



An
Bord
Pleanála

Inspector's Report ABP-321588-25

Development	Construction of a house and all associated site works
Location	33 Brookfield, Dublin 12, D12 C3W2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1933/24
Applicant(s)	Paul Flanagan
Type of Application	Planning permission
Planning Authority Decision	Grant permission with 9 no. conditions
Type of Appeal	Third Party
Appellant(s)	Erik Houtsma and Others
Date of Site Inspection	13 th March 2025
Inspector	Sarah O'Mahony

1.0 Site Location and Description

- 1.1. The 387m² site is situated southwest of Dublin city centre within the suburb of Kimmage. It comprises a two-storey, end-of-terrace dwelling situated within a housing estate of similar sized dwellings set out in rows with a back-to-back arrangement. The dwelling has a large area of open space to the side (south) and rear (east).
- 1.2. The rows of dwellings are laid out on a north to south axis with the subject site forming the last in a row on the southern end, accessed from a cul-de-sac and turning head to the west such that the dwelling faces west.
- 1.3. The R818 regional road, also referred to as Kimmage Road West, provides access to the overall estate and forms the southern boundary of the estate and site, with a deep green linear buffer between the carriageway and curtilage of the dwelling. There is a pedestrian access through this estate boundary wall at the south of the site and cul-de-sac providing access to Kimmage Road West.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Construction of a detached, 96m², part single part two-storey, 3-bedroom dwelling including balcony to rear, PV panels to roofslope and rooflight to front roofslope.
 - Alterations to the existing boundary wall to create new and additional vehicular entrance 3.4m wide,
 - Alterations to existing vehicular entrance to increase to 3.5m wide, and
 - All associated ancillary, site and landscaping works.

3.0 Planning Authority Decision

3.1. Further Information

- 3.1.1. 3 no. items of further information were sought as follows:

- Redesigned dwelling to align with existing dwellings,
- Submit a proposed attic floor plan to clarify the purpose of a proposed window, and
- Clarify the access arrangements to include a revised vehicular entrance to comply with Development Plan standards including the entrance width and maintaining clearance from a tree, illustrate parking arrangements and submit autotracking.

3.1.2. The Applicants response included a revised design omitting the proposed two-storey flat-roof element and a rear balcony. A revised approach to fenestration, the porch and the roof profile were also incorporated to achieve better compliance with the existing architectural character of the area.

3.1.3. The response stated that the attic is proposed to be used for storage purposes only with the window proposed to provide natural light and to enhance the external elevation. The response suggests the window could be omitted by condition but requests that it is retained.

3.1.4. A revised entrance arrangement was submitted to maintain clearance of the tree and comply with maximum widths permitted. The location of one car parking space is outlined within the curtilage of each dwelling. Autotracking was not submitted due to alleged difficulty commissioning same with a request made to condition this requirement if still deemed necessary.

3.2. **Decision**

3.2.1. A notification of decision to GRANT planning permission was issued by Dublin City Council (the Planning Authority) on 03rd December 2024 subject to 9no. conditions including no. 7a as follows:

“7. The following requirements of the Transport Planning Division shall be complied with:

a) Prior to commencement of development, drawings and details demonstrating safe vehicular access and egress for the new vehicular entrance serving the existing dwelling shall be submitted to and agreed in writing with, the Planning Authority. The submitted drawings shall include

*demonstration of adequate sightlines and autotracking for a private car.
Where safe access cannot be demonstrated to the satisfaction of the
Planning Authority, the new vehicular entrance shall be omitted.*

....

Reason: In the interests of orderly development and safe access and egress”

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The principle of development was deemed acceptable but set out concerns initially that the proposed design would be unduly prominent and detract from the character of the area. Following receipt of a revised proposal under a further information response, the Case Planners report concluded that the development is acceptable.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Transportation Planning Division – two reports received. The first sought further information regarding the proposed vehicular entrances, including an auto track analysis. The second report assessed the further information response notes the Applicants request to submit auto tracking by compliance and concluded with a recommendation of no objection subject to conditions including no. 7a as set out above.
- Drainage Division – no objection subject to standard conditions regarding adherence to standards and codes of work as well as separating foul and surface water.

3.4. Prescribed Bodies

The application was referred to Uisce Éireann however there is no response on file.

3.5. Third Party Observations

3.5.1. 5 no. observations received from the following:

1. Helen Daynes
2. Erik Houtsma
3. Aidan Boland
4. Rachel Duggan
5. Unnamed observation

3.5.2. The following matters are raised in the observations:

- Visual impact due to non-conformity of dwelling design with established character of the area.
- The Applicants examples of precedents in the area are more in keeping with the established architectural style in the estate.
- Overlooking from balcony to rear.
- Impact to foul drainage due to existing issues where sewer blocks and backs up.
- Concern surrounding general disturbance, damage to public areas, traffic safety and access to the public footpath during the construction phase.
- The footpath traversing the vehicular entrance is used frequently by schoolchildren accessing Kimmage Road West and the bus stop thereon as there is a pedestrian access immediately south of the site through the estate's boundary. Concern raised regarding traffic safety and interactions with pedestrians as a result of the vehicular entrance design and additional traffic. Sightlines are impacted by an existing tree. Additional dwelling and provision of new entrance will remove current communal parking.

4.0 Planning History

4.1.1. There is no planning history on the site however I note the following at no. 27 Brookfield which is situated opposite the site, to the west. This development appeared to be nearing completion during the site inspection I undertook in March 2025.

- 1881/24: Planning permission granted for demolition of single storey extension to side and construction of a new 2 and a half storey detached four-bedroom house to side with new vehicular entrance and all associated site works. The vehicular entrance was omitted at further information stage.
- 4140/24: Retention permission granted for retention of the relocation of a permitted window on the gable side (south) elevation and the addition of 1 no. new window above it on the same elevation on a house currently under construction reg. ref. 1881/22.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned Z1 for Sustainable Residential Neighbourhoods where the objective is to protect, provide and improve residential amenities.
- 5.1.2. Section 15.5.2 of the CDP provides development management guidance for infill developments and requires them to comply with the following:
 - *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
 - *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
 - *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
 - *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*

- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

5.1.3. Appendix 18 provides additional guidance for ‘ancillary residential development’.

5.2. **Section 28 Guidelines: Sustainable Residential Development and Compact Settlement Guidelines.**

5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between opposing windows in habitable rooms above ground floor to the rear and side of dwellings.

5.3. **Quality Housing for Sustainable Communities, DoEHLG 2007**

5.3.1. The guidelines are a best practice handbook for identifying good quality residential amenity in order to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended, but are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity. They do not purport to be comprehensive nor seek to prescribe design solutions. They are intended to assist designers but proper design input on each project remains essential.

5.4. **Natural Heritage Designations**

5.4.1. The site is situated 6.5km west of South Dublin Bay Special Area of Conservation and proposed Natural Heritage Area (pNHA) as well as South Dublin Bay and River Tolka Estuary Special Protection Area. The Grand Canal pNHA is also situated 2.2km north of the site.

5.5. EIA Screening

- 5.5.1. See completed Forms 1 and 2 on file. 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 based on the nature, size and location of the proposed development. No EIAR is required. A formal determination or notification is not required in these cases.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One appeal is received from Erik Houtsma stated to be on behalf of residents of Brookfield Estate, Kimmage. It raises the following grounds of appeal:
- The proposed dwelling is out of character with the established dwelling design in the area by reason of the following:
 - Recessed porch,
 - Lack of external door surrounds.
 - Width of the front elevation is wider than all other dwellings.
 - Front elevation fenestration is different.
 - Proposed ledge/overhang.
 - The appeal notes works are underway at another infill dwelling at no. 27 opposite the site where fenestration also deviates from the established pattern of development and submits that it is out of character and negatively impacts the area.
 - Proposed deviation from established character will set a precedent for future deviations.
 - Traffic safety concerns in the absence of auto tracking. The appeal questions the decision-making process in the absence of same. Concerns raised regarding sightlines from the new access points due to the existing tree, hedgerows and

number of children utilising the public path and crossing the vehicular entrance when travelling to and from nearby schools.

- Infill dwelling at no. 27 was permitted with a pedestrian access only. The appeal highlights that the footpath outside this dwelling is not as heavily trafficked as it does not connect to the adjacent public road like in the case with the subject site. Request made to omit the vehicular driveway.

6.2. Planning Authority Response

6.2.1. Dublin City Council request that An Bord Pleanála uphold the decision made and in the event planning permission is granted that the following conditions are attached:

- a Section 48 financial contribution,
- A financial contribution in lieu of open space (if applicable), and
- A naming and numbering condition.

7.0 Assessment

7.1. Introduction

- 7.1.1. The site is zoned Z1 for Sustainable Residential Neighbourhoods where the objective is to protect, provide and improve residential amenities. In this regard, the proposal to construct one dwelling complies with the zoning objective and the principle of development is established.
- 7.1.2. The proposed dwelling comprises a detached pitched roof structure where existing building lines and ridge heights will be maintained. It would have three bays across the front elevation and therefore a wider façade than the established two bay dwellings in the housing estate and adjacent properties however this would be less perceptible at the rear as the width of the building tapers and narrows along the southern side, providing a rear elevation with two bays in keeping with the adjacent dwellings.
- 7.1.3. It is proposed to provide bedrooms on the ground floor and living accommodation on the first floor, with a 20m separation distance maintained between opposing first floor

windows which both maintains existing separation distances and also complies with SPPR1 of the Compact Settlement Guidelines.

7.1.4. I note that internal and external quantitative residential standards are met in terms of the recommended standards set out in Quality Housing for Sustainable Communities. Sufficient car parking and private open space is also provided for in both the existing and proposed dwellings.

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

- Dwelling design
- Vehicular Entrance

7.2. Dwelling Design

7.2.1. Section 6.1 of this report summarises the various design elements proposed which deviate from the established dwelling design. It is submitted that all dwellings in the housing estate are identical with the exception of a new dwelling nearing completion directly opposite the subject site.

7.2.2. The overall character of the proposed dwelling is, in my opinion, in keeping with the established dwelling design, but is a contemporary take on the 1980s/1990s existing dwellings in the housing estate.

7.2.3. In terms of the form of the dwelling, I do not consider the wider front elevation and 3rd bay to be a significant departure from the existing dwellings. This is also the case with the proposed pattern of fenestration. The appeal submits that the proposal for 2no. vertical emphasis windows on the ground floor in lieu of the existing horizontal emphasis bay window is inappropriate however I disagree and do not consider it to be a significant departure. I also consider that omission of the external pastiche classical columns and porticos and provision of a recessed porch on the front elevation is a minor deviation and one which, together with the proposed

ledge/overhang on the southern side elevation helps to set the contemporary character and provides legibility to the dwelling.

- 7.2.4. I acknowledge that the proposed design is different from the existing dwellings which are identical however, I consider that the provision of red brick as an external finish throughout as well as maintaining the pitched roof, the ridge height and the front building line would provide a sufficient degree of coherence to ensure no negative visual impact would occur to estate as a whole or detract from the established architectural character.
- 7.2.5. The current dwelling under construction at no. 27 opposite the site also has minor deviations from the established character however I do not consider that design imparts a negative impact or is significantly different. Just like with no. 27, I consider the proposed design at the subject site enables a viewer to clearly identify that the dwelling was constructed in a different era to the majority of existing dwellings. However, as the proposed palette of materials and overall form and scale of the structure is very similar to the existing dwellings, I do not consider that the proposed design would result in any negative impact to the architectural character or visual amenity of the area.
- 7.2.6. In my opinion, the design complies with the following requirements of Section 15.5.2 of the City Development Plan where it requires infill development to:
- Respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
 - Demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
 - Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- 7.2.7. For clarity, I do not consider the existing form of architecture in the Brookfield housing estate to constitute a significant quality of design, however the lack of variation and character areas is noted and in this context it does provide a unified

design. But, as I have already set out, I do not consider that the proposed design would detract from this.

- 7.2.8. Lastly, I do not consider that granting permission for the proposed development would set a precedent for future deviations as every planning application is assessed on its own merits.

7.3. Vehicular Entrance

- 7.3.1. It is proposed to revise the existing vehicular entrance to provide two separate entrances. The Local Authority sought further information including auto tracking which was not provided and it subsequently granted permission for the proposal subject to condition no.7a which requires omission of the proposed vehicular entrance if safe egress and access cannot be achieved to the satisfaction of the Planning Authority.
- 7.3.2. The appeal considers this to be an inappropriate approach and questions the decision-making process. It recommends a condition is attached to remove the vehicular entrance entirely. I disagree however as the principle of providing vehicular access and parking for one no. vehicle is not inconsistent with local planning policy. Section 4.0 of Appendix 5 of the City Development Plan states that car parking standards are maximum rates, and a relaxation of standards may be acceptable in zone 2, adjacent to public transport corridors such as the subject site which is situated directly adjacent to a high frequency bus stop.
- 7.3.3. I consider condition 7a is acceptable and the appropriate route to follow as it affords an opportunity to provide in-curtilage car parking, only if it is deemed safe to achieve. This addresses all traffic safety concerns in my opinion. I also consider that omission of a vehicular entrance would comply.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The site is situated 6.5km west of South Dublin Bay Special Area of Conservation and South Dublin Bay and River Tolka Estuary Special Protection Area.

- 8.3. The proposed development comprises subdivision of a site and construction of a detached 96m² dwelling within the curtilage of an existing dwelling.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- 8.6. The small scale and domestic nature of the works in a serviced urban area,
- 8.7. The distance from the nearest European site and lack of connections, and
- 8.8. Taking into account screening report/determination by Dublin City Council,
- 8.9. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the Z1 zoning objective for the area as well as the Section 28 Sustainable Residential Development and Compact Settlement Guidelines and Quality Housing for Sustainable Communities Best Practice Guidelines, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 05th day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All external materials and finishes shall match the existing dwelling.</p> <p>Reason: In the interest of architectural amenity.</p>
3.	<p>Prior to the commencement of development the developer shall submit a naming and numbering proposal for the proposed dwelling for the written agreement of the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Prior to the commencement of development the developer shall submit drawings and details demonstrating safe vehicular access and egress to the vehicular entrances to both the existing and proposed dwellings for the written approval of the Planning Authority. The drawings shall include demonstration of autotracking and adequate sightlines for a private car. Where safe access cannot be demonstrated to the satisfaction of the Planning Authority, the vehicular entrance to the new dwelling shall be omitted and proposals submitted for pedestrian access instead.</p> <p>Reason: In the interest of road safety.</p>
5.	<p>The attenuation and 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</p>

	<p>submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
6.	<p>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.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>Site development and building works shall be carried out between the hours of 07:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 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.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
8.	<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</p>

	<p>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>
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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.

Sarah O'Mahony
Planning Inspector

26th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321588-24		
Proposed Development Summary	Subdivision of site and construction of a two storey detached dwelling.		
Development Address	33 Brookfield, Kimmage, Dublin 12		
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	Class 10 (b)(i) Construction of more than 500 dwelling units.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	X	Class 10(b)(i) Threshold = 500 units Proposal = 1 unit	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

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 321588-24
Proposed Development Summary	Subdivision of site and construction of two storey detached dwelling
Development Address	33 Brookfield, Kimmage, Dublin 12
<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).	The urban site is serviced and forms part of the curtilage of an adjacent dwelling which is not exceptional in the context of the surrounding area and development.

	<p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p>
<p>Location of development</p> <p>(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).</p>	<p>The development is situated in an urban area on an infill site to the side of an existing dwelling and the scale of the single unit proposal is not considered exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified</p>

	significance in the County Development Plan.	
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 modest nature of the proposed development and the nature of the works constituting a single dwelling unit on serviced land, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	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)