



An
Bord
Pleanála

Inspector's Report ABP-321511-24

Development	Construction of single-storey dwelling with all associated site works.
Location	Bramley House, Cherrywood Road, Shankill, Dublin 18, D18 W9R7
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0796/WEB
Applicant(s)	Grace O'Rourke & others
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Grace O'Rourke & others
Observer(s)	Mat McDonagh Mary Corcoran
Date of Site Inspection	27 th February 2025
Inspector	Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is part of the rear garden of an existing two storey detached house Bramley House which is located at the corner of Cherrywood Park and Cherrywood Road within the urban built up area of Shankill, Co. Dublin. The site will be accessed from a new entrance to Cherrywood Park. Cherrywood Park is a residential cul de sac serving a small number of detached bungalows. Cherrywood Park is located opposite a small neighbourhood centre complex located at the corner of the N11 and Cherrywood Road. The N11 is located about 50m from the cul de sac.
- 1.2. The proposed front boundary of the site is to Cherrywood Park which is the existing side boundary of Bramley House's rear garden and is treated with a 2m high wall / fence. Along this boundary there are two rows of hedgerows located within the traditional footpath/ road verge area planted directly up to the kerb of the road.
- 1.3. The side /western boundary of the site adjoins no.14 Cherrywood Park (bungalow) and the rear / southern boundary adjoins the rear garden of Taormina, Cherrywood Road (bungalow).

2.0 Proposed Development

- 2.1. Permission is sought to:
 - Construct a single storey detached 2/3 bed dwelling of 91sqm,
 - New access to Cherrywood Park including driveway / car parking for 2 cars,
 - New service and drainage connections.

The area of the site is 0.04ha.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to Refuse permission by order dated 22nd November 2024, for the following reason:

“ Having regard to the direction of national planning policy and objectives to promote higher densities and more compact settlements within appropriate locations and having regard to the location of the site approximately 100m from high capacity public transport on the N11 and a planned Busconnects Core Bus Corridor (Bray to City Centre Core Bus Corridor Scheme – E Spine) it is considered that the proposed development of 1 no. dwelling on a 0.04ha site constitutes an unsustainable use of land in a Urban Neighbourhood, which if permitted, which would contravene Policy PHP18 Residential Density of the Dun Laoghaire – Rathdown County Development Plan 2022-2028 and also contravene the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’. Therefore, to permit the proposed development, would set an undesirable precedent for other similar developments and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the case planner recommends refusal of permission as per the decision. A proposal for one dwelling on 0.04ha equates to density of c 25 units per hectare within 100m of N11 high frequency public transport and bus stop and fails to accord with PHP18 by reason of low density. Regard is paid to refusal D18A/1051 and it is noted that the refusal reasons could be addressed with modifications having regard to new standards of the Compact Settlement Guidelines.

3.2.2. Other Technical Reports

- Drainage: No objection subject to conditions relating to measures for sustainable management of surface water (07/11/2024).
- Transportation: No objection subject to condition to restrict parking to one space only to comply with SPPR3 of Compact Settlement Guidelines and urban neighbourhood location which is 100m from the N11 and planned Busconnects Core Bus Corridor Bray to city centre E spine and subject to condition to protect area during construction (06/11/2024).

3.3. Prescribed Bodies

- Irish Water: no objection subject to standard condition.

3.4. Third Party Observations

Two third party observations were received, raising the following issues:

- Concerns regarding no parking space for construction vehicles on Cherrywood Park driveway.
- Concerns regarding the negative impact of noise, dust, dirt and general disruption on the neighbourhood residents from construction.
- Concerns regarding capacity of existing sewerage system.
- Suggests construction works via the entrance on Cherrywood Road.
- Observation of the works that have been carried out within the site.

4.0 Planning History

D18A/1051 – Permission refused for works to the existing house and the construction of 2 detached two storey houses to the rear with entrance onto Cherrywood Park and construction of one detached two storey house to side. Refusal reason: loss of privacy to affected neighbours - injures the amenity and depreciates the value of property in the vicinity.

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

The following Section 28 Ministerial Guidelines are considered of relevance to the proposed development:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)

5.2. Development Plan

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 applies.

- Zoning: 'Objective A' - "to provide residential development and improve residential amenity while protecting the existing residential amenities".
- Policy Objective PHP18: Residential Density
It is a Policy Objective to:
 - Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
 - Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.
- 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.

- 12.3.3 Quantitative Standards for All Residential Development
 - 12.3.3.2 Residential Density
- 12.3.7 Additional Accommodation in Existing Built-up Areas
 - 12.3.7.5 Corner/Side Garden Sites
 - 12.3.7.7 Infill

5.3. Natural Heritage Designations

The site is located approximately 95 metres from Loughlinstown Woods proposed Natural Heritage Area.

5.4. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. See completed Form 1 and Form 2 attached.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been received from the applicant. The following are the main issues raised in the appeal:

- The proposed development reasonably addresses the density requirements of development plan and the guidance for infill and development management standards.
- This is a modest infill of acceptable design, appropriate to its context and which does not negatively impact on neighbouring residents.

- Refusal is contrary the 'spirit' of national guidelines to increase densities to provide additional housing, it is not a mandatory requirement to provide a higher density.
- Application for multi units may result in refusal similar to preceding application on the site.
- Applicant has limited resources and should not be penalised for not proposing a larger scale development.
- Would not set an undesirable precedent.
- Permission should be granted with any additional requirements or conditions.

6.2. **Planning Authority Response**

The planning authority has responded stating 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**

Two observations were received, from the owner /occupier of 4 Cherrywood Park and 3 Cherrywood Park raising the following issues:

- The development is inappropriate, out of character with the area, garden not large enough to accommodate a new house, breaking of building line.
- Impacts on privacy, overlooking.
- Roadway on Cherrywood Park does not have capacity to accommodate the development (narrow roadway, parking congestion, narrow access for emergency vehicles and larger vehicles).
- Devalues property
- Adverse impacts during construction, telephone lines underground will be impacted.

- Building on land for driveway that was owned by Council and acted as buffer zone between Cherrywood Road and Cherrywood Park will provide an access for other development in the future.

7.0 **Assessment**

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

- principle of development and density
- design and residential amenity
- traffic and parking considerations
- other matters

7.2. **Principle of development and density**

- 7.2.1. The proposed development is for a new infill house in the rear garden of an existing house. In principle, the proposal for new residential development is in accordance with the A zoning objective “to provide residential development and improve residential amenity while protecting the existing residential amenities” of the Dun-Laoghaire Rathdown County Development Plan (CDP) 2022-2028.
- 7.2.2. The proposal to provide an additional house within the site of an existing house that is located within the urban built up area is in accordance with national policy in the Compact Settlement Guidelines and the objectives in the CDP to promote compact development and to encourage infill development.
- 7.2.3. Objective PHP19 of the CDP relates to existing housing stock. It is an objective to densify existing built up areas in the county through small scale infill development having due regard to the amenities of existing established residential neighbourhoods. I am satisfied that the proposal is in accordance with objective PHP19.
- 7.2.4. The planning authority refused permission on the basis that the density of infill development being proposed is not high enough, representing unsustainable use of

land and which would contravene PHP18 of the CDP and would contravene the Compact Settlement Guidelines.

- 7.2.5. Objective PHP18 relates to residential density. It is an objective to increase housing supply, promote compact growth through consolidation and re-intensification of infill sites having regard to proximity and accessibility considerations and encourage higher residential densities provided that proposals are high quality and there is a balance between protection of existing residential amenities and the established character of the surrounding area. The CDP sets out standards requiring a minimum of 50 units per hectare at sites which include 1km of core bus corridors, and states that as a general rule the minimum default density of new residential development shall be 35 units per hectare. The plan states that this density may not be appropriate in all instances but should be applied particularly in relation to 'greenfield' sites or larger 'A' zoned areas.
- 7.2.6. The existing house is on a site of 0.1402 ha. The site is 110m to the bus stop on the N11 providing a high frequency bus service every 5 to 10 minutes on the E spine bus connects route. The proposal will result in two houses over 0.1402ha and will not meet the 35/ha or 50/ha densities. However, this is not a greenfield site and is not a large site and there is flexibility to consider other densities. This is a small site in an established residential area of tightly built bungalows. The proposed new house is a single story bungalow which is reflective of this low profile housing on the street and which I consider will integrate successfully into the site and this area. The proposal will result in the use of this existing residential site in a more intensive manner and I consider that the density is acceptable having regard to modest nature and scale of the development including the character of the area.
- 7.2.7. The Sustainable and Compact Settlement Guidelines for planning authorities 2024 aims to promote more compact development. Policy and objective 3.1 states that it is a policy and objective of these Guidelines that the recommended density ranges set out in section 3.3 of the Guidelines are applied in the consideration of individual planning applications and refined at a local level where appropriate. The site is located in a 'city - urban neighbourhood' where densities of 50dhp to 250dph are applied. Section 3.3.6 sets out exceptions. It states the following: *"In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to*

protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.” I consider that the proposed development falls into this category and therefore I do not consider that the recommended density ranges need be applied.

- 7.2.8. In conclusion, I am satisfied that the proposal is acceptable in principle, is an appropriate intensity and form of development that is in accordance with objectives PHP18 and PHP19 of the development plan and is in accordance with the Compact Settlement Guidelines.

7.3. Design and residential amenity

- 7.3.1. The observers have raised concerns in relation to the design and layout of the proposed development.
- 7.3.2. Development management standards and parameters relating to development in corner / garden sites and infill development are set out in section 12.3.7.5 and section 12.3.7.7 of the CDP.
- 7.3.3. The proposed house is a modest single storey three bed house. The house is to be constructed on a small plot between existing two houses – no. 14 Kwarau (bungalow) and Bramley (existing two storey house). The proposed house is to address Cherrywood Park and will be accessed by a new entrance to Cherrywood Park. The house is simple contemporary form with maximum ground to ridge height of 3.89m finished in render and metal roof. The house has a staggered front building line which addresses the road. The front building line of the kitchen /dining block is similar to the front building line of the adjacent house no. 14 Kwarau. The front building line of the bedroom/office block is similar to the line of the side of the existing house Bramley. The building lines respond in an acceptable way to the building lines of the existing houses either side of the proposed new house.
- 7.3.4. The proposed house and the existing house will be provided with functional private open space of adequate size in accordance with the standards in the development plan and in compliance with specific planning policy requirement 2 of the Compact Settlement Guidelines.
- 7.3.5. It is proposed to treat the roadside boundary of the proposed house with a new low rendered wall with timber composite fencing above to a height of 2 metres. The

existing front roadside boundaries of the bungalows on Cherrywood Park are treated with low walls and some have planted hedges behind the wall or topped the wall with open railings. I have concerns that the proposed 2m composite fencing will result in the 'walling in' of the proposed new house, resulting in a poor relationship between the house and the existing road. Should permission be granted, it is recommended that a condition be attached to replace the composite fencing with hedge.

- 7.3.6. The observers have raised concerns that the proposed house will result in overlooking of their properties. Having regard to the single storey design of the proposed house, I am satisfied that the development would not result in significant adverse overlooking impacts.
- 7.3.7. In conclusion, the layout, scale, form, massing and architectural treatment of the proposed house is acceptable and satisfy the parameters set out in 12.3.7.5 and 12.3.7.7 of the CDP and I am satisfied that the proposed house will integrate with the surrounding area. I am satisfied that the proposed development can be accommodated on the site and in this area without adversely comprising residential or visual amenity.

7.4. Traffic and parking considerations

- 7.4.1. Cherrywood Park is a cul de sac road public road serving a small number of houses. Existing speeds and traffic levels are low. The road is c 6m wide and there is a footpath link to Cherrywood Road and the N11. I am satisfied that the road and junctions are adequate with capacity to accommodate the additional traffic movements of the proposed new house.
- 7.4.2. It is proposed to construct a new vehicular entrance and footpath. I am satisfied that sightlines at the entrance would be acceptable and that the footpath will provide improved pedestrian facilities for all residents of the road.
- 7.4.3. It is proposed to provide two in curtilage parking spaces to serve the new house. It is a specific planning policy requirement of the Compact Settlement Guidelines that in urban neighbourhoods of the five cities, car parking should be minimised, substantially reduced or wholly eliminated and the maximum rate of car parking provision for residential development at these locations shall be one space per dwelling. This matter was raised by the Council's Transport Section who submitted a

report recommending that one parking space should be provided. Should permission be granted, it is recommended that a condition be attached to restrict on site parking to one space only. The site is in close proximity to a good quality urban bus service and I am satisfied that cycle storage facilities can be provided at the house.

- 7.4.4. In conclusion, I am satisfied the access and parking proposals are acceptable and will not result in traffic hazard or obstruction of road users.

7.5. Other matters

- 7.5.1. Concerns were raised in relation to the potential adverse impacts of construction on the amenity of adjoining residents in terms of noise, dust, traffic etc and that that construction may impact on existing service lines. This is a modest scale development and any impacts in terms of nuisance by dust, noise or traffic would be limited and temporary. A condition can be attached to control the hours of construction, to safeguard the amenity of property in the vicinity. Subject to normal best construction practices, existing services would not be impacted.
- 7.5.2. The report of the case planner raises concerns regarding the applicants' legal interest in the lands and the delineation of the red line boundary which may incorporate the green area along the roadside boundary. In this regard, I note that the application form states that the applicant is the owner of the land and I note section 34(13) of the Planning and Development Act 2000 as amended states "(a) person shall not be entitled solely by reason of a permission under this section to carry out any development." It is a matter for the applicant to satisfy themselves that they can execute the works and have any required consents, if required.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act as amended. The subject site is not located within or adjacent to any European site. The closest European site is Rockabill to Dalkey Island Special Area of Conservation located approximately 3km to the east. 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 an appreciable effect on a European site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development
- The location of the development in a serviced urban area, the distance to the Natura 2000 site network and the absence of pathways to any European site.

I consider that 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 and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the established residential use on the site, the prevailing pattern and character of development in the area, and the nature, size and scale of the proposal and the objectives of the Dun Laoghaire – Rathdown County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposal 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, 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. Only one car parking space shall be provided within the site. Details of how it is proposed to comply with this requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

3. The proposed 2 metre steel / composite timber fencing above the front boundary low wall shall not be erected. This shall be replaced with a hedge planted along the inside of the low boundary wall.

Reason: In the interest of visual and residential amenity.

4. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. 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.

Reason: In the interest of public health.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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. 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.

Aisling Mac Namara
Planning Inspector

4th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	321511-24		
Case Reference			
Proposed Development	Construction of single-storey dwelling with all associated site works		
Summary			
Development Address	Bramley House, Cherrywood Road, Shankill, Dublin 18		
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	Proceed to Q2.
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	x	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	x	1 dwelling on 0.04ha	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	x		Preliminary examination required (Form 2)

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:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321511-24
Proposed Development Summary	Construction of single-storey dwelling with all associated site works
Development Address	Bramley House, Cherrywood Road, Shankill, Dublin 18
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.	
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).	<ul style="list-style-type: none"> - Proposed residential use is compatible with existing residential use on the site and on the road, - Modest size site - Modest scale and intensity of development, - No significant use of natural resources or production of waste, - No significant risk of pollution or nuisance, - No significant risk of accidents / disasters to human health
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 sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<ul style="list-style-type: none"> - Infill domestic residential site within existing built up area, - Local ecology only on site, - No built heritage, - No designated sites at the site,

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).		Having regard to the following: <ul style="list-style-type: none"> - Nature and scale of the development, - Lack of significant environmental sensitivities on the site, - Absence of significant 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.	x
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)