (measured drawings provided).
- The appeal is frivolous, vexatious, without substance and foundation and made to delay the development.
- There is a significant change on levels between the front and rear of the site. The proposal is required to provide a safe route for gardeners and their equipment in line with the Safety, Health, and Welfare at Work Act 2005. It is not a second entrance.
- The distance between the existing and proposed entrances is irrelevant. The proposed entrance serves different purposes, is located at the end of a cul-de-sac, causes no new or greater traffic hazard, and does not impact on the character or visual amenity of the area.
- The suggestion that the proposal is a trojan horse for the development of a second home is highly inappropriate, disingenuous, and libelous. The proposal is for what is stated on the notices.
- The site is not in an Architectural Conservation Area, the proposed entrance is remote from the Protected Structure and the boundary wall is not original, dating from 1988 and is therefore not historic.

- The main purpose of the cul-de-sac/hammerhead is for the turning of vehicles, not parking. The development would not impact on car parking.
- The Applicant would be happy to accept a condition restricting use to occasional maintenance vehicles.
- One tree is proposed for removal, does not require an arboriculture report. The removal of a street tree is not a planning matter and will be dealt with post planning, in discussion with the Parks Department. The Applicant is willing to plant replacement trees as the Board sees fit and new tree planting, if required, could be secured by condition.
- The existing tree would have to be removed in the short term to avoid damage to the wall and roads infrastructure.
- Several homes on the street have off-street parking for two cars.
- The Appellants have misdescribed the development as set out in the public notice.
- Conditions on every planning permission are enforceable under the Planning Act. The access is for occasional use.
- The Appellants suggest that the submitted tree details may not be accurate but does not specify what is wrong or why a tree survey/report is required. There is no factual evidence for these claims.
- The tree previously removed from within the site was diseased and dangerous.
- Each application should be assessed on its merits, the other examples provided by the Appellants are not comparable.
- There is no viable alternative access to the rear garden.
- The Applicant's agent has sufficient (50 years+) experience in dealing with conservation matters.
- The hammerhead was designed with capacity for refuse trucks and fire tender turning, it is obvious it has capacity for gardeners' vans.
- The proposed entrance is domestic in scale and references to large trucks is incorrect and intended to misdirect.

- The entrance does not cause a traffic hazard. Vehicles will enter and exit under supervision which is normal procedure when vehicles are under the control of workers.
- The new entrance from the cul-de-sac will not turn it into a through road.
- The Appellant claims that the hammerhead is also used for children playing. There are more suitable areas for children to play in the area rather than on the road.
- The road design/layout is not changing and there is no requirement for a swept path analysis.
- People with limited mobility can be dropped off on the public road with the vehicle then moved to a safe parking location, rather than left on the hammerhead, which is designed for turning.
- The Transportation department have no objection to the proposed development.
- There is no evidence to suggest that property values would be impacted as a result of the proposed development. The Appellant quotes selectively from the High Court judgement provided.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority do not consider that the grounds of appeal raise any new matter which would justify a change in attitude to the proposal.

### 6.4. **Observations**

- 6.4.1. None.

### 6.5. **Further Responses**

- 6.5.1. None.

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

- Principle of Development
- Design, Heritage and Amenity
- Transport and Parking
- Trees
- Other Matters

### 7.2. Principle of Development

7.2.1. The Appellants object to the principle of two vehicular entrances for one house, stating that it would not protect or improve amenity as required by the zoning objective and that there is no justification for a second entrance as the dwelling has sufficient access and parking.

7.2.2. The site is zoned objective A which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. There are no restrictions in the zoning objective or indeed in the wider policy provision of the CDP that place a restriction on the provision of second entrances. I note Section 12.4.8.4 states that poorly designed off-street parking which involves the removal of boundary walls, gate piers, railings and gates can have an effect on the setting and appreciation of the building, groups of buildings and the wider streetscape and will not generally be permitted. However, this must be subject to further assessment against the specified criteria in this section. Subject to compliance with the relevant criteria and residential/traffic amenity impacts, the principle of the development is acceptable and would be in line with the zoning objective.

7.2.3. Further concerns raised by the Appellant in terms of use, such as that the proposed entrance may be a 'trojan horse' for the development of a second dwelling, or that the entrance could be used as/by a business are unfounded in my opinion. The application

before me is for a domestic vehicular entrance to serve the rear back garden for maintenance purposes.

### **7.3. Heritage**

- 7.3.1. It is stated in the grounds of appeal that the site is a Protected Structure and that the proposal would detract from its historic appearance, setting and its relationship with the cul-de-sac/wider streetscape, contrary to Section 12.4.8.4 of the CDP. The Appellants consider the Conservation Report to be insufficient and that the loss of boundary wall would be objectionable.
- 7.3.2. I have considered the development against Section 12.4.8.4 of the CDP. In my opinion, the proposed development would have no demonstrable adverse impact on the Protected Structure or the wider streetscape. I agree entirely with the Planning Authority and the Applicant that the boundary wall that would be altered has no historic significance. It is a modern intervention of little design merit, and the proposed alterations would have no significant impact on either the appearance of the wall or the character and setting of the Protected Structure. In my view, there are no heritage based impacts against which planning permission should be refused and the development would comply with Section 12.4.8.4.

### **7.4. Design and Amenity**

- 7.4.1. The Appellants consider that the scale of the proposed gates and piers are excessive, that they do not respect the pattern or character of development, and that it is not clear why gates are required in this location. It is contended that the development would set an unwelcome precedent for multi entrance homes and that the proximity to the existing entrance is such that there are concerns regarding the proliferation of entrances. It is the position of the Appellants' that the proliferation of entrances in the cul-de-sac is not supported, would be overly imposing and would detract from the surrounding environment.
- 7.4.2. It is not uncommon for homes to have more than one vehicular entrance. Many homes have an entrance at the front and a secondary entrance at the rear. Therefore, I do not consider the provision of an additional entrance serving the rear of the property to be unusual, particularly where the locational context allows this, such as in the case of the subject site, where there is existing road access along the boundary.

- 7.4.3. Harlech Downs primarily consists of semi-detached dwellings, all of which have vehicular entrances. The very character of the street is informed by the fact that every home has a vehicular entrance therefore I consider the Appellants concerns regarding the proliferation of entrances to be unfounded. The addition of a new secondary entrance would have no impact on the character of the street and no impact on visual amenity. Furthermore, I do not consider the proposed entrance to be too close to the existing entrance. The existing entrance serves the front of the dwelling whilst the proposed entrance would serve the rear. I note the change in levels between the front and the rear and the Applicants claim that this is to provide safer access to the rear garden for maintenance purposes. In my opinion this is reasonable, although I would note that the acceptability of the proposed entrance does not rest on this principle.
- 7.4.4. I am also of the opinion that the proposed entrance is acceptable in design terms. The brickwork piers would effectively be the same height as the existing wall and as such I do not agree with the Appellants that the brickwork piers would be excessive in scale or imposing. It is clear that the physical interventions required to deliver the development are very minor. I consider the proposed development to be acceptable in all other design respects.
- 7.4.5. The grounds of appeal state that the proposed development would lead to a depreciation of property values. No evidence has been provided to substantiate this claim and 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.

## **7.5. Transport and Parking**

- 7.5.1. It is the view of the Appellants that the development would result in the loss of car parking and that this would be unfair given the imbalance between the parking provision of the Applicant's property and those of the Appellants. It is argued that CDP parking standards are maximums, that these standards should apply to all properties and that the proposal would materially contravene the CDP on this matter.
- 7.5.2. In addition to the loss of parking, the grounds of appeal also state that the development would turn the cul-de-sac into a through road and that this would impact on emergency

vehicles, who use the cul-de-sac to turn, and on children, who use the cul-de-sac for play purposes.

- 7.5.3. I accept that the Applicant's property has higher existing parking capacity than the Appellants' properties however this is simply down to the size of the properties and the existing capacity within those properties. I also note the claim that the proposal would materially contravene the CDP by exceeding maximum parking standards. In my view the parking standards set out in the CDP are there to guide new development and are not designed to be retrospectively applied to domestic residential parking proposals. In this respect, I do not consider that there would be a material contravention of the CDP.
- 7.5.4. The grounds of appeal state that the cul-de-sac is important for parking, at the same time it is claimed that it is required for the turning of large vehicles, and also an important play area for children. I agree with the Council that the cul-de-sac terminates in a hammerhead where the primary design purpose is for the turning of large vehicles, which is a necessity given the nature of Harlech Downs as a cul-de-sac. Any parking taking place in this area is informal and in my view secondary to its original design purpose. At the time of my site inspection there were no vehicles parked on the hammerhead and very few vehicles parked on-street. Whilst I accept that some on-street parking takes place, there are multiple more appropriate areas for parking on-street on Harlech Downs, including for people with mobility impairments rather than on the hammerhead, where parked vehicles would protrude onto the road and create more of a safety hazard for vehicles accessing and egressing driveways on Harlech Downs, as well as preventing the safe turning of larger vehicles. In terms of the cul-de-sac as a children's play area there are multiple areas of open space within the immediate area and to the west on Harlech Downs that offer more appropriate places for children to play. The proposed entrance would not impede child play any more than parked vehicles or turning vehicles and I agree with the Applicant that there are much more appropriate places within the immediate area for children to play.
- 7.5.5. In my opinion the provision of the entrance would not raise any road safety issues. I accept that vehicles would likely have to reverse out of the entrance, but this is a common arrangement on the existing driveways on Harlech Downs and subject to driving with due care and attention in what is a low speed environment, I do not consider that there would be any safety impacts. Furthermore, there would be

adequate space on the hammerhead to allow vehicles exiting the site to turn safely. On that basis I do not agree that a swept path analysis would be required. Entering and exiting the new entrance would be no different to entering and exiting any of the existing driveways on Harlech Downs.

## **7.6. Trees**

- 7.6.1. One street tree would be removed in order to enable the development and one small tree within the development site would be relocated within the site. The street tree is located on the narrow verge immediately adjacent to the boundary wall. The Appellants object to the removal of this tree, which they consider to be unjustified and that it would impact on visual amenity, biodiversity and habitats. Concerns are also raised that no Arboricultural Report was submitted with the application and that another tree was previously removed from within the grounds of Harlech House.
- 7.6.2. The previous removal of a tree from within the grounds of Harlech House is not a matter for the Board, although I note that this was removed due to disease. The Planning Authority did not request an Arboricultural Report, and I would agree that it is not necessary for such a small development or for the removal of one single tree. I do not agree with the Appellants argument that the removal of the tree would impact on the visual amenity of the area, or that it would have an impact on biodiversity or habitats. The remainder of the site is well planted with large mature trees which provide additional habitat and biodiversity. The removal of a single tree would not affect this balance in a negative way, and I note that the Planning Authority have imposed a condition seeking replacement planting, agreed to by the Applicant. I consider this approach to be acceptable in this instance. The relocation of the small tree from within the site to another location approximately 15 metres away within the site is also acceptable.

## **7.7. Other Matters**

- 7.7.1. The Appellants are dissatisfied that no pre-planning consultation took place with either the Council or residents, prior to permission being sought. Whilst this is a matter for the Planning Authority, I do not consider that pre-application consultation would be necessary for such a small scale domestic project.
- 7.7.2. It is also stated in the grounds of appeal that the Council's decision is inconsistent as there are comparable cases where permission has been refused. I am not aware of

any comparable cases in the immediate area. In any event, no two sites are the same and every application for planning permission must be considered on its own and individual merits.

## 8.0 AA Screening

- 8.1.1. I have considered the appeal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on Harlech Downs, approximately 2.4 km from the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210), which are the nearest European Sites.
- 8.1.2. The proposed development comprises a vehicular entrance. The Appellants claim that the site has an indirect hydrological connection to the coast via a stream, that the development would require operational phase wastewater treatment which requires mitigation measures, and that a Natura Impact Statement is required.
- 8.1.3. I am not aware of any stream on or immediately adjacent to the site. The nearest such watercourse appears to be approximately 200m to the north/north-west and well removed from the site.
- 8.1.4. 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 domestic nature of the works and the location of the site within a serviced urban area.
  - The distance of the development from the nearest European Site and the lack of any direct hydrological connections and the use of the municipal water/sewage system.
  - The screening determination of the Planning Authority, who concluded that Appropriate Assessment is not required.
- 8.1.5. 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. 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

9.1. From my assessment above, I recommend that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development, based on the reasons and considerations set out below.

## 10.0 Reasons and Considerations

10.1.1. Having regard to the zoning objective of the site, the pattern of development on Harlech Downs, the nature and extent of the proposed development, and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or heritage amenities of the area or of property in the vicinity, would be acceptable in terms of traffic and pedestrian safety and would not set an undesirable precedent for similar developments in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. The Applicant shall provide a replacement semi-mature tree in the first planting season following commencement of development at a location in the immediate vicinity of the existing tree identified for removal. The replacement tree shall be provided at the Applicant's expense, with the species, maturity and location to be agreed in writing with DLRCC Parks Department prior to the removal of the existing tree, and to the satisfaction of the Planning Authority.

**Reason:** In interests of amenity and the proper planning and sustainable development of the area.

3. The vehicular entrance shall be a maximum of 3.5 metres wide, gates shall open inwards and not out into the public domain, and the grass verge in front of the vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath, including any grass verge, in front of the vehicular entrance, the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.

**Reason:** In the interest of traffic safety and the proper planning and development of the area.

4. Drainage arrangements, for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining street is kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining road, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadway is kept in a clean and safe condition during construction works in the interests of orderly development.

6. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

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

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.

---

Terence McLellan  
Senior Planning Inspector

16<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-319888-24		
<b>Proposed Development Summary</b>	Construction of 3.5m wide vehicular entrance with timber gates to rear of Harlech Downs (a protected structure) with removal of non-historic wall and installation of new brick gate piers and all associated site works.		
<b>Development Address</b>	Harlech House, Harlech Downs, Dublin 14, D14 N2F7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X	The proposal is not a class of development specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001.	No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_