



An
Bord
Pleanála

Inspector's Report ABP-320268-24

Development	Construction of two apartments and all ancillary site works.
Location	Lands at Castlefield Avenue, Knocklyon, adjoining Mimosa, Castlefield Avenue, Dublin 16, D16 R2F3
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0111
Applicant(s)	Ross Hollingsworth
Type of Application	Two Apartments
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Ross Hollingsworth
Observer(s)	Barry Minnock
Date of Site Inspection	10 th October 2024
Inspector	Donogh O'Donoghue

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	4
3.1. Decision.....	4
3.2. Planning Authority Reports.....	5
3.3. Prescribed Bodies.....	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations.....	8
5.3. EIA Screening	8
6.0 The Appeal.....	9
6.1. Grounds of Appeal	9
6.3. Planning Authority Response	9
6.4. Observations	10
7.0 Assessment.....	10
8.0 AA Screening	15

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The proposed site is a corner site located at the junction of Castlefield Manor housing estate and the Old Knocklyon Road. The site is covered in grass and has a as a stated site area of 0.0375ha. This site was within the red line site boundary for a dwelling to the immediate west permitted by An Bord Pleanála under ABP-308637-20. This site is now separated from that permitted dwelling (ABP-308637-20) by a low gabion wall. The front boundary wall of the site is part of the main splay entrance to Castlefield Manor housing estate. The topography of the site slopes upwards from west to east as does the adjoining Castlefield Avenue road.

2.0 Proposed Development

- 2.1. The proposed development comprises of:
- A detached 2 storey building providing 2 no two bedroom apartments, each with an floor area of 82sqm
 - A new pedestrian and vehicular entrance off Castlefield Avenue.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Having regard to the prominent corner location and to the height, design, scale and massing of the proposed development, it is considered that the proposed development, which would exceed the ridge height of the adjoining property to the north and has insufficient animation along Castlefield Avenue would be out of keeping and be unsympathetic to the design and character of the surrounding area, and would result in an incongruous insertion into the streetscape at this location and would seriously detract from the character and visual amenities of the area. The proposal is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- Planning Reports

The planner's report is generally consistent with the decision of the planning authority.

The planner in their assessment of '*Impact on Residential Amenities*' does note that '*having regard to the design of the proposed apartment development and separation distances between the proposal and surrounding residential properties, it is considered that the proposed development would not detract from the residential amenities of neighbouring properties by reason of undue overlooking and over shadowing.*'

The planners report also notes that the site is located in Flood Zone B and a Site -Specific Flood Risk Assessment would be required by way of Additional Information.

- Other Technical Reports

Road Dept – recommend Further Information be sought for sightlines at the entrance to be shown and a swept analysis be provided demonstrating that fire tenders and refuse trucks can access the site. The Roads dept also recommend 2 no conditions should permission be granted – entrance to be dishd at applicants' own expense and a construction traffic management plan be submitted.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

4 no Third Party Observations were received by the Planning Authority. The concerns raised note that the proposed development would seriously injure the residential amenities of the area and set a poor precedent for similar such developments in the area, proposal is out of keeping with character of the area, proposal will result a traffic hazard by way of cars being parked on the street at entrance to estate, proposed building is too close to road and forward of the existing building line, loss of trees, no

public/communal open space provided, construction works at entrance to estate will cause disruption, the development will have an adverse impact on the presence of Knocklyon Castle, a Protected Structure and Recorded Monument close to the site.

4.0 Planning History

Current/Adjacent Sites

ABP 308637-20 (SD20A/0115) - Permission was granted by ABP for a detached 2 storey dwelling to the immediate east of the appeal site in March 2021. The redline line boundary of that application included the site under this appeal. This development has not been taken up and is valid until March 2026. The enactment of this permission would not prevent the proposed development being carried out.

SD17A/0163 –Permission was granted by ABP for a detached 2 storey dwelling on a site to the east of the appeal site. This permission has been taken up and the dwelling is constructed and occupied.

5.0 Policy Context

5.1. Development Plan

South Dublin County Development Plan 2022-2028

The site is zoned 'RES' where it is an objective 'To protect and/or improve residential amenity.

Section 6.8.1 of the plan deals with 'Infill, Backland, Subdivision and Corner Sites' in established residential areas. The plan supports the sustainable intensification in established residential areas through infill development, the subdivision of larger houses, backland development and the development of large corner sites.

In relation to Corner/side garden the plan sets out the following standards:

Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional

dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;

- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

Policy H13 Residential Consolidation – Promote and support residential consolidation and sustainable intensification at appropriate locations, to support the ongoing viability of social and physical infrastructure and services and meet the future housing needs of the county

H13 Objective 5 ‘To ensure that new development in established areas does not unduly impact upon the amenities or character of the area.

IE4 Objective 1: To require site specific flood risk assessments to be undertaken for all new developments within the County in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and the requirements of DECLG Circular P12 / 2014 and the EU Floods Directive and Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

IE4 Objective 2: To require all developments in the County to be designed and constructed in accordance with the “Precautionary Principle” detailed in the OPW Guidelines.

5.2. Natural Heritage Designations

- The nearest designated site is Glenasmole Valley SAC (Site Code 001209) which is located 3.8km to the southwest of the site.
- The site is located circa 500m south of the Dodder Valley pNHA (Site Code 000991).

5.3. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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

- Reason for refusal is unreasonable having regard to the pattern and character of the existing and surrounding infill developments.
- The height of the proposal is only 2.1m above the adjoining house which is an 8m distance away.

- Proposal is an appropriate density respectful of the existing density and form and character of the area.
- Proposal does not result in any significant overlooking or overshadowing of neighbouring properties given its urban location.
- Existing original housing in this estate occupies similar site sizes.
- There is a variety of house types in vicinity of site.
- The local authority has approved infill developments on sites far more restrictive than the subject site, many of which are in nearby housing developments.
- Proposal is a very high standard with regard to living space.
- The proposed building is similar to existing houses respecting the height, scale and materials used.
- Proposal accords with national planning policy in terms of being an urban infill serviced site within walking distance of public transport, shops etc
- The site is zoned residential.
- Day and sunlight analysis submitted which illustrates only the garden space of adjoining property being impacted for a brief period in evening time.
- Low volume of traffic in area.
- Demand for 1 to 2 person apartments in area.

6.2. Planning Authority Response

- None received.

6.3. Observations

1 no observation was received, issues relate to:

- Design, massing and height of proposal is out of keeping with character with surrounding area.
- Impact on privacy.
- Overlooking and overbearing nature of proposal.
- Balcony feature at front would be at odds with area.

- Window provision on south elevation would not a good level of passive surveillance of public domain.
- Inaccurate drawings submitted.
- The proposal would create a traffic hazard and would endanger public safety.
- Site plan shows 3 no cars parked in the driveway which exceeds maximum parking rates.
- Site is located in flood zone B.
- Failure of proposal to meet apartment guidelines.

7.0 **Assessment**

Introduction

- 7.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

The issues to be considered therefore relate to the following:

- Principle of development
- Flooding – *new issue*
- Design and Layout
- Residential Amenities
- Traffic Safety and Car Parking
- Other issues

Principle of development

- 7.2. I note the South Dublin County Development Plan 2022 – 2028 supports the sustainable intensification in established residential areas through infill development, the subdivision of larger houses, backland development and the development of large corner sites where such proposal comply with the requirements outlined in Section 6.8.1 of the plan. The appeal site is a corner site at the junction of Castlefield Manor

housing estate and the Old Knocklyon Road and is zoned 'RES' in the development plan where it is an objective to protect and/or improve residential amenity. Having regard to the location and zoning the principle of development at this location is acceptable.

Flooding – New Issue

- 7.3. As per the South Dublin County Development Plan 2022-2028 the site is located in Flood Zone B. The Strategic Flood Risk Assessment Mapping carried out as part of the development plan process shows a watercourse flowing through the site. No evidence of this watercourse exists on the ground. However, a watercourse is clearly shown on Sheet No 16 of the SFRA mapping running in a south to north direction through the site and the site shown to be in Floodzone B. Therefore, as per the Development Management Justification Test as set out in the Planning System and Flood Risk Management, Guidelines for Planning Authorities 2009 a site-specific flood risk assessment is required for this residential development. This is also set out in the Development Plan which states *'development proposals on lands that may be at risk of flooding should be subject to a flood risk assessment, prepared by an appropriately qualified Chartered Engineer, in accordance with the Flood Risk Management Guidelines.'* This issue was raised in the Local Authorities planners report who noted that *'the site is located in Flood Zone B save for the eastern end of the site where the off-street parking area is proposed.'* However, it was not included as a refusal reason. This item was also raised by the observer to this appeal. In the absence of a site-specific flood risk assessment for the proposed development I have no option but to recommend a refusal of this application. This is a new issue and the Board may wish to seek the views of the parties.

Design and Layout

- 7.4. The reason for refusal relates to the height, design and scale of the proposal given its location on a prominent corner, would result in an incongruous insertion into the streetscape and the development fails to provide sufficient animation to address Castlefield Avenue. The proposal is a two-storey hipped roof building, 8.6m in height and is of a similar height to the existing and permitted two storey dwellings immediately to the east of the site. The general area is characterised by one and half storey, hipped

roof houses but there are also 2 storeys houses and bungalows in the area. The proposed building is similar to a traditional hipped roof house, is suitably sized having regard to the narrow elongated nature of the site and in line with the style of many of the existing and permitted houses in the area. ABP308637-20 on the adjoining site to the east, permitted by the Board in 2021 is a two-storey dwelling, 8.3m in height with a hipped roof.

- 7.5. The proposed building maintains the existing building line on the Old Knocklyon Road with significant glazing and balconies on that elevation. The adjoining dwelling to the north was renovated in the recent past and is now contemporary in style with an enclosed balcony at first floor level facing onto the Old Knocklyon Road. I consider the proposed balcony element which is 5.5m from the public road and overlooks an area of private open space within the site and the Old Knocklyon Road to be acceptable. Overall, I am of the opinion that the proposed two storey building would bookend the street and provide an acceptable design solution having regard to the site's locational context.
- 7.6. Having regard to the standards set out in *Section 6.8 of the plan that 'corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain'* I am of the opinion that the insertion of a window at ground and first floor level on the southern elevation serving the living room of each unit would provide an acceptable level of animation onto Castlefield Avenue. In addition the proposed boundary wall along Castlefield Avenue should be reduced to a maximum height of 1.2m. Should the Board be minded to grant permission these elements can be controlled by suitably worded conditions.

Residential Amenity

- 7.7. The main grounds outlined in the observation from the residents of the dwelling to the immediate north of the site relate to the impact on their residential amenity, loss of privacy and that overlooking will occur from the development and the proposal will have an overbearing appearance on their property. It is also contended that overshadowing will be an issue.
- 7.8. The existing dwelling to the north is 6.27m in height. The proposed apartment building is 8.6m in height and there is a separation distance of 8m between both buildings. It is proposed to reduce the existing ground levels on site by circa 1m so that the finish

floor level of the proposed development is similar to that of the adjoining house to the north. The proposed building does not have any windows that directly overlook the adjoining property. The appellant submitted an indicative shadowing analysis in which they set out that there would be very limited impact on the habitable space of the adjoining house and the only overshadowing impact would be limited to a portion of the garden for a brief period in the evening time. I note the comments from the local authority planner in their report that the proposed development would not detract from the residential amenities of neighbouring properties by reason of undue overlooking and over shadowing. I am also satisfied that in the context of an urban development and given the separation distance between both buildings that significant issues of overshadowing, overbearing or overlooking do not arise.

Car parking and Traffic Safety

- 7.9. As set out in the development plan the site is located in Zone 2 in relation to car parking standards where a maximum of 1 space per 2 bed apartment is provided for. The proposed site layout plan has shown 3 cars parked in the driveway. However, only two of these car spaces are fully useable. Therefore, I am satisfied that the proposal for 2 usable car spaces is in line with the car parking standards set out in the development plan.
- 7.10. The proposed site entrance is located at the southern end of the site, circa 30m from the main junction of the Old Knocklyon Road and Castlefield Avenue. Given the nature and scale of the development in an urban setting I am satisfied that no traffic safety or sightline issue arise.

Other issues

- 7.11. The proposal for two number two bed apartments each with a floor area of 82sqm is well above the minimum floor area required as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The overall proposal is generally in accordance with the Apartment Guidelines and includes bin storage, bike parking and adequate open space areas to the front and rear of the development.

- 7.12. Knocklyon Castle – Tower House which is a Protected Structure (RPS No 295) and a Recorded Monument (DU022-010) is located circa 50m to the south of the site. The castle - tower house is heavily screened and not visible from the site. The site is outside the zone of archaeological potential of the Recorded Monument. Overall, I am satisfied the proposed development will not detract from the setting and amenities of the protected structure and recorded monument.

8.0 AA Screening

- 8.1. The site is in Flood Zone B and there appears to be a culverted water course on or in the vicinity of the site. This watercourse flows northeast to the River Dodder. As the site is at a significant remove (circa 9km) from any hydrologically connected European site and would be subject to further dilution effects within the dodder river significant effects from the proposed development are not considered likely. Overall having regard to the nature and scale of development, located in an urban area, connection to existing services and weak indirect connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend planning is refused for the following reason

The proposed development is in an area which is deemed to be at risk of flooding, by reference to the current Development Plan for the area. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk the proposed development would 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.

Donogh O' Donoghue
Planning Inspector

21st October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP - 320268-24		
Proposed Development Summary	Construction of two apartments		
Development Address	Castlefield Avenue, Knocklyon, adjoining Mimosa, Castlefield Avenue, Dublin 16, D16 R2F3		
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			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)
No		N/A	
Yes	X	Class 10 (b) (i) Construction of more than 500 dwelling units.	
			Conclusion
			No EIAR or Preliminary Examination required
			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-320268-24	
Proposed Development Summary	Construction of two apartments	
Development Address	Castlefield Avenue, Knocklyon, adjoining Mimosa, Castlefield Avenue, Dublin 16, D16 R2F3	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment. Will the development result in the production of any significant waste, emissions or pollutants?	The appeal site has a stated area of 0.0375 Ha and is located in a suburban area that is fully serviced. The proposed construction of 2 no apartments is not considered exceptional in the context of the receiving environment. Removal of topsoil etc and other construction wastes will be relatively minimal. Localised construction impacts will be temporary.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	The construction of 2 no apartments in a fully serviced suburban area is not considered to be exceptional in the context of the existing environment. Whilst there are existing houses and a number of permitted small scale development in the area, they will not have a significant cumulative effect.	No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?	There are no ecologically sensitive locations in the immediate vicinity of the appeal site. The nearest European site is Glenasmole Valley SAC (Site Code 001209) which is located 3.8km to the south west of the site and is not hydrologically connected to the site.	No

<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The site is in Flood Zone B and there appears to be a culverted water course on or in the vicinity of the site. This watercourse flows northeast to the River Dodder.</p> <p>However as the site is at a significant remove (circa 9km) from any hydrologically connected European site and would be subject to further dilution effects within the Dodder river significant effects from the proposed development are not considered likely.</p> <p>Overall given the nature of the development, connection to existing services and the distance from any protected site the proposed development would not result in significant impacts to any protected sites, including those linked to the Dodder River.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____