



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320781-24

<b>Development</b>	Demolition of single-storey bungalow, sub-division of site, construction of 2 dwellings and all associated site works.
<b>Location</b>	Dove Cottage, off Glenageary Road Lower, Glenageary, Co. Dublin, A96 W8X8
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D24A/0078
<b>Applicant(s)</b>	David & Carol Moffitt
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	David & Carol Moffitt
<b>Observer(s)</b>	Ruby Morrow; Joe Concannon & Denise Deegan; Andy & Lousie Campbell.

**Date of Site Inspection**

16<sup>th</sup> April 2025

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.018ha, is located on Greythorn Park, a laneway off the western side of Lower Glenageary Road. There is a detached single storey dwelling on the site along with a garden and vehicular access off Greythorn Park. Greythorn Park is a narrow lane which provides access to the appeal site and a number of adjoining properties. Site boundaries comprise an entrance gate and wing walls, a wooden fence and mature trees and hedgerow.
- 1.2. The area is characterised by a mix of detached and semi-detached dwellings and infill developments in a variety of styles on plots of varying sizes.

## **2.0 Proposed Development**

Permission is sought for:

- demolition of existing single storey bungalow which has a floor area of 124sq.m.
- sub-division of site and construction of new party wall
- construction of 2 no. new 4 bedroom dwellings with a total floor area of 382.5 sq.m. and ridge height of 8.657 m.
- alterations to existing vehicular access on north boundary of site and creation of new vehicular access on west boundary
- connection of new dwellings to public services
- replacement of existing boundary wall and timber fence with traditional iron railings and hedging to north and west boundaries, and all associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 14<sup>th</sup> August 2024, Dun Laoghaire Rathdown County Council (DLR) issued notification of the decision to refuse planning permission for one reason as follows:

Having regard to the nature of the proposed development, which includes the demolition of an existing dwelling house, the proposed development would fail to accord with Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in that a strong justification has not been provided for the demolition of the existing dwelling on site, and it has not been demonstrated that the existing dwelling is uninhabitable. Therefore, to permit the development, as proposed, would set an undesirable precedent for other similar development. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The initial Planners report can be summarised as follows:

- Insufficient rational for the demolition of the existing dwelling on site to accommodate the proposed development in terms of minimising carbon energy of the development by retaining and adapting existing building stock and improving it.
- Further information is required to demonstrate compliance with section 3.4.1.2 Retrofit and Reuse of Buildings and section 12.3.9 Demolition and Replacement Dwellings of the development plan.
- The laneway access to the site may impose a significant constraint to increased density. The proposed density is in accordance with sections 4.3.1.1 PHP18 of the development plan. A reduction in car parking can be considered having regard to the site's location in a suburban intermediate location.
- The proposal will not adversely affect the existing residential amenities and established character of the area.

- Further information is required in relation to
  - sightlines and swept path analysis;
  - justification for demolition of dwelling in terms of minimising carbon energy, including compliance with Section 3.4.1.2 Retrofit and Reuse of Buildings and 12.3.9 Demolition and Replacement Dwellings of the Development Plan.

Following a request for further information the planning officers report dated 14/08/2024 can be summarised as follows:

- Transportation planning has no objection subject to conditions and it is considered that the applicant has satisfied FI item 1.
- The existing dwelling on site does not have an appearance of being in a state of disrepair nor uninhabitable.
- The submitted Demolition Justification Report does not provide any commentary on the structural integrity of the existing dwelling, indicating whether or not it is structurally sound and/or habitable, and the building does not appear to be uninhabitable, nor has it fallen into a state of disrepair. Without supporting documentation in the form of a builders report/structural integrity report of the existing dwelling, it is not possible to ascertain whether the projected outcomes of the suggested scenarios are valid.
- The comparative whole life carbon assessment conclusions are insufficient justification to warrant demolition of the existing dwelling without supporting documentation demonstrating that the dwelling is uninhabitable.
- The applicant has not demonstrated consideration of retaining or partially retaining the existing dwelling in accordance with section 3.4.1.2 Policy Objective CA6 and creating a large enough site to accommodate a second dwelling to the south of the site.
- The addition of a single dwelling does not facilitate a significant increase in density.

- Retention of the existing bungalow typology would contribute to variety of housing typologies in housing stock and facilitate the principles associated with ageing in place in section 4.2.2.3 Policy Objective PHP14.
- It is considered that the proposal would not be in accordance with sections 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings, 4.3.1.2 PHP19: Existing Housing Stock, nor would it accord with the provisions of section 12.3.9 Demolition and Replacement Dwellings as it has not been demonstrated that the existing dwelling is uninhabitable.

#### 3.2.2. Other Technical Reports

- Drainage Planning: No objection subject to conditions.
- Transportation Planning: Following a request for further information, no objection subject to conditions.

#### 3.3. Prescribed Bodies

Irish Water: No objection.

#### 3.4. Third Party Observations

Four submissions were made in relation to this application at both original application stage and at significant further information stage objecting to the proposed development. The main issues raised include concerns relating to construction impacts, traffic concerns, visual impact, landscaping, inaccuracies in application, residential amenity impacts, and non-compliance with policy relating to demolition.

### 4.0 Planning History

There is no recent relevant planning history associated with the appeal site.

## 5.0 Policy Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2022-28

- 5.1.1. The appeal site contains the zoning objective “A”: To provide residential development and improve residential amenity while protecting the existing residential amenities. Residential use is permitted in principle in this zoning.

- 5.1.2. Chapter 3 deals with Climate Action.

Policy Objective CA5: Energy Performance in Buildings: It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.

Policy Objective CA6: Retrofit and Reuse of Buildings: It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

Section 3.4.1.2 includes the following supporting text ‘priority should be given to repairing and re-using existing buildings in preference to demolition and new-build.... Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority.

- 5.1.3. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing.

Policy Objective PHP19: Existing Housing Stock – Adaptation. It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF; Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods;

Policy Objective PHP20: Protection of Existing Residential Amenity. It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is

protected where they are adjacent to proposed higher density and greater height infill developments.

Section 4.3.1 relates to delivering and improving homes and includes the following text: The Council will encourage the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type - particularly those in areas consisting of exemplar 19th and 20th Century buildings and estates (see Chapter 3, Policy Objective CA6 and Chapter 12, Section 12.3.9).

5.1.4. Chapter 12 outlines detailed guidance on Development Management.

Section 12.2.1 Built Environment states 'The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible (Refer also Section 12.3.9 Demolition and Replacement Dwellings). Where this cannot be achieved, the Planning Authority will support the use of sustainably sourced building materials and the reuse of demolition and excavated materials.'

Section 12.3.9 Demolition and Replacement Dwellings states 'The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation). Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements. The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.



## **5.2. Natural Heritage Designations**

The appeal site is located 1.8km south of South Dublin Bay and River Tolka Estuary SPA and 2km south of South Dublin Bay SAC.

## **5.3. EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

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

A first party appeal in relation to the decision can be summarised as follows.

- Section 12.3.9 in relation to the habitable status of the existing dwelling is only relevant where the proposal is for a single replacement dwelling and this has been mis-applied with reference in the planners report to a “single replacement dwelling”.
- The central position of the existing dwelling on site would require the substantial demolition of the existing house to accommodate proposed house B, and the existing house is of timber frame construction so is not suitable for part demolition and would require the internal layout to be fully re-orientated.
- There are no built heritage requirements to retain the existing dwelling.
- The house is close to 40 years old and nearing the end of its lifespan, timber framed houses built in the 1980’s have an accepted 50 year lifespan.

- It is envisaged that a significant proportion of the inert waste will be re-used in the construction of the proposed development and a construction waste management proposal is included.
- The proposed site layout plan provides for optimum orientation of proposed houses A and B while complying with relevant standards and preserving residential amenity and consistent with existing pattern of development.
- The 4 bed proposed dwellings can triple or quadruple the number of people that could live on the overall site when compared to the existing dwelling.
- The Demolition Justification Report outlines that the proposal has a superior whole life carbon performance compared to upgrading the existing dwelling to a BER B2. There is a clear and robust justification to demolish the existing dwelling.
- The proposal which doubles the existing density complies with Policy PHP19 which supports densification of small infill sites.
- Policy CA6 does not prevent demolition, instead it supports retro-fit and reuse where possible rather than demolition and new construction. It is acknowledged by policy CA6 that retro-fit and reuse is not always possible as accepted by the PA and An Bord Pleanála in various cases, including ABP-310459; 312743, 313301, 313943, 314193, 315103, and 315310.
- Alternative scenarios considered in the Demolition Justification Report demonstrate that the whole life carbon assessment of the proposal demonstrates clear advantages compared with the scenarios relating to upgrading the existing dwelling along with an additional dwelling and materially outweighs any small gain that might be achieved by a retro-fit of the existing dwelling.
- Retaining the existing dwelling would not provide for the optimum layout and orientation of two dwellings on the site especially with regard to solar gain.
- The part demolish, extend and renovate option was fully considered and such an approach is not practical due to the timber construction of the existing dwelling and the limited lifespan of the house.

- There is no development plan requirement to retain the existing dwelling and the Council has mis-directed itself with regard to the habitable status of the house. It is the Council's preference to consider retaining where possible which is not practical in this instance.
- A methodology for Construction Waste Management during construction is outlined.

## **6.2. Planning Authority Response**

Response received states that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## **6.3. Observations**

Three observations to the appeal have been received and can be summarised as follows:

- Construction traffic on an inadequate access road and using the extremely busy Lower Glenageary Road and where paths are inadequate will result in a traffic hazard.
- Inadequate capacity for additional bins.
- Serious injury to residential amenity of adjoining properties and future occupants of the proposed dwellings as a result of overlooking and overshadowing.
- Impact on visual amenities of adjoining properties and overbearing.
- Design of proposed House B will result in visual and residential amenity impacts on proposed House A.
- Proposal fails to accord with Policy Objective CA6 and PH19 and Section 12.3.9 of the Development Plan.
- Demolition and Justification Report in support of the application has limitations and inconsistencies.

- Consent of the landowners of the laneway has not been included in the application.
- A trench is proposed in the laneway to allow for the installation of services which is not included in the red line boundary.
- Impact on trees and absence of Arboricultural Assessment to support the proposal.
- Sightlines at the intersection of the private lane and Lower Glenageary Road are inadequate.
- Disturbance during construction
- No assessment of ecological impacts.
- The existing dwelling is habitable. Its retrofit would be less impactful from a carbon perspective than demolition.
- Claims that the extension of the house is not possible and that the house has a 50 year lifespan are untrue.
- The proposal for two houses is not in keeping with the surrounding pattern of development.
- Failure to consider a revised layout to accommodate a second house on the site.

## **7.0 Assessment**

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

- Justification for Demolition
- Residential and Visual Amenity
- Access & Traffic Safety
- Landscaping & Biodiversity

- Other Matters

## **7.2. Justification for Demolition**

- 7.2.1. The PA's refusal reason refers to a failure to accord with Policy Objective CA6: Retrofit and Reuse of Buildings, Policy Objective PHP19: Existing Housing Stock – Adaptation and a failure to accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings in that a strong justification has not been provided for the demolition of the existing dwelling on site, and it has not been demonstrated that the existing dwelling is uninhabitable.
- 7.2.2. In assessing the proposal, the PA considered that the proposed demolition has not been adequately justified in terms of minimising carbon energy of the development by retaining and adapting existing building stock and improving it and that details submitted with the planning application regarding justification for the demolition of the existing dwelling on site to accommodate the proposed development were considered insufficient. The applicant was requested to submit further information to demonstrate compliance with Section 3.4.1.2 Retrofit and Reuse of Buildings and Section 12.3.9 Demolition and Replacement Dwellings of the Development Plan. In response to the FI the applicant submitted a Demolition Justification Report which provided a comparative whole life carbon assessment of the proposed development with the current building and two options for upgrading the existing building. The comparative Whole Life Carbon Assessment shows that, despite having a higher upfront and embodied carbon, the proposed development has the lowest whole life carbon due to its improved operational energy efficiency.
- 7.2.3. In assessing the further information response, the PA noted that the content of the Demolition Justification Report does not provide any commentary on the structural integrity of the existing dwelling, indicating whether or not it is structurally sound and/or habitable and that the building does not appear to be uninhabitable nor has it fallen into a state of disrepair. The PA considered that the outcome of the report is insufficient as a justification to warrant the demolition of the existing dwelling, without other supporting documentation that the dwelling is uninhabitable. The PA also noted that the scenarios relating to the refurbishment of the existing dwelling did not include the use of solar panelling to partially offset the existing dwellings carbon footprint and that the applicant has not included any details demonstrating

exploration of alternative options to develop the site, such as retaining or partially retaining the dwelling in accordance with section 3.4.1.2.

7.2.4. On the date of my site inspection, I was unable to gain access to the dwelling.

However, on viewing the property from outside I agree with the PA that the house does not have the appearance of being in a state of disrepair and appears habitable and in good condition. I note that no evidence is included on the file to indicate that the dwelling is not habitable.

7.2.5. The appellant argues that in section 12.3.9 the requirement for the existing house to be uninhabitable only applies to single replacement dwellings and is not relevant in the case of the appeal site, where it is proposed to replace a single dwelling with 2 dwellings. The appellant also argues the central position of the existing dwelling on site would require the substantial demolition of the existing house to accommodate proposed house B, and the existing house is of timber frame construction so is not suitable for part demolition. It is also stated that the house is close to the accepted lifespan for timber frame houses built in the 1980's.

7.2.6. I consider the Development Plan in Policy Objective CA6 which states that it is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, expresses a clear preference for refurbishment and retrofit of existing buildings where possible. The supporting text in Section 3.4.1.2 is also of relevance which states "Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority." Section 12.3.9 provides further guidance, reiterating the preference for deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement, and noting that demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. This section also states 'The Planning Authority will assess single replacement dwellings on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable'. I consider the Development Plan is clear in its requirement that retrofitting and reuse of an existing building is required, where possible, rather than demolition and reconstruction. I do not agree that the requirement in Section 12.3.9 for the existing house to be uninhabitable only applies

to single replacement dwellings or that it is not relevant in cases where an increase in number of units is proposed. I am not satisfied that the applicant has demonstrated that the retrofitting and reuse of the existing building is not possible or a viable option as required in the Development Plan. I note that the Demolition Justification Report options 1 and 2 do not consider retention of the existing dwelling along with construction of a new dwelling. I note the appellants case that the house is of timber construction and that the lifespan is considered approx. 50 years, however, as noted above it has not been demonstrated that the dwelling's current condition is uninhabitable. Furthermore, I do not consider that all options for retaining the existing dwelling have been considered and I consider the proposed development would not result in a significant increase in density on the site and as such I am not satisfied that the proposal complies with Policy Objective PHP19. Consequently, I do not consider that a strong and robust justification for the demolition of the existing building has been made.

- 7.2.7. I note the appellant has put forward a number of cases as precedent for a grant; however, I note that there are also a number of recent precedents for refusal. I refer the Coimisiún's attention to file reference ABP-321619-25 wherein permission was refused for demolition of existing dwelling for the construction of 2 new dwellings and file reference ABP-322531-25 where permission was refused for demolition of 4 apartments and construction of 5 houses. In refusing permission, the Coimisiún acknowledged the increased density in accordance with other policy objectives in the plan but nevertheless considered that sufficiently robust justification for the demolition of the existing buildings, or an adequate demonstration that the existing structure cannot be remodelled, retrofitted and reused to improve energy efficiency and residential amenity has not been provided and considered the proposal inconsistent with Policy Objective's CA6 and PHP19 and not in accordance with Section 12.3.9.
- 7.2.8. Noting typical household sizes in the area, I do not consider the appellants case that the dwellings can accommodate an increase in number of potential occupants is sufficient grounds for permitting the proposal.
- 7.2.9. With regard to other relevant objectives of the Development Plan, particularly Objective PHP18 which seeks to promote urban growth through the consolidation and re-intensification of infill/brownfield sites, and Objective PHP19 which seeks to

conserve and improve existing housing stock and densify existing built up areas, I consider the proposed development would not achieve a significant increase in density on the site and it has not been shown that the existing building is uninhabitable or that it could not be incorporated into a new layout.

- 7.2.10. Having regard to the above I consider the proposal does not comply with Policy Objective's CA6 and PHP19 and Section 12.3.9 of the Development Plan in that it has not been demonstrated that retrofitting and reuse of the existing house is not possible, and no strong justification is given for its demolition and as such I recommend that permission is refused.

### **7.3. Residential & Visual Amenity**

- 7.3.1. Observers to the appeal raise concerns in relation to potential impacts on residential and visual amenities. In assessing the proposal, the PA was satisfied that the proposal will not adversely affect the existing residential amenities and established character of the area.
- 7.3.2. I note that separation distances in excess of 21m are provided for at upper floors between the front elevation of the proposed dwellings and the rear elevations of existing dwellings to the east and as such I am satisfied that the proposal will not give rise to an unacceptable level of overlooking. Having regard to the separation distances proposed and the scale of development, I do not consider the proposal will give rise to overshadowing impacts and I do not consider a technical assessment relating to overshadowing is required. Furthermore, having regard to the scale and separation distances I am satisfied that the proposal will not give rise to undue impacts on the visual amenities of adjoining properties.
- 7.3.3. Having regard to the above, I am satisfied that the proposal will not give rise to negative impacts on the residential or visual amenities of existing or future occupants. I am satisfied that the proposal is in keeping with the pattern of development in the area and is in accordance with the requirements of SPPR1 of the Sustainable Residential Development and Compact Growth Guidelines 2024 in relation to separation distances

### **7.4. Access and traffic safety**



- 7.4.1. Observers raise concerns in relation to the narrow width of footpaths in the vicinity, inadequate sightlines on to Lower Glenageary Road and use of the laneway by construction traffic. In assessing the proposal, the PA requested further information in relation to achievable sightlines onto the carriageway and footway of Glenageary Road Lower from the existing vehicular access lane and a swept path analysis to demonstrate achievable vehicular movements on the access lane. The FI response included a drawing which demonstrates that unobstructed sightlines of 2.0m x 49m are available onto the carriageway and footway of Glenageary Road Lower from the existing vehicular access lane in accordance with DMURS. A swept path drawing was also submitted which demonstrate the width of the relevant extent of the access lane and achievable vehicular movements by way of swept path analysis showing how two cars can pass on the laneway.
- 7.4.2. Following receipt of further information, the PA Transportation Planning Section were satisfied that the required sightlines along Glenageary Road can be achieved and that the width of the access lane is acceptable. The Planning Officer's report concurs with the Transport Planning Section and notes that the proposal complies with the requirements of DMURS.
- 7.4.3. Having reviewed the file and inspected the site I am satisfied that the applicant has demonstrated adequate sightlines are available and that vehicular traffic can be accommodated on the lane and that the proposal is acceptable with regard to vehicular traffic. Should the Coimisiún be minded to grant permission, I consider that any outstanding details can be addressed by way of condition, including that an updated Construction Management Plan be provided for the approval of the Planning Authority which clearly details proposals on construction access.

## **7.5. Landscaping and Biodiversity**

- 7.5.1. Concerns are raised by observers in relation to impacts on trees and the absence of an arboricultural assessment to support the proposal. I note that there are no objectives on or adjoining the site to protect or preserve trees and woodlands. Having reviewed the existing site plan and proposed site layout plan I note that trees and shrubs at the eastern boundary are to be retained and mature hedgerow is proposed to be planted on the western boundary. The appeal outlines that all mature trees on site boundaries are to be retained and that ornamental trees are to be

reused. I consider the proposal is acceptable with regard to landscaping proposals, however, in the interests of clarity I recommend conditions be attached in relation to detailed landscaping proposals if the Coimisiún decides to grant permission for the proposed development.

7.5.2. In relation to concerns regarding the absence of an assessment of ecological impacts, having regard to the existing use and location of the site, I am satisfied that the proposal is unlikely to give rise to adverse ecological impacts.

7.5.3. Having regard to the above I am satisfied that the proposal is acceptable in relation to potential landscaping and biodiversity impacts.

#### **7.6. Other Matters**

7.6.1. Observers to the appeal raise concerns relating to noise, disturbance and traffic impacts during construction. I consider that such impacts would be temporary in nature and could be mitigated by standard measures including the requirement for a Construction Management Plan in the event of a grant of permission.

7.6.2. Regarding concerns by observers relating to inadequate capacity for bins, I note that the PA did not raise concerns in this regard. Having regard to the established use on the site and to the limited intensification of development proposed, I do not consider the proposal will give rise to unacceptable impacts in this regard.

7.6.3. In relation to concerns that the consent of the owners of the laneway has not been obtained and regarding the inclusion of all works required within the red line boundary, I note that the PA did not raise concerns in this regard. I note to the Coimisiún that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. In this regard, it should be noted that Section 34(13) of the Planning Act (as amended) states that a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

## 8.0 Water Framework Directive Assessment

- 8.1. I have assessed the proposed development of two dwellings and associated site works at Dove Cottage, Glenageary and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration (refer to Appendix 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The scale of development and the nature of works
- The location-distance from nearest Water bodies and lack of hydrological connections

- 8.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

## 9.0 AA Screening

### 9.1. Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) or South Dublin Bay SAC (Site Code: 000210) in view of the conservation objectives of these sites and is

therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The Nature of works
- Location-distance from nearest European site and lack of connections

## **10.0 Recommendation**

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

## **11.0 Reasons and Considerations**

1. On the basis of the information submitted with the application and appeal, a sufficiently robust justification for the demolition of the existing dwelling to facilitate the construction of two replacement dwellings, or an adequate demonstration that the existing structure cannot be remodelled, retrofitted and reused to improve energy efficiency and residential amenity, has not been provided. The proposed development would therefore be inconsistent with Policy Objective CA6 (Retrofit and Reuse of Buildings) and Policy Objective PHP19 (Existing Housing Stock – Adaption), and would not be in accordance with the provisions of Section 12.3.9 (Demolition and Replacement Dwellings) of the Dun Laoghaire Rathdown County Development Plan 2022- 2028. 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.

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Bernadette Quinn  
Planning Inspector

15<sup>th</sup> October 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-320781-24
<b>Proposed Development Summary</b>	Demolition of single-storey bungalow, sub-division of site, construction of 2 dwellings and all associated site works.
<b>Development Address</b>	Dove Cottage, off Glenageary Road Lower, Glenageary, Co. Dublin, A96 W8X8
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p> <p>Class 10(b)(i) Construction of more than 500 dwelling units</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-320781
<b>Proposed Development Summary</b>	Demolition of single-storey bungalow, sub-division of site, construction of 2 dwellings and all associated site works.
<b>Development Address</b>	Dove Cottage, off Glenageary Road Lower, Glenageary, Co. Dublin, A96 W8X8
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  The development proposed is the demolition of an existing single storey dwelling and the construction of two no. 2 storey houses. The proposal has a modest footprint, is located adjacent to existing residential development and is not out of context at this urban location and will not give rise to any significant waste or pollutants. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster and presents no risks to human health.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The development is situated on zoned and serviced lands in a densely populated suburban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLR CDP 2022-2028.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Having regard to the modest nature of the proposed development, its location relative to sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.



Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

**Appendix 3**  
**Screening for Appropriate Assessment**  
**Test for likely significant effects**

**Step 1: Description of the project and local site characteristics**

<b>Brief description of project</b>	Demolition of single-storey bungalow, sub-division of site, construction of 2 dwellings and all associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The proposal relates to demolition of a detached dwelling on a site measuring 0.018ha and construction of 2 dwellings and all associated site works. The site is located adjacent to existing residential development in a zoned and serviced suburban area characterized by detached dwellings. The site is located 1.8m south of South Dublin Bay and River Tolka Estuary SPA and 2km south of South Dublin Bay SAC.
<b>Screening report</b>	N
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (m)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157]	1.8km	No spatial overlap, therefore no direct connection with this SPA. No hydrological or ecological connection via air or land. The site does not support the species or habitats relevant to this SPA.	N

	Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]			
Link to Conservation Objectives: <a href="#">ConservationObjectives.rdl</a>				
South Dublin Bay SAC (Site Code: 000210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	2km	No spatial overlap, therefore no direct connection with this SAC. No hydrological or ecological connection via air or land. The site does not support the habitats relevant to this SAC.	N
Link to Conservation Objectives: <a href="#">ConservationObjectives.rdl</a>				
<sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report <sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species <sup>3</sup> if no connections: N				
<b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b>  No potential for likely significant effects on European sites during the construction or operational phase has been identified.				
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>				

I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

## **Screening Determination**

### **Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

## Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

<b>An Coimisiun Pleanála ref. no.</b>	<b>ABP-320781-24</b>	<b>Townland, address</b>	Dove Cottage, off Glenageary Road Lower, Glenageary, Co. Dublin, A96 W8X8
<b>Description of project</b>		Demolition of single-storey bungalow, sub-division of site, construction of 2 dwellings and all associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		The site has an area of 0.018 hectares, is located on a relatively flat site in an existing built up area. The pattern of development surrounding the site is residential in nature. The site contains an existing dwelling and garden. There are no drainage channels or watercourse apparent in the appeal site. The closest river watercourse is located approx. 550m to the northwest.	
<b>Proposed surface water details</b>		Onsite soakaway and SuDS	
<b>Proposed water supply source &amp; available capacity</b>		Water supply to be provided by way of connection to mains.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Proposed connection to mains sewer.	

Others?						
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River	1.5km northwest of site	BREWERY STREAM_010 IE_EA_09B130400	Poor	Under review	None	Not hydrologically connected to surface watercourse
Groundwater Waterbody	Underlying site	Kilcullen IE_EA_G_003	Good	At risk	Agriculture and Unknown	Underlying GWB
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance /construction	BREWERY STREAM_010 IE_EA_09B130 400	None	None	Standard construction practice	No	Screened out
2.	Site clearance /construction	Kilcullen IE_EA_G_003	Drainage through soil/bedrock	Hydrocarbon spillages	SuDS features; Standard construction measures /conditions	No	Screened out
OPERATIONAL PHASE							
4.	Surface water run-off	BREWERY STREAM_010 IE_EA_09B130 400	None	None	None	No	Screened out
5.	Groundwater discharge	Kilcullen IE_EA_G_003	None	Hydrocarbon spillages	SuDS features	No	Screened out

DECOMMISSIONING PHASE							
7.	N/A	N/A	N/A	N/A	N/A	N/A	N/A