



An
Bord
Pleanála

Inspector's Report

320922-24

Development	Demolition of side extension and construction of a new detached dwelling and all associated site works.
Location	11, Vale View Lawn, Cabinteely, Dublin 18, D18 X4C9.
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D24A/0500/WEB.
Applicant(s)	Mark Keegan and Suzanne Dunne
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mark Keegan and Suzanne Dunne.
Observer(s)	None on file
Date of Site Inspection	5 th February 2025
Inspector	Des Johnson

1.0 Site Location and Description

- 1.1. The site is located in a large housing estate in Cabinteely, c.200m south east of the R842, and 400m south west of Dunnes Stores, Cornelscourt.
- 1.2. No.11 is a corner site at the south eastern end of a row of two-storey dwellings. No.11 is a sizeable two storey semi-detached dwelling with a single-storey extension to the side. To the front, on the opposite side of the estate road, there is a linear open space. There are two-storey dwellings to the rear and to the south-east; these front to the south-east and north-west respectively.
- 1.3. The appeal site forms the side and part of the rear garden to No.11.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of a ground floor side extension and store room (37 sqm) to existing dwelling, and the construction of a detached two-storey, two bedroom, detached house with attic room within the side and corner garden, along with off street parking for 1 vehicle, and all associated site works.
- 2.2. The gross floor area of the existing buildings is stated to be 213.50sqm, the gross floor area proposed is 97.50sqm, and the gross floor area to be demolished is 37sqm. The site area is stated to be 0.032ha.
- 2.3. It is proposed to connect to public services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for 1 reason.

The reason refers to negative impact of the visual amenities of the streetscape due to the positioning of the proposed dwelling on the boundary with Vale View Lawn, overbearing appearance, and overdevelopment. Conflict with Section 12.3.7.5 of the County Development Plan 2022-2028 (CDP).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report states that there was one submission received requesting the retention of a tree adjacent to the subject site. The site is subject to then zoning 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities'. The proposed development is permissible in principle. Section 12.3.7.7 of the CDP is applicable. Having regard to the massing, scale and siting proposed, the dwelling would have an overbearing impact on adjacent dwellings, and overdevelopment due to the narrow and cramped design, and the need to excavate to achieve additional floor area. The proposed vehicular entrance would result in serious concerns regarding pedestrian and road safety due to lack of visibility and inadequate sightlines. It would present an undue precedent for residential development in the area.

3.2.2. Other Technical Reports

Transportation Planning Report – no objection subject to conditions, including the omission of the car parking space.

Drainage Planning Report – no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

D20B/0402 – permission granted at 9 Vale View Lawn for demolition of existing single storey extension and boiler house structure to the rear, conversion of garage to side, and construction of single storey extension to the rear.

5.0 Policy Context

5.1. Development Plan

- 5.2. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022, and is the relevant Plan.

The site is in an area with Zoning Objective 'A' – 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

12.3.7 refers to 'Additional Accommodation in Existing Built-up Areas'. Section 12.3.7.5. refers to 'Corner/Side Garden Sites'. It lists parameters to which the Planning Authority shall have regard when assessing applications including size, design, layout, relationship with existing dwelling and immediately adjacent properties, and impact on the amenities of neighbouring residents. For larger corner sites there may be more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may be deemed more appropriate in certain areas where it may not be appropriate to match the existing design. Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

12.3.7.7. refers to Infill. The Plan states that infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units.

5.3. Natural Heritage Designations

- Rockabill to Dalkey island SAC – c.4.9km to the East
- Dalkey Island SAC & pNHA – 4-9km to the East
- South Dublin Bay SAC – 4.1km to the North
- South Dublin Bay & River Tolka Estuary SPA & pNHA – 4.2km to the North
- Wicklow Mountains SAC – 8.6km to the South West
- Wicklow Mountains SPA – 8.6km to the South West.

5.4. EIA Screening

The proposed development is for a detached two-storey detached dwelling in an established estate of two-storey houses. It is on a corner site. Schedule 5, Part 2, Section 10(b)(i) of the Planning and Development Regulations 2001, as amended, lists the “Construction of more than 500 dwelling units’ as a Class of Development for the purposes of Part 10. As such, the proposed development is sub-threshold for the purposes of EIA. Having regard to the nature of this sub-threshold development, and the location of the site removed from sensitive locations or features in an existing housing estate with existing public services, it can be reasonably concluded that the proposed development would not be likely to have any real likelihood of significant effects on the environment either by itself or in conjunction with other developments. As such, no EIAR or screening for assessment is required.

6.0 The Appeal

6.1. Grounds of Appeal

These may be summarised as follows:

- The proposal is to create necessary accommodation for a young family next to their aging parents.
- The site is zoned ‘A’ and the proposed development is permitted in principle. The main considerations are policy, visual impact, residential amenity, access, parking and drainage.
- The proposed development meets the guidelines required under Quality Housing for Sustainable Communities.
- The proposed dwelling can be set back from the site boundary while complying with minimum standards. However, there are many examples where a dwelling has been constructed on site boundaries. Examples are quoted at Sycamore Close, Glen Lawn Drive, and Leopardstown Avenue.
- Excavation is not proposed to achieve additional floor area but to ensure that the proposed ground floor level to have a level entry with the footpath and to achieve floor to ceiling height. The proposed dwelling addresses the contextual conditions of the site.
- The proposed rear garden achieves the required minimum standard.
- The omission of the car parking space in accordance with SPPR3 is accepted.
- Overbearing and visual dominance are not apparent.

- Revised drawings are submitted showing the omission of the car parking space, adjustment of the boundary with No.11, set back of the gable wall, adjustment to the boundary wall, and the allocation of a bin storage area.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matter that would justify a change of attitude.

6.3. Observations

None

7.0 Assessment

- 7.1. The proposal is for the demolition of a ground floor side extension and store room (37 sqm) to existing two-storey dwelling, and the construction of a detached two-storey, two bedroom house with attic room within the side corner garden, along with off street parking for 1 vehicle, and all associated site works. The gross floor area of the existing buildings is stated to be 213.50sqm, the gross floor area proposed is 97.50sqm, and the gross floor area to be demolished is 37sqm. The site area is stated to be 0.032ha. It is proposed to connect to public services.
- 7.2. The Planning Authority decided to refuse permission. The reason for refusal states that the proposed development would negatively impact on the visual amenities of the streetscape, creating an overbearing appearance, and constituting overdevelopment. The positioning of the proposed dwelling on the boundary with Vale View Lawn would not accord with Section 12.3.7.5 of the CDP. The proposed development would be contrary to the provisions of the CDP and the proper planning and sustainable development of the area.
- 7.3. The grounds of appeal contend that the proposed development meets the Guidelines required for Quality Housing for Sustainable Communities. Amended plans are submitted showing the proposed dwelling set back from the side boundary, while arguing that other dwellings have been permitted on to side boundaries. Excavation is proposed to have a level entry with the footpath and to achieve floor to ceiling

height. The rear garden achieves the required minimum standard. It is not apparent that the proposal would be overbearing or result in visual dominance.

7.4. I submit that the key issues in this appeal are as follows:

- Policy considerations
- Visual amenities
- Residential amenities
- Car parking
- Other issues

Policy considerations

7.5. The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The development of additional housing is permissible in principle under this zoning.

7.6. The County Development Plan 2022-2028 makes provision for additional accommodation in existing built-up areas, and for the development of suitable corner and side garden sites. Key considerations are the size, design, layout, relationship with the existing dwelling and immediately adjacent properties, and impact on the amenities of neighbouring residents. In principle, the proposal to construct an additional house on this corner site is acceptable on policy grounds.

7.7. The site is in an existing housing estate, and utilises the side garden and part rear garden of an existing two-storey, semi-detached dwelling. Public services are available within the estate. The site is close to recreational amenities serving existing housing, and is readily accessible. However, the site is narrow and restricted, and the impact of the proposed development on the existing dwelling and surrounding dwellings is a key consideration.

Visual Amenities

7.8. The proposal is for a narrow fronted (4715mm) two-storey detached dwelling, with dormer to the front. The proposed dwelling would be set marginally forward of the front building line of the adjoining No.11. It is proposed to lower the site relative to the adjoining site, and the proposed ridge height would be marginally higher than the adjoining.

- 7.9. The house design proposed provides for a living room and kitchen at ground floor level, two bedrooms and bathroom at first floor, and attic space above. A back garden of 48.5sqm is proposed with dedicated bin storage. The house design is contemporary, and the finishes are of brick and smooth render, and metal cladding to dormer. The entrance hallway would open to the side
- 7.10. The design submitted with the application showed the proposed dwelling constructed on to the side wall surrounding the garden. The Planning Authority contend that this would create an overbearing appearance and would constitute overdevelopment. In the grounds of appeal this is revised so that the gable wall is set back from the boundary wall, but keeping the entrance hall opening to the side. The Planning authority did not comment specifically on the revised drawing, but stated that the grounds of appeal did not warrant a change of attitude.
- 7.11. On balance, I consider that the revised design submitted with the grounds of appeal is acceptable, would not constitute overdevelopment, and would not be seriously injurious to the visual amenities of the property in the area.

Residential amenities

- 7.12. The proposed design has 3 windows in the north west elevation. At first-floor level a window provides light to a stairwell. At ground level two windows serve a kitchen and stairwell respectively; these are to be fitted with obscured fixed glazing. I submit that there will be no direct overlooking of the adjoining dwelling No.11.
- 7.13. The proposed dormer is on the rear elevation. This serves a bedroom. It would look towards the front garden of No.12. and would not give rise to undue loss of privacy.
- 7.14. On this issue, I conclude that the proposed development would not seriously injure the amenities of residential property in the vicinity.

Car parking

- 8.0 Transportation Planning Report of the Planning Authority has no objection subject to conditions, including the omission of the car parking space. Revised drawings submitted with the grounds of appeal show the car parking space omitted. I consider that this is acceptable on this site.

Other Issue

- 8.1. Revised drawings submitted with the grounds of appeal show minor amendment to the site boundary as a result of the omission of the car parking space. The Board is required to consider the development on the site submitted with the application.

9.0 AA Screening

- 9.1. I have considered the permitted development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area, separated from designated European sites as detailed in Section 5 of this report. The proposed development consists of the construction of a detached dwelling on a corner site. No nature conservation concerns are raised. Having regard to the nature and scale of development, location in an existing residential area, available public services, and separation from and absence of 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.

10.0 Recommendation

- 10.1. I recommend that planning permission be granted.

11.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Dun-Laoghaire-Rathdown County Development Plan 2022-2028, the design and scale of the proposed dwelling, and the location of this corner site, it is considered that the proposed development, subject to compliance with the attached conditions, would constitute an acceptable form and scale of development which would integrate with the established pattern of development in the area, would not be injurious to the amenities of residential property in the vicinity, and would be consistent with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the Planning Authority on 9th July 2024, as amended by Drawing 24015.ABP.101 submitted to An Bord Pleanála on 27th September 2024. Where conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
3.	<p>The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning</p>

	<p>and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
4.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: In the interest of visual amenity
8.	<p>Construction hours for the proposed demolition and construction shall be in accordance with the following:</p> <ul style="list-style-type: none"> No works shall take place on site outside the hours of 08.00 and 18.00 Monday to Friday, and 08.00 to 13.00 Saturday, or on Sundays or public holidays, unless otherwise agreed in writing with the planning authority. <p>Reason: In the interest of the protection of residential amenity.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>

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.

Des Johnson
Planning Inspector

14th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320922-24		
Proposed Development Summary	Detached dwellinghouse		
Development Address	11, Vale View Lawn, Cabinteely, Dublin18, D18 X4C9.		
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	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)?			
Yes	Yes	Schedule 5, Part 2, Class 10(b)(i).	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	No	Threshold more than 500 dwelling units	
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Yes	Threshold more than 500 dwelling units	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			

No	No	
Yes		

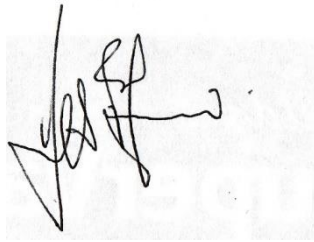
Inspector: _____

Date:

____14.02.2025_____

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP- 320922-24	
Proposed Development Summary	Detached Dwelling	
Development Address	11, Vale View Lawn, Cabinteely, D18 X4C9.	
<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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
Construction of a two-storey, two bedroom detached dwelling	The development has a modest footprint, on a corner site in an established residential area. It comes forward as a standalone project. It requires the demolition of an existing single-storey side extension. It utilises existing public services. The proposal does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.	
Location of development 11, Vale View Lawn, Cabinteely, Dublin 18, D18 X4CV9.	This is an established residential area. A connection to public services is proposed.	
Types and characteristics of potential impacts No significant impacts on the wider environment. Localised impacts resulting from infill nature of development. No significant negative impacts.	Having regard to the characteristics of the development and the sensitivity of its location, I consider that 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	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	EIA 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.	

A handwritten signature in black ink, appearing to be 'J. H. H.', is written over a light gray rectangular background.

Inspector:

Date: __14.02.2025__

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)