



An
Bord
Pleanála

Inspector's Report ABP-319916-24

Development	House to rear of existing dwelling and all associated site works.
Location	180 Whitehall Road, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0059
Applicant(s)	Gerard & Mary Rylands.
Type of Application	Permission.
Planning Authority Decision	South Dublin County Council.
Type of Appeal	First Party
Appellant(s)	Gerard & Mary Rylands.
Observer(s)	None.
Date of Site Inspection	6 th September 2024.
Inspector	Heidi Thorsdalen

1.0 Site Location and Description

- 1.1. The appeal site is located within the Templeogue area of Dublin. Vehicular access is from Whitehall Road, which connects with R112 Templeville Road in the west and R818 Kimmage Road West in the northeast. Whitehall Road is predominately a residential street with a speed limit of 50 km/h and bus service operating along it.
- 1.2. The appeal site has a stated area of 0.1927 ha. There is a gradient across the site from Whitehall Road towards the rear of the site and the River Poddle, and the site level of the proposed dwelling is stated as 52.50 mOD. It consists of an extended semi-detached cottage, No. 180 Whitehall Road with a stated gross floor space of 184.6 m². The existing cottage forms part of an Architectural Conservation Area (ACA) comprising of a crescent-shaped row of 10 semi-detached cottages, Nos. 168 to 186 Whitehall Road.
- 1.3. The cottage is setback from Whitehall Road with a long front garden. It has a stone and slate tile finish and is orientated in a northwest southeast direction. The front boundaries are defined by low hedging and unrendered block. The rear boundaries around the extensive rear garden are defined by a mix of hedging, trees, fence, and unrendered block wall. There are residential dwellings within the rear gardens of some of the cottages, including the adjacent no. 182.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a three bedroom 1.5 storey detached house to rear of the existing dwelling and all associated site works. The following is noted:
 - The stated proposed gross floor area is 178 m². The footprint is 10,415 mm by 10,900 mm (excluding porch and bay window build outs), and the ridge height is 6.80 m.
 - The detached dwelling is of a side gable design with a dormer and rooflights. The front (northwest) elevation incorporates the porch entrance and kitchen windows and rooflights. The rear (southeast) elevation comprises the main fenestration at both ground and first floor serving living areas and the three bedrooms. The side (southwest) elevation comprises a kitchen access door

and dining/living space windows, with no windows at first floor. The side (northeast) elevation comprises bathroom and utility at ground floor and bedroom window at first floor.

- The distance to existing cottage is 32,755 mm, and the distance to the rear boundary is c. 52 m. The stated private rear garden area to be retained for the existing cottage is approximately 260 m² and for the proposed dwelling is 721 m².
- The proposed dwelling is set back from the front elevation of no. 182A by c. 10 m. The gap between the proposed dwelling and the boundary with No. 182A Whitehall Road is 2,395 to 2,410 mm, and the proposed wall to wall distance is 3,605 mm. The proposed distance to the boundary with No. 178 Whitehall Road is 900 mm to 1,410 mm.
- Access is proposed via the existing driveway, a section of shared access with no. 178 (minimum width 5.09 m), and an extension of the driveway to the rear of the existing cottage by c. 30 m. A large parking area is shown to the front of the proposed dwelling. The car parking area for the existing cottage is shown relocated towards the front of the site, adjacent to Whitehall Road.
- The house is to be finished in painted render with timber and metal cladding on build outs, aluclad windows and blue black roof tiles. Solar panels are proposed on the rear (southeast) slope of the roof.
- The proposed dwelling is to be connected to the public mains and sewer. Rainwater soakaway is proposed within the rear garden.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for the proposed development on 14th May 2024, for the following reason(s):

1. *"Flood Risk.*

The subject site is located within a flood risk area designated as Flood Zone A and Flood Zone B, which is at risk of flooding. Based on the information

submitted, the Planning Authority is not satisfied that the proposed development would not be at risk from flooding or would not give rise to flooding at other locations. In accordance with the 2022-2028 South Dublin County Development Plan's Strategic Flood Risk Assessment (July 2022), the proposed dwelling is considered a highly vulnerable development, which is classed as a development that would not be permitted in Flood Zone A or B. Having regard to the provisions of the 2022-2028 South Dublin County Development Plan's Strategic Flood Risk Assessment and SDCC Water Services Department guidance, and to the proper planning and sustainable development of the area, the proposed dwelling cannot be favourably considered by the Planning Authority. As such, it is recommended that permission be refused for the proposed infill dwelling and associated works."

3.2. Planning Authority Reports

3.2.1. The Planner's Report within the Record of Executive Business and Chief Executive's Order, dated 14th May 2024, can be summarised as follows:

- Residential development is in principle permitted under RES zoning, and Development Plan supportive of infill development.
- Proposed development found to be largely in compliance with Section 12.6.8 Infill / Backland Development. Concluding that it would not constitute piecemeal development, would not adversely impact on residential and visual amenities, would meet open space standards, any overshadowing would not impact on amenities, and would meet habitable rooms standards. Obscure glazing for first floor window on the northeast elevation and confirmation of boundary details to be conditioned.
- Having regard to the report by the Conservation Officer, the proposed development was found not to detract from the ACA and having a neutral visual impact on the ACA based on location, separation distance, overall scale, and height. Also concluding, no direct visual and material impact on the ACA as a result of the proposed development.
- Roads Department has confirmed that the access proposals are acceptable, addressing Reason 1 for refusal under PA ref. SD23A/0111.

- With regard to Reason 2 PA ref. SD23A/0111, confirms that the submission includes Architectural Impact Assessment (AIA) and a Site Specific Flood Risk Assessment (FRA).
- The new dwelling would not be located within the identified Riparian Corridor, with two existing trees to be removed on site to accommodate same.
- Having regard to the report by Water Services, a dwelling is considered a highly vulnerable use under the SDCC Strategic Flood Risk Assessment (July 2022) which is classed as a development not permitted in Flood Zone A and B and recommend permission be refused.

3.2.2. Other Technical Reports

- Environmental Health Department (11th April 2024): No objection subject to conditions.
- Roads (17th April 2024): No objection.
- Water Services (10th May 2024): Refusal recommended. Building in the flood zones increases the risk of flooding and highly vulnerable development, a residential dwelling within Flood Zone A and B is not recommended within the County Development Plan 2022-2028.
- Architectural Conservation Section (13th May 2024): No objection subject to conditions.
- Public Realm and Parks Section: A response from this section is referred to in the Chief Executive's Order (see 3.2.1) in two instances, as follows, no comments or observations to add (page 1), and a second reference under heading Green Infrastructure (page 17); no comments to add in regard to SuDs and/or landscaping elements, but highlighted concern in regard to the location within Flood Zone A and B within the context of County Development Plan SFRA. A response from this Section has not been forwarded as part of the appeal submission and is not available on South Dublin County Council Planning Portal, however I note that no new matters are raised.

3.3. Prescribed Bodies

- Uisce Éireann (14th May 2024): No objection subject to condition.

3.4. Third Party Observations

- None.

4.0 Planning History

4.1. Recent planning history for the appeal site:

- PA ref. SD23A/0111: Permission refused for construction of house to the rear of No. 180 Whitehall Road. Reasons for refusal:

1. *"The proposed development, through the provision of inadequate vehicular access arrangements, including emergency vehicles, would, if consented, result in the delivery of an unacceptable and substandard form of development and would fail to comply with Section 12.6.8 of the South Dublin County Development Plan 2022- 2028 and the proper planning and sustainable development of the area.*
2. *The applicant has failed to provide information regarding:*
 - *the location within an Architectural Conservation Area;*
 - *sustainable drainage systems;*
 - *the flood risk on the site and proximity to a riparian corridor;*
 - *green infrastructure*

Due to the inadequate information submitted, the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health and the proposal would be contrary to the Green Infrastructure policies in the South Dublin County Development Plan 2022- 2028."

4.2. River Poddle Flood Alleviation Scheme (FAS):

- ABP 306725-20: Permission granted for flood alleviation works along and adjacent to the River Poddle extending from the upper reaches of the river.

4.3. Recent planning history for adjacent sites (last 10 years):

- PA ref. SD23B/0494: Permission granted for a garage (c. 32.49 m²) to the rear of No. 184A Whitehall Road.
- PA ref. SD22B/0440: Permission granted for extensions (c. 147 m²) to existing dwelling at No. 186 Whitehall Road.
- PA ref. SD18A/0324: Permission Refused for a detached dwelling to the rear of No. 174 Whitehall Road.
- PA ref. SD16B/0157: Permission granted for a garage to the new house in the rear garden, No. 184 Whitehall Road.
- PA ref. SD13A/0195: Permission granted for a bungalow to the rear, No. 184 Whitehall Road.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

- 5.1.1. The Development Plan came into effect on 3rd August 2022, and relevant zoning, policies, objectives, and sections are listed below.
- 5.1.2. From review of the land use zoning Map 6, the interactive Map and Figure 4.4, the following zoning and designations overlaps with the appeal site:
 - Land Use Zoning Objective RES, seeking “*to protect and/or improve residential amenity*” and residential development is in principle acceptable as per Table 12.2.
 - No’s 168-186 Whitehall Road Architectural Conservation Areas.
 - Flood Zone A (1% or 1 in 100) and B (0.1% or 1 in 1000).
 - Partially overlaps with Poddle Flood Prevention Scheme, River Poddle Riparian Corridor, L13 Secondary Green Infrastructure (GI) link.
- 5.1.3. The following relevant policies, and objectives are noted:
 - Chapter 4 Green Infrastructure, Policy GI1 Overarching; Policy GI2 Biodiversity; Policy GI3 Sustainable Water Management and GI3 Objective 1,

2 & 3; Policy GI4 Sustainable Drainage Systems and GI4 Objective 1 & 3; and Policy GI5 Climate Resilience and GI5 Objective 2.

- Chapter 3 Natural, Cultural; and Built Heritage, Policy NCBH20 Architectural Conservation Areas and NCBH20 Objectives 3 & 8; and Policy NCBH23 Architectural Conservation and Design and NCBH23 Objectives 2 & 3.
- Chapter 5 Quality Design and Healthy Placemaking, Policy QDP3 Neighbourhood Context and QDP3 Objectives 1 & 2; Policy QDP7 High Quality Design – Development General and QDP7 Objective 1; and Policy QDP11 Materials, Colours and Textures and QDP11 Objectives 1, 2 & 3.
- Chapter 6 Housing Policy, H7 Residential Design and Layout and H7 Objectives 1 & 2; Policy H9 Private and Semi-Private Open Space; Policy H13 Residential Consolidation and H13 Objectives 1 & 2; Policy H10 Internal Residential Accommodation and H10 Objectives 1, 2 & 3; and Policy H11 Privacy and Security and H11 Objectives 1, 2 & 5.
- Chapter 10 Energy, Policy E3 Energy Performance in Existing and New Buildings.
- Chapter 11 Infrastructure and Environmental Services, Policy IE1 Overarching Policy; Policy IE3 Surface Water and Groundwater and IE3 Objective 1 & 2; and Policy IE4 Flood Risk and IE4 Objectives 1, 2 & 4.
- Relevant standards within Chapter 12 Implementation and Monitoring.

5.1.4. South Dublin County Development Plan Environmental Reports:

- South Dublin County Development Plan 2022-2028, Strategic Flood Risk Assessment (SFRA), (July 2022).
- South Dublin County Development Plan, SFRA Flood Zone Mapping, Sheet 10 of 26 (April 2021).
- Development Hydromorphological Assessment Guidance (December 2023): Technical note on Development Hydromorphological Assessment.

5.1.5. South Dublin County Council Supplementary Guidance:

- Sustainable Drainage Explanatory Design and Evaluation Guide (2002)

- A Householders Guide to SuDS

5.2. National Guidelines and Circular

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Quality Housing for Sustainable Communities (2007).
- Planning System and Flood Risk Management Guidelines for Planning Authorities (The FRM Guidelines) (2009), Technical Appendices (2009) and Circular PL 2/2014: A systematic framework for the consideration of flood risk in the planning system, adopting a risk-based sequential approach (Figure 3.1). The Justification Test for development management is set out in Box 5.1. Circular PL2/2014 Flooding Issues provides clarification on the use of flood mapping in assessing planning applications, and revised Section 5.28 for the assessment of minor proposals including infill.

5.3. Natural Heritage Designations

- None.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and small scale of the proposed development, which is for a single house within a fully serviced urban area, and its proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal has been lodged by Hogan and Associates on behalf of the applicants Gerard and Mary Rylands. The grounds of the appeal are summarised as follows:

- It is submitted that flood risk is not a valid reason for refusal given the site flood risk is fully accounted for and that floor levels can be adjusted if considered necessary. The proposed development is deemed suitable in the context of the SDCC 22-28 Development Plan objectives and the OPW 2009 guidelines. The Site Specific FRA indicates that the flood risk on the site on the basis of the Catchment Flood Risk Assessment and Management Study (CFRAM) study is very low.
- It is submitted that there are very significant level differences between the site of the proposed development and the river level, and that there is no record of flooding of the site in the past almost 30 years.
- The site will be fully protected on completion of the River Poddle Flood Alleviation Scheme. Project timescales will ensure the proposed development would be fully protected, commencing September 2024 for the Whitehall Road section.
- Applicants' circumstances and requirements relating to local context and design specifications.
- It is submitted that the proposed development complies with planning policy zoning and related guidelines, minimal impact on visual and residential amenity, and minimal impact on ACA, very low energy demand, doubling site density and facilitates similar developments on adjoining site (subject to permission), preserving adequate open space, and that flooding issues can be satisfactorily addressed.

6.2. Planning Authority Response

6.2.1. Planning Authority's response dated 4th July 2024:

- Planning Authority confirms its decision.
- The issues raised in the appeal have been covered in the Chief Executive Order.

6.2.2. Planning Authority's letter dated 20th June 2024 sets out that in the event of a decision to grant permission regard should be had to:

- Whether the South Dublin County Council Development Contribution Scheme and the Kildare Route Project Supplementary Development Contributions Scheme are applicable.
- If applicable, conditions relating to obligations under Part V of the Planning and Development Act 2000, as amended, and security under Section 34(4) (g), of the same Act. In this regard, a Grant of Certificate of Exemption under Section 97 of the Planning and Development Act 2000, as amended, dated 8th June 2023 is noted.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. Having examined the application and appeal details, submission, and documentation, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Flood Risk.
- Proposed Finished Floor Levels and impact on ACA, Visual and Residential Amenities – New issue.
- Car parking and access.
- Riparian Corridor.

7.2. Flood Risk

- 7.2.1. As set out above, the appeal site is located within land use zoning objective RES, in an established urban environment where the principle of residential development is acceptable, and infill residential development is supported. In this regard, existing backland developments to the rear of cottages nos. 182, 184 and 186 are noted.
- 7.2.2. The appeal site is located adjacent to the River Poddle and within the fluvial Flood Zone A and B per County Development Plan SFRA Flood Mapping Sheet, which in relation to the appeal site is largely based on the OPW's Eastern CFRAM. Residential dwellings are classified as Highly Vulnerable Development within the FRM Guidelines and are not considered appropriate within Flood Zone A and B. The FRM Guidelines, however, recognises the need for growth within urban settlements and as per Table 3.2, sets out that the Justification Test (Box 5.1) is required to be met for Highly Vulnerable Development within Flood Zone A and/or B. Section 5.28 as amended by Circular 2/14 states that applications for minor development including small scale infill, *"are unlikely to raise significant flooding issues...the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply."*
- 7.2.3. The Planning Authority in their reason for refusal states that Highly Vulnerable Development would not be permitted in Flood Zone A or B, this reflects the response from Water Services and Section 5.2.1 of the County Development Plan SFRA. In this regard, Section 5.2.1 sets out the Justification Test for highly vulnerable zonings including RES and the Kimmage / Templeogue area. The level of detail within the SFRA is considered appropriate for the Strategic Environmental Assessment (SEA) of the development plan and does not replace the requirement for Site Specific FRA. Section 5.2.1 sets out that Site Specific FRA are applicable to minor developments and notes the FRA should be aimed at setting finished floor levels and demonstrate no increase in flood risk elsewhere. Revised Section 5.28 of the FRM Guidelines sets out that a commensurate assessment of the risk of flooding should accompany minor infill applications.
- 7.2.4. Whilst each application is considered on its own merit, I note from the planning site history, PA ref. SD23A/0111 that inadequate information pertaining to flood risk formed part of reason for refusal no. 2. The Planner's Report under same considered

flooding to be a potential issue that could be overcome, but given other substantive issues for refusal further information for a Site Specific FRA was not requested.

- 7.2.5. Having regard to the above and given the urban location of the appeal site, I consider that the proposed development falls within the category of minor infill proposals as intended under revised section 5.28 of the FRM Guidelines, and as such, a development type which can be considered appropriate within Flood Zone A and B. The Sequential Approach and the Justification Test as per the FRM Guidelines are not applicable. The primary issues to consider is whether the flood risk to the proposed development can be adequately managed, and the use or development of the lands will not cause unacceptable adverse impacts elsewhere. I note, in this regard, that the applicants have submitted a Site Specific FRA incorporating a Justification Test in its Appendix A with the application and a Supplementary Note to the Site Specific FRA is included in Appendix 2B of the appeal submission.
- 7.2.6. The submitted Site Specific FRA notes that the predicted flood levels for the nearest relevant node are 52.75mOD for the 1% Annual Exceedance Probability (AEP) fluvial flood and 52.87mOD for the 0.1%AEP fluvial flood, and predicted flood depths of 0-25 cm for the appeal site. The site level for the proposed dwelling is 52.50mOD and with a rise in gradient from Whitehall Road (51.75 mOD) towards the River Poddle, and the suggested maximum flood level for the site is c. 52.50 mOD. No historic flooding records for the appeal site were identified, although it was noted that records indicate neighbouring properties may have been affected. The Site Specific FRA concludes that there remains a low risk of fluvial flooding at the site, but that the estimated flood depths are small and can be mitigated. The proposed finished floor level for the dwelling within the Site Specific FRA is set at 53.37mOD incorporating a 500mm freeboard based on 0.1% AEP flood data.
- 7.2.7. Given the scale of the proposed development, the Site Specific FRA sets out that there would be limited displacement of flood storage, approximately 27.5 m³, and that this would not be sufficient to impact on flooding elsewhere. Furthermore, no major flow paths across the site were identified and there are no points of flow accumulation to suggest ponding. In addition to the raised floor level, SuDS measures to ensure no additional run off from the site, and precautionary interim

flood resilience and resistance measures reflecting the incomplete status of the Poddle River FAS are proposed in the Site Specific FRA.

- 7.2.8. The applicants make reference to the permitted River Poddle Flood Alleviation Scheme (FAS) (ABP 306725-20), and the scheme is also referred to in the Development Plan, IE4 Objective 4. Information on the River Poddle FAS project website confirms that the scheme commenced on 6th February 2024 and the anticipated construction programme is 24 months.¹ I further note the Whitehall Road area is part of the second phase of construction e.g. around the 7-13 months mark of the construction programme. The applicants reference a September 2024 start date for Whitehall Road, but this has not been confirmed. The scheme when complete would alleviate flooding in the River Poddle for a 1 in 100 year storm event, 1% AEP. I note the proposed development does not impact on any works planned as part of the FAS, and I consider safeguarding of the scheme during construction of the proposed dwelling can be conditioned. Whilst the Site Specific FRA makes reference to the River Poddle FAS, its conclusions are not dependent on the completion of the scheme. It does however note that once the scheme is complete, flood risk to the site will be remote given the marginal differences between 1/100 and 1/1000 flood levels.
- 7.2.9. I consider that the submitted Site Specific FRA has demonstrated that the levels of flood risk for the appeal site are low and that flood risk to and from the development will be mitigated. No adverse impacts on the River Poddle, the flood plain or potential impact on the River Poddle FAS have been identified. Furthermore, I note the protection that will be afforded the appeal site when the Poddle River FAS is completed, and that the timeline for its completion would precede or closely align with the construction of a residential dwelling. I do not consider that a single dwelling would significantly increase the number of people within the flood risk area.
- 7.2.10. Notwithstanding the above, the submitted design for the proposed dwelling does not incorporate the ideal flood defence level for the appeal site as concluded within the Site Specific FRA. Submitted drawing No. 501 Proposed Plans, Sections and Elevations shows a proposed ground floor level at 0.00 which matches the site level of 52.50 mOD and not the recommended finished floor level of 53.37 mOD to

¹ River Poddle Flood Alleviation Scheme project website, www.poddlefas.ie, accessed on the 09/10/24.

mitigate and manage flood risk. As outlined below, I do not consider that an increased in floor level by 870 mm can be conditioned. In this regard, it is my recommendation that it would not be appropriate to permit the development as presented.

7.3. Proposed Finished Floor Levels and impact on ACA, Visual and Residential

- 7.3.1. As noted above, the design put forward with this application, drawing no. 501 does not demonstrate a raised finished floor level at 870 mm (53.37 mOD) above the site level of 52.50 mOD. The submitted drawing details a proposed ground floor flush with site level at 0.00 and a bedroom is proposed at ground floor level. The applicants' appeal submission references the potential of adjusting floor levels to 53.37 mOD, but only if this is considered necessary. The submitted design has therefore, not mitigated or managed the flood risk.
- 7.3.2. I note the Planner's Report concluded that the proposed development would not negatively impact on the ACA, visual impact and residential amenities and found it to be in compliance with the Development Plan standards on such matters. The relevant assessments were however, carried out for the design as submitted. Having regard to the context of the appeal site including backland location, proximity to neighbouring dwellings, existing adjacent building ridge height and the ACA, I consider an increase in finish floor level by 870 mm, given the potential change in overall building height and/or habitable accommodation at first floor, would be a material change and not a matter that can be conditioned.
- 7.3.3. Given the design submitted with this application does not incorporate the recommended finished floor levels to address flood risk at the appeal site as concluded within the Site Specific FRA, I find that there is not sufficient information to facilitate an appropriate assessment of the potential impacts of the proposed development on the ACA, visual amenity and residential amenity.

7.4. Access and Car parking

- 7.4.1. Following observations made during site visit and from review of drawing no. 500, there appears to be a pinch point of 3,395 mm between No. 180 and the existing fence line with No. 178 in terms of facilitating fire tender access. There is no

reference on the submitted drawing indicating that existing fence line is to be altered. I am however, satisfied that the matter can be addressed by condition if the Board are minded to grant permission.

- 7.4.2. The submitted proposed layout DRG. No 500 shows a new parking area and what appears to be a new vehicular entrance to serve the existing cottage no. 180. The Conservation Officer notes that there are no proposed changes to boundary treatments or the entrance at no. 180 Whitehall Road and as such, it would not result in any direct visual or material impact on the character of the ACA. A new vehicular entrance does not form part of the proposed development, and I am satisfied it can be omitted by condition if the Board are minded to grant permission and that this would not materially alter the vehicular access arrangements assessed at planning application stage.

7.5. Riparian Corridor

- 7.5.1. The appeal site overlaps with the Riparian Corridor, Local Corridor L13 River Poddle Link, however the proposed dwelling is located outside the corridor. I note the Planner's Report concluded that the proposed SuDS and/or landscaping proposals for the appeal site were acceptable. Given the proposed dwelling is located outside the corridor and potential direct effects are limited to SuDS and landscaping, I am satisfied that safeguarding of the corridor during construction of the proposed development can be conditioned if the Board are minded to grant permission.

7.6. Conclusion

- 7.6.1. I consider that the proposed development can be classified as minor infill development as per revised Section 5.28 of the FRM Guidelines. Furthermore, it has been demonstrated that the levels of flood risk for the appeal site are low and that flood risk to and from the development can be mitigated. Having regard to the local context of the site, the scale of development proposed, the residual flood risk is low and will be further reduced when the current construction of the River Poddle FAS is complete. However, given the submitted design does not incorporate the finished floor levels required to mitigate and manage flood risk as set out within the Site Specific FRA, I find that there is insufficient information to fully assess the impacts of

the proposed development on ACA, visual amenity and residential amenity and as such, I recommend that planning permission should be refused.

8.0 AA Screening

- 8.1. Having regard to the nature and scale of the proposed development, which is for a single house within an established and serviced urban area, the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission be refused for the proposed development.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the location of the site within Flood Zone A and B in the South Dublin County Development Plan 2022-2028 Strategic Flood Risk Assessment, Section 5.2.1, Development Plan IE 4 Objective 1 Flood Risk, and The Planning System and Flood Risk Management (November 2009) Section 5.28, as revised by Circular 2/14 Flooding Issues, requiring developments to demonstrate that flood risk to a development can be adequately managed and will not cause unacceptable adverse impact elsewhere, it is considered that the applicant has failed to satisfactorily address the mitigation required by not incorporating a finished floor level of 53.37 mOD in the design to ensure that the flood risk to the proposed development has been mitigated and managed to an acceptable level of risk. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

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.

Heidi Thorsdalen
Senior Planning Inspector

21st October 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP- 319916-24		
Proposed Development Summary	Construction of a house to rear of existing dwelling and all associated site works.		
Development Address	180 Whitehall Road, Dublin 12		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	✓	Class 10(b)(i) Construction of more than 500 dwelling units.	One dwelling proposed
			Conclusion
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required


Inspector: _____

Date: 21st October 2024

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319916-24	
Proposed Development Summary	Construction of a house to rear of existing dwelling	
Development Address	180 Whitehall Road, Dublin 12	
<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.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>A single dwelling located within a serviced urban residential area.</p> <p>No demolition required, limited excavation, standard construction process, residential occupation in an existing residential area. It will not result in any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The size of the proposed development is not exceptional, detach dwelling of a scale comparative to existing dwellings.</p> <p>Given limited size of proposed development and location, no</p>	No

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	potential for significant cumulative considerations identified.	
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? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	No likely direct or indirect significant environmental effects identified given the location, distance to potential sensitive receptors and the limited size of the development.	No
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. EIAR required.

Inspector: _____

Date: 21st October 2024