



An
Bord
Pleanála

Inspector's Report

ABP-320988-24

Development

Demolition of garage and construction of a detached dwelling; provision of a new vehicular entrance to service the existing dwelling and all ancillary works.

Location

7 Serpentine Park, Sandymount, Dublin 4, D04 A4E8.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

3189/24.

Applicant(s)

Gerard Ganly and Pauline Morgan.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

First and Third Party.

Appellant(s)

Gerard Ganly and Pauline Morgan;
and Luke Foley and Megan
MacMahon.

Observer(s)

None.

Date of Site Inspection

28th January 2025.

Inspector

Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject corner site of c.0.05ha consists of a two storey semi-detached dwelling with rear two storey return and front, side and rear garden. The front garden includes a driveway and there is a flat roof garage located in the rear garden with parking space accessed around the corner. The site is located within Flood Zone A. There are on-street parking spaces located to the front and side of the majority of the site. The semi-detached houses in the vicinity in the Serpentine Park estate are of similar design form and appearance. The site is located c.900m walking distance (c.300m as the crow flies) from Landsdowne Road train station.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Demolition of single storey garage.
 - Construction of a detached two storey open gable roofed two bedroom dwelling.
 - New vehicular entrance with one no. car parking space.
 - Re-use of existing vehicular entrance to serve no. 7.

3.0 Planning Authority Decision

3.1. Decision

Initially the Planning Authority (P.A.) decided to request further information in relation to the position of the new dwelling and the building line, concerns in relation to the new car parking space and a request for a Site Specific Flood Risk Assessment (SSFRA).

Following receipt of F.I., the P.A. decided to grant permission subject to 10 no. conditions. Notable conditions include:

- Condition no. 2: a requirement to set back the front elevation by 1m such that it would not sit forward of the adjacent dwelling by more than 1.2m.

- Condition no. 3: the setback of the front elevation by 1m to result in the property sitting a maximum of 1.2m forward of No. 9 Serpentine Park.
- Condition no. 4: the omission of the new vehicular entrance.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted compliance with the zoning and policy standards for new infill dwellings. It was noted that the position of the dwelling would be 2.2m forward of the front elevation of no. 9 and would not integrate well and further information was recommended to be requested. Arising from the concerns of the Transportation section it was recommended to request further information in relation to the new vehicular entrance which was considered unacceptable due to the loss of two on-street parking spaces. Arising from the concerns of the Drainage Section, a request for the submission of an SSFRA was recommended.

The second Planner's Report noted the revised building design showing a partial 1m setback to the front elevation within 3.2m of the side boundary but considered that it would still break the established building line. It recommended a further 1m setback by condition. The revised design omitted the new vehicular entrance and parking space and this was accepted by the P.A. due to the availability of on-street parking and the accessible location. No issues were noted with the SSFRA report. A grant of permission was recommended.

3.2.2. Other Technical Reports

- Transportation Planning Division: No objection subject to conditions provided new entrance omitted. Following F.I.: No objection subject to conditions.
- Drainage Division: Recommended requesting further information. Following F.I.: No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Rail: No comments received.
- Uisce Éireann: No comments received.

3.4. Third Party Observations

Three no. third party observations were received by the P.A. which can be summarised as follows:

- Concerns regarding terracing effect given the breaking of the building line which would be out of character for the area.
- Lack of site depth to cater for the development indicates overdevelopment.
- Issues with building on rear boundary line with no consent sought or provided and application is invalid per Article 22(2)(g).
- Precedents on the street relate to extensions only.
- Lack of detail in relation to impact on trees.
- Concerns in relation to compliance with the building regulations.
- Absence of traffic survey and safety concerns in relation to new entrance on a corner.
- Parking congestion concerns due to loss of on-street spaces which is contrary to policy.

4.0 Planning History

Subject Site

0289/96: Permission granted by the Planning Authority and on appeal (PL 29S.098702) for single storey extension to side and rear.

0589/94: Permission granted by the Planning Authority and on appeal (29.s.093536) for a conservatory and extension to rear.

Sites in the vicinity

WEB1665/18 (9 Serpentine Park): Permission granted by the Planning Authority for demolition of sheds to rear, internal alterations, single-storey extensions to front & rear elevations & conversion of existing garage, extension to side above converted garage, conversion and extension to side of existing attic space to provide additional accommodation at attic level, rooflights. Widening of existing vehicular entrance.

2923/14 (1 Serpentine Park): Permission granted by the Planning Authority for demolition of the existing residential structure and garage, construction of a new part one-, part two-storey extension to the side and rear, new vehicular entrance and driveway.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028 (as varied)

The subject site is zoned under Objective Z1 (Sustainable Residential Neighbourhoods) which is “*To protect, provide and improve residential amenities*”. Residential use is listed as a permissible use.

Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods.

Section 5.5.2 Regeneration, Compact Growth and Densification

QHSN6 Urban Consolidation is “*To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation*”.

Section 5.5.7 Specific Housing Typologies

Apartments and Houses

QHSN37 Houses and Apartments is “*To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation*”.

Chapter 8 Sustainable Movement and Transport

Section 8.5.7 Car Parking

SMT25 “*On-Street Parking To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable*

transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements”.

Chapter 9 relates to Sustainable Environmental Infrastructure and Flood Risk.

Section 9.5.3 Flood Risk Management.

Chapter 15 relates to Development Standards.

Section 15.5.2 Infill Development and the criteria for same.

Section 15.5.3 Alterations, Extensions and Retrofitting of Existing Non – Domestic Buildings

Section 15.11 House Developments

Section 15.11.3 Private Open Space

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied.

Section 15.13.3 Infill /Side Garden Housing Developments includes criteria in certain limited circumstances for assessing proposals of corner / side garden sites.

Appendix 3 (Height Strategy) Table 2 Indicative Plot Ratio and Site Coverage – Residential Area: Indicative Plot Ratio: 1.0 – 2.5. Indicative Site Coverage: 45-60%.

Appendix 5 (Transport and Mobility: Technical Requirements), Table 2: Maximum Car Parking Standards for Various Land Uses. Zone 2: 1 space per dwelling.

Section 4.1 On Street Parking

“There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area. Where new residential developments result in the removal of on-street parking spaces or where no parking is provided for new residential developments, residents of these dwellings will not automatically be entitled to a parking permit. In this instance, the issuing of a parking permit will be based on the current capacity of the permit parking scheme in question”.

Volume 7 relates to Strategic Flood Risk Assessment. The subject site is located within Flood Zone A.

5.2. Section 28 Guidelines

5.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (the Compact Settlement Guidelines).
- Quality Housing for Sustainable Communities: Design Guidelines, 2007.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.3. Natural Heritage Designations

5.3.1. In relation to designated sites, the subject site is located:

- 0.79km to the west of South Dublin Bay Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000210).
- c1.02km to the south-east of Grand Canal PNHA (site code 002104).
- c.1.08km to the west of South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004024).

5.4. EIA Screening

5.4.1. See Forms 1 and 2 appended to this report. The proposed residential development is located within an urban area on serviced land that is zoned for residential development. Having regard to the nature and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeals

6.1. Grounds of Appeal

6.1.1. One third party appeal has been submitted on behalf of Luke Foley and Megan MacMahon of no. 7 Serpentine Park, Sandymount, Dublin 4. One first party appeal has been submitted by Hughes Planning and Development Consultants on behalf of Gerard Ganly and Pauline Mongan of 3 Tromode Heights, Douglas, Isle of Mann.

6.1.2. The grounds of the third party appeal can be summarised as follows:

- The proposal fails to comply with Development Plan policies set out in Sections 15.5.2, 15.5.3 and 15.11.3.
- The blank protruding gable would be overbearing from the adjacent dwelling and the roof does not respect the existing profile and will be very odd.
- The proposed open space will be in constant shadow and will have blank gables facing it with no qualitative assessment made as required for reductions in space.
- The compliance condition no. 3 is not absolutely clear and takes no account of exempt development provisions, for example for rear extensions.
- The proposal represents overdevelopment of the site and creates an end terrace type dwelling located forward of the established building line.
- An inappropriate precedent for similar inappropriate development within this zoning would result if permission is granted.
- The close proximity of the gable to the adjacent site creates significant issues in relation to junctions and other issues.
- The design approach used at no. 1 Serpentine Park for the location of the new massing appears not to have been considered.
- The proposal will reduce the quality of neighbouring amenity space.

6.1.3. The grounds of the first party appeal against Condition no.s 3 and 4 of the decision to grant permission can be summarised as follows:

- The decision to grant permission for the development proposed at F.I. stage should be upheld while omitting condition no.s 3 and 4.
- Serpentine Park does not adhere to a uniform building line with numerous examples cited and the position of the residential extension at no.1 is noted.
- Section 15.13.3 of the CDP provides for relaxation of building lines for the development of under-utilised land.
- The failure to acknowledge that the revised design protects the residential amenity of the proposed dwelling and no. 9.
- The site constraints for the infill site have not been acknowledged and the proposal is consistent with the Compact Settlement Guidelines.
- The building line set back would fail to provide for the residential amenity of the new dwelling contrary to zoning objective Z1 and this approach may effect the viability of similarly constrained sites in future.
- The new vehicular entrance should be reassessed based on an entrance width of 3m which would have a differing impact compared to the previous 3.999m drawing annotation in that only one on-street space would be lost and not two spaces.
- The following policies require reassessment as they were incorrectly interpreted: SMT25, Section 8.5.7 and Appendix 5, Section 4.1.
- A new vehicular entrance can be safely facilitated per tracking documents submitted.
- The new vehicular entrance is in effect a space swap between on site and on-street spaces in accordance with Policy SMT25.
- There is no requirement to facilitate parking for shoppers and businesses in this residential estate with ample on-street parking and whereby future residents will be forced to use on-street parking.
- Precedents cited at 570 Howth Road, Raheny, Dublin 5 (ABP-303416-19), 5 Newbridge Avenue, Sandymount, Dublin 4 (Reg. Ref. 4665/05), 9 Newbridge Avenue, Sandymount, Dublin 4 (Reg. Ref. 1162/07), 20 Palmerstown Road, Rathmines, Dublin 6 (Reg. Ref. 3662/03), 23 Palmerstown Road, Rathmines,

Dublin 6 (Reg. Ref. 3597/01) and 62 Palmerstown Road, Rathmines, Dublin 6 (Reg. Ref. 3293/00).

6.2. Applicant Response

6.2.1. The applicant has provided a response to the third party appeal which can be summarised as follows:

- The appeal is without substance and can be dismissed per Section 138(1)(a) of the 2000 Act, as amended.
- The exempt development provisions are in order to ensure the protections of surroundings amenities and there is no need to disapply them.
- Assessment of an infill development shall not be subject to speculative allegations regarding the potential use of the site.
- The proposal provides a contemporary response to the built character of the area while maintaining sensitive scale and height in accordance with policy.
- The open space is sufficient, with no overshadowing and is not restricted to the rear but includes sufficiently screened space which is defensible to the front.
- Given national and local policy for infill and compact development, holding the development to 1950s design standards is inappropriate and there is no overdevelopment.
- The amenity space would not be constantly overshadowed as demonstrated by the submitted shadow diagrams.
- All bedrooms at first floor level would receive south facing light.
- A degree of relaxation in relation to building line is required in the context of the corner site and due to the infill nature of the proposal.
- The proposal would protect adjacent residential amenity including from undue overlooking.
- There will be no protrusion from the gable wall, rather it will appear flush when viewed from no. 7.

- There is no justification for stating the roofscape would be inconsistent.

6.3. Planning Authority Response

6.3.1. The P.A. requests that its decision be upheld.

6.4. Further Response

A further response was received from David Slattery Conservation Architects Ltd on behalf of Luke and Meg Foley in response to the first party appeal and it can be summarised as follows:

- The relevant building line is the front building line of the houses on the street.
- Development at no. 1 Serpentine Park is located at a remove from the adjacent building line.
- The first party appeal demonstrates that no solution has been found in relation to the building line.
- The lack of amenity for the original proposal and that amended by condition and the impacts on adjacent residential amenity are unacceptable.
- The proposal is not in line with established infill in the area at no. 1 and no. 19.
- A design solution is available to adjoin with no 7.

7.0 Assessment

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

- Principle of development.
- Residential Amenity.

- Visual Amenity.
- Transportation.
- Flood risk and Drainage.
- Other Issues

7.2. Principle of Development

- 7.2.1. The subject site is located in zoning objective Z1 (Sustainable Residential Neighbourhoods) where the objective is “*to protect, provide and improve residential amenities*”. Residential is listed as a permissible use under the zoning. In this context, I am satisfied that the proposal for a single infill residential dwelling accords with the site zoning where residential development is acceptable in principle.

7.3. Residential Amenity

Internal

- 7.3.1. The proposal is for a two bedroom dwelling of c.78.3sqm. Noting the internal floor areas and the Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), the proposed dwelling size is acceptable for a two bedroom dwelling of this nature (two bed/3P house (2 storey).
- 7.3.2. I note no concerns in relation to internal daylight/sunlight standards despite the single aspect at first floor level given the velux windows to be located to the rear/north-east for the bathrooms and the substantial sizes of the front windows facing south-west for the bedrooms.
- 7.3.3. I note the concerns in relation to the inadequacy of private open space. The private open space for the dwelling would consist of a rear area of limited depth ranging from c.2.3m to c3.2m and the side area depth would range from c.1.85m to c2.9m with total rear/side area of 36.5sqm which given the limited depth I consider to be of limited useability and amenity value. However, the area to the front of the dwelling, of regular rectangular form would be 45.2sqm which I note would be useable space given the regular form, depth and width. I note that CDP minimum standards provide for a minimum of 10sqm per bedspace which would be 20sqm in this case per

Section 15.11.3. I also note that SPPR 2 (Minimum Private Open Space Standards for Houses) is directly applicable whereby 30sqm is the minimum for a two bed house.

- 7.3.4. In relation to the existing dwelling, no. 7, I note its new area of private open space to the rear would be of limited depth. However, there would be a substantial side garden area of more than sufficient size to accommodate private open space for this dwelling and I consider this approach to be acceptable to facilitate infill development. While I consider the private open space to the rear/side of the dwelling to be deficient in terms of quality, I note the substantial area to the front of the dwelling.
- 7.3.5. Having regard to the constraints of the site and the policy support for infill development, I consider it reasonable in this instance to allow for the design approach whereby the private open space would be substantially located to the front of the new dwelling. I am satisfied that, in this context and in this instance, a 2m high front wall would be acceptable to cater for the privacy of this space noting that this would largely replicate the height of the existing boundary wall on the street. This can be provided for by condition should permission be granted. I also recommend that normal planning exemptions for extensions be de-exempted by condition as, due to the separation distances to the rear and sides, and the limited area of private open space, there is potential for significant erosion of such private open space.

External

- 7.3.6. I note there would be no first floor rear or side facing windows such that I am satisfied there would be no undue overlooking or impacts on privacy in the vicinity. To the rear of the proposed dwelling, I note that part of the ground floor element would be located directly inside the boundary and the side facing mono-pitch roof for this element. I also note the separation distances from the rear first floor element (c.2.6m to c.4m) would be sufficient to ensure there would be no undue overbearing impacts on adjacent amenities to the north-east.
- 7.3.7. I note the submitted shadowing diagrams. While there would be some shadowing impacts on the adjacent site to the rear (north-east), I am satisfied that these would not be excessive for this urban location noting the BRE standards for at least half of

an amenity area should receive at least two hours of sunlight on March 21st and this is met in this instance.

- 7.3.8. In relation to the existing dwelling, I note the separation distance from the north-west side boundary would range from c3.9m to c.5m, and I am satisfied there would be no undue overbearing or overshadowing impacts in the vicinity of the new dwelling in this regard.
- 7.3.9. I note the concerns in relation to impacts to the south-east side and in relation to the building line. I note that the alignment with the dwelling to the side, no. 9, would broadly align with its side while projecting forward by c.1.4m and then 3m. Further over there would be another further projection forward of c.1m. Noting the modest distances forward of the adjacent dwelling building line and the stepped transition in this regard and the 3m setback from the full step forward, I am satisfied that there would be no significant overbearing or overshadowing impacts on no. 9.
- 7.3.10. In relation to concerns regarding overdevelopment, I note the site coverage is c.40% and the plot ratio is c.1:0.6. Per Appendix 3 Table 2 of the CDP, Indicative Site Coverage of 45-60% and Indicative Plot Ratio of 1.0 – 2.5 is recommended in outer residential areas. I also note CDP policy in relation to compact development and infill development, and as I note no significant qualitative impacts on amenities in the vicinity, I am satisfied that this proposal strikes an appropriate balance between densification and protection of residential amenity.

7.4. Visual Amenity

- 7.4.1. In terms of layout and policy for infill residential development, as above I note that the front building line would step forward of the adjacent front building line as represented by no. 9 gradually in two steps. I note the concerns of third parties in relation to the building line. Noting the modest degree of forward-stepping, together with the urban design benefits of adding some visual interest to the street particularly in terms of legibility, I am satisfied that the stepping forward of the building line would not be unduly out of character on the street and that the front façade design would integrate with the street to a sufficient degree.
- 7.4.2. I consider that the stepping forward of the building line would also counter any modest terracing effect on the street. I consider that the design, being appropriately

aligned and scaled by reference to adjacent sites and dwellings including in relation to the pitched roofscape, respects and enhances the site context noting Section 15.5.2 (Infill Development) and Section 15.13.3 (Infill /Side Garden Housing Developments) of the CDP. I do not consider that this would set an inappropriate precedent for the city. In this regard, I do not consider there be a requirement to include Condition no. 3 of the P.A. decision which required a 1m setback of the front building line.

- 7.4.3. I note how the design of the dwelling would face and address the street and given the need to ensure private open space is provided to the front of the dwelling, and noting the current streetscape of a high boundary wall, I recommend that should permission be granted, a two metre high wall be required by condition along the front boundary in front of the open space and to the side of same.

7.5. Transportation

- 7.5.1. I note that the parking space and entrance for the new dwelling would be provided using the existing entrance to the existing garage. I note no significant issues in relation to same with no significant intensification of use expected. I note the Car Parking standard of one space per dwelling in zone 2 is applicable which would be provided. The application amended at F.I. stage omitted the originally proposed vehicular entrance and driveway for the existing dwelling. Condition no.4 of the P.A. decision confirms this omission. The first party appeal requests the inclusion of this new entrance and parking space to the front of the existing dwelling. I note one space would accord with CDP policy per Table 2 (Appendix 5).
- 7.5.2. I note the appeal states that the vehicular entrance width would be 3m and that this would necessitate the removal of the equivalent of one no. on-street parking space. I also note the original plans annotated a vehicular entrance width of 3.999m adjacent to the existing pedestrian entrance and this would have required the removal of up to two on-street spaces. I note the concerns raised by the Council's transportation section in relation to the removal of on-street spaces and the entrance width above 3m.
- 7.5.3. I note Appendix 5 Section 4.1 (on-street parking) of the CDP provides for a *"presumption against the removal of on-street parking spaces to facilitate the*

provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area". I note the predominance of off-street parking within Serpentine Park with no. 7 the only dwelling in Serpentine Park without an off-street space. The residents cannot be considered to be largely reliant on off-street parking and it cannot be reasonably said that such on-street parking in a residential estate caters for other non-residential uses in the wider vicinity. I also note the precedents cited for this approach in the city in the applicant's appeal.

7.5.4. Policy SMT25 of the CDP is *"To manage on-street car parking to serve the needs of the city alongside the needs of residents...and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to... access to new developments...."*. I consider it reasonable in principle to allow for the removal of one on-street parking space at this location, effectively a space swap, subject to the consent of the Local Authority's roads department.

7.5.5. In relation to road safety concerns for a new vehicular entrance in front of no. 7, I note the location close to the bend in the road. I note that a technical note from TENT Engineering has been provided demonstrating sightlines from the vehicular entrance. Having visited the site and observed the surrounds, including the role of the bend and the on-street parking in encouraging low vehicle speeds, I am satisfied in relation to sightlines having regard to DMURS standards in such low speed residential estate settings. Accordingly, should permission be given, I recommend that express provision be provided for the new vehicular entrance subject to a maximum width of 3m and subject to the removal of the on-street parking in the vicinity.

7.6. Flood Risk and Drainage

7.6.1. I note that flood risk was not raised in the appeals or in the third party submissions at application stage and that the Council's Drainage section had no objection to the development following the submission of the Flood Risk Assessment prepared by TENT Engineering at F.I. stage. Having reviewed the submitted F.R.A., I consider its methodology reasonable for a development of this scale. Subject to a condition

requiring the implementation of its recommended mitigation measures, I am satisfied that the risk of flooding from the proposed development is acceptable and would not give rise to unacceptable impacts on the site or its surroundings.

- 7.6.2. In relation to drainage, I note the Council's Drainage section had no objection subject to conditions and I note the on-site SUDS measures including the front garden soakaway. I recommend that should be permission be granted it be subject to standard SUDS drainage conditions.

7.7. Other Issues

- 7.7.1. I have not assessed other potential design solutions for the site as these are outside the remit of the application and appeals. I note that the closeness of the gable wall to the adjacent gable wall of no. 9, also located in close proximity to the boundary has been raised in the appeal with concerns noted in relation to maintenance and access.
- 7.7.2. I note that the development would be located within the red line area as shown on the submitted plans and access and maintenance for the gable walls is not a planning matter. In this regard, any dispute between the parties is considered a Civil matter and outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act. I note that a grant of permission does not confer automatic legal authority to carry out a development requiring permission.
- 7.7.3. The first party appeal response states that the third party appeal is without substance per Section 138(1)(a) of the Planning and Development Act 2000 (as amended). Having examined and assessed the issues raised above in the third party appeal, I do not consider them to be without substance as I note that issues in relation to the proper planning and sustainable development have been raised that merit consideration in the above assessment.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177S and 177U of the Planning and Development Act 2000 as amended. The subject site is located 0.79km to the west of South Dublin Bay Special Area of

Conservation (SAC) and c.1.08km to the west of South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (site code 004024).

- 8.2. The proposed development comprises the demolition of single storey garage, construction of a detached two storey open gable roofed two bedroom dwelling, new vehicular entrance with one no. car parking space and re-use of existing vehicular entrance to serve no. 7.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The relatively small scale and domestic nature of the development.
 - The location of the development in a serviced urban area and the urban nature of intervening habitats.
 - Taking into account the screening determination carried out by the Planning Authority.
- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the location of the subject site within an urban area, the provisions of the Dublin City Development Plan 2022 – 2022 (as varied), the nature, scale and form of the proposed development, and pattern of development in the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable, would not be unduly visually obtrusive on the street or in its surroundings, and would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be

acceptable in terms of traffic safety and convenience, and flood risk and would constitute an appropriate use in this urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of August 2024, except as may otherwise be required in order to comply with the following conditions. Where such 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.

Reason: In the interest of clarity.

2. The vehicular entrance and driveway to serve the existing no. 7 Serpentine Park shall be implemented per the 'Proposed Site Plan' drawing no. P07 submitted to the Planning Authority on the 13th day of February 2024 except that the maximum width of the vehicular entrance shall be 3 metres. Prior to commencement of development applicant shall submit for the written agreement of the Planning Authority scale drawings confirming this.

Reason: In the interests of residential amenity and for clarification.

3. Development described in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

4. (a) Screen walls shall be provided along the front, side and rear boundaries to screen the private open space from public view. Such walls shall be two metres in height above ground level.
(b) The screen walls shall be constructed in brick to match the brick used in the dwelling or concrete block or similar durable materials and, if in concrete block, shall be suitably capped and rendered on both sides in a finish that matches the external finish of the dwelling.
(c) The existing front boundary wall of the existing house shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of residential and visual amenity.

5. (a) All flood mitigation measures stated/proposed in the Flood Risk Assessment submitted with the application on the 15th day of August 2024 shall be implemented in full.
(b) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
(c) Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and surface water management.

6. Site development and building works shall be carried out between the hours of 07.00 to 18.00 hours Mondays to Fridays inclusive, between 08.00 hours to

1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. 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.

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.

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.

Ciarán Daly
Planning Inspector

12th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

| | | | |
|--|---|---|----------------|
| An Bord Pleanála Case Reference | ABP-320988-24 | | |
| Proposed Development Summary | Demolition of garage and construction of a detached dwelling; provision of a new vehicular entrance to service the existing dwelling and all ancillary works. | | |
| Development Address | 7 Serpentine Park, Sandymount, Dublin 4, D04 A4E8. | | |
| 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 | |
| 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 | X | 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 | X | Threshold: Construction of more than 500 dwelling units and urban development which would involve | Proceed to Q4 |

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| | | an area greater than 10 hectares in the case of other parts of a built-up area. | |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | X | As above. | Preliminary examination required (Form 2) |

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

Inspector: _____

Date: _____

Appendix 2 – Form 2

EIA Preliminary Examination

| | |
|---|---|
| An Bord Pleanála Case Reference | ABP-320988-24 |
| Proposed Development Summary | Demolition of garage and construction of a detached dwelling; provision of a new vehicular entrance to service the existing dwelling and all ancillary works. |
| Development Address | 7 Serpentine Park, Sandymount, Dublin 4, D04 A4E8. |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| Characteristics of proposed development (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). | Two storey dwelling, vehicular entrance and connection to public water and wastewater network in an urban area. |
| Location of development (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 | The urban location of the development is removed from sensitive environmental receptors at South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. |

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| sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | | |
| Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | | Impacts will be contained within the largely walled site with any water based run-off to the local waste water treatment network. |
| 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. | Yes |
| 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. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)