



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321608-25**

<b>Development</b>	2-storey detached dwelling, adjacent to existing family home, alteration of the existing entrance driveway to provide for a new driveway to the proposed dwelling and all associated siteworks.
<b>Location</b>	Ardfield, Outfarm Lane, Castleknock, Dublin 15, D15 RDF7
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW24A/0336E
<b>Applicant(s)</b>	Shane Boland & Allison Reilly.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tom McCormack.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21/03/2025.
<b>Inspector</b>	R Taylor

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## Appendix 1 – Form 1: EIA Pre-Screening & Form 2: EIA Preliminary Examination

## **1.0 Site Location and Description**

- 1.1 The appeal site is located within the garden area of a detached two storey dwelling, known as Ardfield, accessed off Outfarm Lane which is a cul-de-sac road. The dwelling is finished in brick with tiled roof, with a single storey extension to the rear. The dwelling is located broadly centrally within the site. To the front there is a parking and driveway area, with grass area in the northeastern corner of the site with several mature trees along the boundary. To the rear there is a single storey garage in the southwestern corner of the site, with large garden area mostly in grass. The southern boundary comprises a wall approximately 1.5m in height, with a detached dwelling and associated curtilage beyond. There is a row of mature evergreen trees approximately 8m in height and 7m in depth along the rear (western) site boundary. There is also a row of mature evergreen hedging approximately at an average height of approximately 6m along the northern site boundary. This also varies in depth between approximately 4.5m adjacent to the rear garden, increasing to approximately 5.8m along the side of the dwelling and towards the northeastern corner of the site. The boundary is demarcated by a wall approximately 1.2m in height below, and to the rear of, the evergreen hedging. These boundary treatments preclude views into and out of the site. The eastern boundary comprises timber panel fencing approximately 1.8m in height. The topography of the site is broadly level. The overall site area is approximately 0.213 hectares.
- 1.2 The appeal site is located adjacent to the northern and eastern site boundaries and is broadly “L” shaped. It mostly consists of grassed areas, save for a section to the northeast of the existing dwelling that forms part of the hardsurfaced driveway area relating to the existing dwelling. It includes the dense evergreen hedging and some of the mature trees along the northern and rear/western site boundaries. It also includes the timber panel fencing forming the eastern site boundary. The existing landscaped area in the northeastern corner and adjacent to the eastern boundary of the site is also included. The site has a stated area of 0.096 hectares.
- 1.3 The access comprises pillars and timber rail fencing. It is immediately adjacent to a turning area within the adjacent Outfarm Lane cul-de-sac.
- 1.4 There are a further 3 detached dwellings further to the south of the site, 2 of which are 2 storeys with the most southern dwelling single storey in height. These are all accessed from the same cul-de-sac that facilitates access to the appeal site. Dwellings on Outfarm Lane are generally 2 storeys set in generous plots and is therefore low density. There is medium density semi-detached housing adjacent to the west and north.

## **2 Proposed Development**

- 2.1 The proposal seeks full permission for a 2-storey detached dwelling, alteration of the existing entrance driveway to provide for a new driveway to the proposed dwelling and all associated siteworks.
- 2.2 The proposed dwelling comprises 3 bedrooms and has a stated floor area of 235 sqm. It is 2 storeys in height with a single storey family room at the rear, with an overall ridge height of 9.2 metres. It has a broadly rectangular layout, 9.57m width internally, and overall length of approximately 16.6 metres. There are two ground floor windows on the northern elevation, with a further two windows at first floor for a bathroom and landing. These are both annotated on the plans as finished in frosted glazing.
- 2.3 The proposed site is broadly “L” shaped and located within the garden area of an existing two storey detached dwelling. The front of the dwelling is located approximately 30.324m from the eastern boundary, 18.779m from the rear/western boundary to the rear elevation of the single storey rear element, and 25.668m from the two-storey rear elevation. The northern gable is approximately 1.2m from the adjacent northern site boundary, and 1.2m from the newly formed southern boundary which comprises 1.8m high timber fencing. Rear garden amenity space comprises an area of approximately 235sqm and includes a soakaway to the rear, close to the existing trees along the rear boundary.
- 2.4 The layout includes a front garden area comprising a driveway, parking area adjacent to the front of the dwelling, and grassed area. 2 trees adjacent to the northern boundary are identified as retained, with additional planting of 3 trees annotated adjacent to the eastern site boundary. The existing entrance is annotated as being widened to provide shared access to the proposed dwelling and existing adjacent dwelling immediately adjacent to the south.

## **3 Planning Authority Decision**

### **3.1. Decision**

The notification of decision granting permission is dated 5th December 2024.

#### **3.1.1. Conditions**

11 conditions are attached and summarised below:

1. The development shall be constructed in accordance with the plans and particulars lodged with the Planning Authority.
2. The general design, external finish, height and roof materials of the proposed development shall be as shown on the plans
3. The house shall be used as a single dwelling unit for residential purposes and shall not be subdivided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, or otherwise save as part of the single dwelling unit.
4. All public services shall be underground.
5. Road and access requirements comprising: maximum of 2 parking spaces, details of dividing boundary and access point to be agreed with planning authority prior to commencement, and turning area shall be developed and maintained to planning authorities' standards for taking in charge.
6. Bathrooms and en-suite rooms fitted and permanently maintained with obscure glass;
7. Prior to commencement developer to enter into water and/or wastewater connections agreements with Uisce Éireann;
8. Prior to commencement soakaway details to be submitted to and agreed with the Planning Authority, soak ways to comply with BRE Digest 365, Greater Dublin Strategic Drainage Study, no surface water discharge to foul sewer.
9. No debris or other material shall be deposited on the public road, and the Applicant/Developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway.
10. Time restrictions for the site and building/construction works.
11. Development contributions.

I consider that the conditions attached are of a standard nature.

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

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

- There are two planning reports on file. The first dated 8th October 2024 states the following:
- Two previous applications at the site were refused for similar proposals to the appeal.

- Pre-planning consultations were undertaken.
- Observations were received raising concerns regarding overshadow/overbearing, overlooking, design, massing, height and roof profile differ from the context. Windows on the front elevation are not identified on the section drawing.
- Principle is acceptable subject to the RS zoning objective of the Plan.
- Design and layout are acceptable in relation to visual impact.
- Current proposal differs in layout to the previously refused application. That layout located the dwelling within the front garden area of the existing house and was unacceptable. The current proposal locates the dwelling to the side of and behind the existing dwelling. Generous open space is provided. Whilst haphazard in appearance on the site plan, there is substantial land at the site and the layout is acceptable.
- Complies with DMSO19 and SPPR1 Separation Distances due to stated 18m distance to rear boundary. Also, generally compliant with policies in the Plan.
- Overlooking from side windows can be addressed by condition.
- May be potential reduction of light to a neighbouring property. A daylight and shadow analysis is requested.
- Boundary separation distance of 1.2m is acceptable in an urban area.
- Water and Drainage is acceptable subject to pre-commencement condition requiring necessary details.
- Transportation: provision of 2 car parking spaces is acceptable. Cycle parking provision is also acceptable.
- The turning facilities for a refuse truck at the site entrance are inadequate. The entrance is at the end of a cul-de-sac and a number of properties access the road at this location. Setting back the access would improve access facilities, however further details are required for clarity. A revised layout drawing is required.
- Appropriate Assessment: not be likely to have a significant effect on European Site(s).
- Environmental Impact Assessment: no real likelihood of significant effects on the environment.
- Concluded that additional information should be requested in relation to access details and light and shadow analysis in relation to neighbouring property to the north.

- The second report is dated 29<sup>th</sup> November 2024.
- The response to further information was received on 8<sup>th</sup> November 2024 and deemed significant. Revised public notices were received 14<sup>th</sup> November 2024.
- A third-party response was received noting the following:
  - Fails to indicate measures proposed at the site entrance to “promote intervisibility between pedestrians and vehicles.”
  - Auto-tracker drawing does not show the revised site layout to allow consideration of provision for “adequate turning head for a refuse truck.”
  - Shadow study demonstrates significant impact on adjacent dwelling patio area and amenity.
- Revised site access/layout details are acceptable. Transportation Section consider the proposed details acceptable.
- Light and shadow analysis concludes impacts would be minimal and not significant.
- Concludes that the proposal is acceptable and in accordance with the Development Plan.

### 3.2.2. Other Technical Reports

- Water Services: no objections.
- Transport Department: no objections.

### 3.3. Prescribed Bodies

- Uisce Éireann: “no report”.

### 3.4. **Third Party Observations**

- None.

## 4 Planning History

FW22A/0304: Construction of a new 2 storey dwelling house with velux windows to the front and to the rear of the dwelling, the alteration of the existing driveway entrance to provide for a new driveway to the proposed dwelling and all associated site works. REFUSE  
PERMISSION 09 Feb 2023.

FW23A/0261: Construction of a new 2 storey dwelling house with Velux windows to the front and to the rear of the dwelling, the alteration of the existing entrance driveway to provide for a new driveway to the proposed dwelling and all associated site works. REFUSE  
PERMISSION 24 Oct 2023.

## 5 Policy Context

### Development Plan

- The Fingal Development Plan 2023 – 2029 was made on 22nd February 2023 and came into effect on 5th April 2023. It has regard to national and regional policies in respect of residential development. The following policy considerations are relevant based on the nature of the proposal:
- Chapter 13 Land Use Zoning: Sheet No.13: Blanchardstown South. Zoning Objectives - RS – Residential: Provide for residential development and protect and improve residential amenity. Residential is detailed as ‘permitted in principle’ in this zoning.
- Chapter 3: Sustainable Placemaking and Quality Homes.
- Objective SPQHO9 – Consolidated Residential Development: Consolidate within the existing urban footprint, by ensuring of 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.
- Policy SPQHP20 – Adaptable and Flexible Housing: Promote all new housing to be designed and laid out in an adaptable and flexible manner to meet the needs of the homeowner as they age as set out in Section 5.2 Flexibility and Adaptability Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities 2007 published by the Department of Environment, Heritage and Local Government.



- Policy SPQHP35 – Quality of Residential Development: Promote a high quality of design and layout in new residential developments at appropriate densities across Fingal, ensuring high-quality living environments for all residents in terms of the standard of individual dwelling units and the overall layout and appearance of developments. Residential developments must accord with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009 and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing; Design Standards for New Apartments (DHLGH as updated 2020) and the policies and objectives contained within the Urban Development and Building Heights Guidelines (December 2018). Developments should be consistent with standards outlined in Chapter 14 Development Management Standards.
- Objective SPQHO35 – Private Open Space: Require that all private open spaces for houses and apartments/duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out set out in Chapter 14 Development Management Standards.
- Objective SPQHO39 – New Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective SPQHO40 – Development of Corner or Wide Garden Sites: Favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of prescribed standards and safeguards set out in Chapter 14 Development Management Standards.
- Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites: “Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.”
- Objective SPQHO43 – Contemporary and Innovative Design Solutions: Promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.
- Chapter 14 Development Management Standards:
- 14.5 Consolidation of the Built Form: Design Parameters

- Table 14.4: Infill Development: Infill Development presents unique opportunities to provide bespoke architectural solutions to gap sites and plays a key role in achieving sustainable consolidation and enhancing public realms.
- Proposals for infill development will be required at a minimum to:
  - Provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights, building line, grain, and plot width.
  - Examine and address within the overall design response issues in relation to overbearance, overlooking and overshadowing.
  - Respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.
  - Provide a positive contribution to the streetscape including active frontage, ensuring that the impacts of ancillary services such as waste management, parking and services are minimised.
  - Promote active street frontages having regard to the design and relationship between the public realm and shopfronts of adjacent properties.
- 14.6 Design Criteria for Residential Development in Fingal:
- 14.6.6 External Factors for Consideration: 14.6.6.1 Daylight and Sunlight, 14.6.6.4 Overlooking and Overbearance.
- Objective DMSO23 – Separation Distance: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- Objective DMSO31 – Infill Development: New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective DMSO32 – Infill Development on Corner / Side Garden Sites: Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area. Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
- Provision of side/gable and rear access arrangements, including for maintenance. Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features.
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for both existing and proposed dwellings.
- 14.17 Connectivity and Movement:
  - Objective DMSO115 – Restriction of New Access Arrangements: Restrict unnecessary new accesses directly off Regional Roads... Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.
  - Objective CIOSO52 – Trees: Protect, preserve and ensure the effective management of trees and groups of trees.

### 5.1. **Relevant National or Regional Policy / Ministerial Guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (SRDCSG).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.
- Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering

Homes Sustaining Communities (2007).

- Design Manual for Urban Roads and Streets.
- Site Layout Planning for Daylight and Sunlight, a guide to good practice (BRE 2022):
  - 2.2.6 Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window. In the case of a floor-to-ceiling window such as a patio door, a point 1.6 m above ground (or balcony level for an upper storey) on the centre line of the window may be used. For a bay window, the centre window facing directly outwards can be taken as the main window. If a room has two or more windows of equal size, the mean of their VSCs may be taken. The reference point is in the external plane of the window wall. Windows to bathrooms, toilets, storerooms, circulation areas, and garages need not be analysed.
  - 2.2.7 If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. This value of VSC typically supplies enough daylight to a standard room when combined with a window of normal dimensions, with glass area around 10% or more of the floor area. Any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time.
  - 3.2.13 If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sun lighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:
    - receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or
    - less than 5% of annual probable sunlight hours between 21 September and 21 March and less than 0.80 times its former value during that period; and
    - also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.
  - 3.3.17 It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21

March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.

## 5.2. Natural Heritage Designations

- The site is not within or adjacent to a designation. The closest Natural Heritage designations are as follows:
- South Dublin Bay and River Tolka Estuary SPA Site Code 004024 c. 10.21km
- South Dublin Bay SAC Site Code 000210 c. 12km
- North Dublin Bay SAC Site Code 000206 c. 13.28km
- Glenasmole Valley SAC Site Code 001209 c. 12.85km
- Natural Heritage Areas (NHA) – none in close proximity to the site.
- Proposed Natural Heritage Areas:
  - Royal Canal pNHA Site Code 002103 c. 620m to north.
  - Liffey Valley pNHA Site Code 000128 c. 836m to south.

## 6 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. Refer to completed Forms 1 and 2 at Appendix 1 of this report.

## 7 The Appeal

### 7.1. Grounds of Appeal

- The appellant's property is located immediately adjacent to the north of the appeal site. Their submission is submitted by Jim Brogan Planning Consultant on their behalf.

- Previous refusals for permission under refs: FW22A/0304 and FW23A/0261 were contrary to the RS zoning and vision that “new development in existing area would have minimal impact on and enhance residential amenity.” The proposal would not have minimal impact and therefore remains contrary to the zoning and vision.
- The proposal would have adverse impacts on daylight and sunlight. The site is to the immediate south of the appellant’s home. The principal outdoor amenity space patio and extension to the rear of the appellant’s home are in close proximity to the common boundary. The supporting shadow study shows shadow encroachment onto this area on 21<sup>st</sup> March and 21<sup>st</sup> September between 11.00 and 16.00. On 21<sup>st</sup> December the study demonstrates impact between 13.00 and 15.00. The patio is a distinct amenity area, and the Council’s conclusions are based on the garden area as a whole. There are also two ground floor and first floor windows on the southern elevation which are critical sources of daylight. The Council did not make any assessment of the impact to these openings. The proposal will adversely impact on amenity due to scale, mass, height and proximity to the appellant’s property.
- Visual Overbearing: The proposal will adversely impact on amenity, locational setting, and aspect due to height, width, and proximity to the appellant’s property.
- Overlooking: the vertical window in the northern elevation faces the appellant’s property. Whilst it is noted as obscurely glazed, there will be a perception of overlooking and will adversely impact on the enjoyment of their garden/amenity area.
- Infill Development: the development does not adhere to established building line, design and massing, height and roof profile is radically different from adjacent houses. It does not meet DMSO32 and associated criteria.
- Lodged Drawings: there are windows shown in the roof of the proposed front elevation, however, are not shown in the section drawing and no information provided on their intended purpose. No plans have been provided for the attic space.
- There are deficiencies in the level of information provided on the drawings regarding the parapet heights, ridge heights, window openings etc. Presents a deficiency in the application in facilitating third parties in assessing the impact of the development.

## 7.2. Applicant Response

- The applicant’s response is provided by Fingal Planning Consultants on their behalf.

- Impact on residential amenity, daylight and sunlight: A light and shadow analysis was carried out by GNET 3D and submitted as part of the additional information phase. This concludes impacts would be minimal and not significant.
- A further analysis has been commissioned and undertaken by Christopher Shackleton Consulting (CSC) and submitted as appended evidence to the appeal submission.
- This report specifically assesses the impact of the proposal on the patio which is referred to by the appellant as “a separate amenity space.” This confirms there is minimal, if any change, to the patio area if this was to be viewed in isolation. This is not a requirement within the BRE guidelines. The report concludes that the impact complies with the requirements of “site layout planning for daylight and sunlight, a guide to good practice.”
- Visual overbearing: Outfarm Lane consists of a series of bespoke dwellings each unique in character, form, height and external finishes. Specific consideration has been given to adjacent dwellings to ensure a similar red brick is used for the external finish and roof height.
- Fingal Development Plan: objectives DMSO19, DMSO 23, DMSO 26, DMSO 27 are referenced. It is stated that the proposal complies with these objectives (without elaboration).
- Overlooking: The appellant notes the 1st floor windows in the northern gable will be frosted which serves the stairwell and landing and is not a habitable room. No openings in this window are shown on the drawings and would accept a condition that this window shall be frosted and a fixed pane of glass.
- Infill development: policies CSP 12, CSP 14, SPQHP 38, SPQHO 37, SPQHO 39, SPQHO 42, and objectives DMSO 31 and DMSO 32 are referenced. It is stated that the proposal complies with these policies and objectives (without elaboration).
- Lodged drawings: the Council has a rigorous validation process to ensure that all relevant drawings, specifications, notices etc are submitted and comply with the regulations. As the application was validated by the Council it is concluded they were content with the drawings.

### **7.3. Planning Authority Response**

- The Planning Authority response is dated 4th February 2025.
- The development would generally comply with development plan policy and guidance for development in residential areas.

- The shadow and daylight assessment demonstrate proposal will not unduly impact on the adjacent property. Overbearance is not considered an issue. Overlooking will not be undue given window placement and use of obscure glazing.
- In the event of a successful appeal, provision should be made for the following:
  1. A financial contribution or provision for any shortfall and open space and or any special development contributions required in accordance with Fingal County Council Section 48 Development Contribution Scheme.
  2. The inclusion of a bond/ cash security for residential developments of two or more units.
  3. Conditions where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.
- No comments are provided in relation to the appellant's evidence.

#### **7.4. Observations**

- None.

#### **7.5. Further Responses**

- Applicant: No further response received.
- Appellant: A further response received from Jim Brogan Planning Consultant for the Appellant dated 18<sup>th</sup> February 2025:
- Visual Overbearing: The northern elevation of the proposed house is c.1.2m from the boundary and significantly higher than the existing boundary trees. This extensive monolithic gable structure will have a more marked impact than the existing trees. The applicant's response solely refers to use of red brick and similar roof height of adjacent buildings. Previous comments are also highlighted, and proposal will significantly impact amenity.
- Infill Development: The appellant states that the proposal is compliant with objective DMSO 32 but does not demonstrate how. The appellant retains their position amenity will be adversely impacted and refers to previous comments.
- Overlooking: Without prejudice to objections raised, the appellant requests that the gable window is non-opening. The applicant's comments are noted and refers to previous comments.



- Sunlight and Daylight: A second daylight, shadow, and sunshine assessment is acknowledged. The following observations are stated (summarised):
  - Access to daylight and sunlight is already compromised by the screen of trees along the boundary within the applicants' site over which he exercises no control. Replacement by a building, the gable wall of which will be 3 metres higher, will exacerbate this situation to the further detriment of residential amenity.
  - The VSC "Tabulated Results" presented in the Assessment refer to a "Hedge Group B1". There is no information presented in the "Assessment" as to what this reference represents. This information should be provided to facilitate a proper understanding of the related Tables.
  - No information is given to the height of the tree screening used for the purpose of establishing the "existing levels". This constitutes a deficiency in the information presented.
  - Concerns relate to the impact on the southern elevation of the appellant's house and extension, a total of 5no. windows. These are numbered as follows in the "Assessment": 1.0.3(extension);1.0.5, 1.0.6(ground floor-main house);1.0.7 and 1.0.8 (first floor -main house):
    - Window 1.0.3 is noted that the existing level of VSC is less than 27% will be reduced by a further 3% by the development. The existing level is less than the recommended standard, i.e.27%., any reduction in the access of light to this window would adversely affect amenity.
    - Window :1.0.5, the impact is described as "marginal", however, it should properly be described as a "fail".
    - Window :1.0.6 the impact brings it below 27% but it is within the 0.80 criterion. These windows provide light to a room which is also served by window 1.0.4. in the rear elevation. They provide light to the inner area of the room and access of light will be seriously affected by the development.
- Lodged drawings: issues as set out in the first response are repeated.
- The appellant retains their position that the proposal will adversely impact on amenity.
- Planning Authority:
- A further response from the Planning Authority is dated 19th February 2025.

- Additional comments, shadow study, and daylight shadow assessment which complies with the requirements of “Site Layout planning for daylight and sunlight, a guide to good practice (BRE-2022)” from the applicant are noted.
- Remaining comments repeat the previous response of 4<sup>th</sup> February 2025.
- No comments are provided in relation to the appellant’s evidence.

## **8 Assessment**

8.1 Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues, therefore, are as follows:

- (a) Principle of Development.
- (b) Planning History.
- (c) Infill Development / DMSO 32.
- (d) Amenity impacts.
- (e) Drawings;
- (f) Conditions

- (a) Principle of Development.

8.2 The site is zoned RS ‘Residential’ with an objective to ‘Provide for residential development and protect and improve residential amenity. The development plan details that residential uses are Permitted in Principle on ‘RS’ zoned lands.

8.3 The application proposes one house to the side of an existing residential property on RS zoned lands. Subject to further assessment below and having regard to the above zoning objective, the proposed development of one house at this location is acceptable in principle.

- (b) Planning History

8.4 The appellant refers to previous refusals for permission under refs: FW22A/0304 and FW23A/0261 which were considered contrary to the zoning. They contend that the appeal proposal also contravenes the zoning.

- 8.5 The applications referred to are sited at a different location, to the northeast of the existing dwelling within the wider site in the ownership of the applicant. They were deemed unacceptable based on overdevelopment, insufficient open space, impact on character, inadequate separation, standard of amenity for future occupants, and adequate arrangements for water infrastructure.
- 8.6 I have reviewed the related reports for these proposals and consider they were unacceptable based on the specifics of these cases. The zoning and wider strategic policy supports infill development in principle, subject to detailed considerations and associated impacts specified within other policies within the plan and relevant guidance. Accordingly, I do not consider these cases as having a significant bearing on the appeal due to the differing details associated with the appeal proposal.
- (c) Infill Development / DMSO 32.
- 8.7 The appellant considers that the proposal is contrary to objective DMSO 32 which lists criteria for infill development. Both the appellant and the Council consider the proposal is compliant.
- 8.8 The site is located at the end of cul-de-sac off the main Outfarm Lane road which facilitates access to the site. The cul-de-sac facilitates access for 4 dwellings currently, with adjacent dwellings and vegetation to the east largely screening public views from the main section of Outfarm Lane. The existing dwellings of the cul-de-sac do not have a regular or uniform alignment relationship with the cul-de-sac and have a slightly staggered arrangement when viewed in plan/layout form. The existing dwelling immediately to the south of the appeal site also has an appearance of an infill development and includes a staggered front elevation relationship to the adjacent cul-de-sac to the east.
- 8.9 The appeal proposal is sited such that the front elevation is also staggered and is aligned with the northern site boundary. The plan layout extends to the west beyond the rear elevations of neighbouring dwellings immediately to both the south and north. I do not consider that the deviation in the layout relative to immediately adjacent properties or those further to the south to be significant. The appeal site is not subject to extensive public views from neighbouring streets to the west, north, or Outfarm Lane itself. I therefore consider that the layout and associated building line would have a negligible impact on local character.
- 8.10 In relation to scale, height, massing and design, the proposed dwelling is two storeys in height with a largely pitched roof design with minor hipped details at the gables. It has a ridge height of 9.19 metres with an eaves height of 5.45 metres. When read in context with

adjoining dwellings to the south and north, it is slightly higher than the existing dwelling to the south but lower than the appellant's dwelling to the north which has a ridge height of approximately 9.53 metres and eaves height of approximately 5.65 metres based on the submitted plans. Contextually I consider the scale and massing to be acceptable. As stated above, public views of this dwelling will largely be obscured by neighbouring properties and vegetation. Proposed materials also match those in the immediate context. There are also examples of similar roof forms within Outfarm Lane, including the existing dwellings further to the south which also access the cul-de-sac. I therefore consider that the impact on local character is acceptable and compliant with the first and second criteria of Objective DMSO 32 of the plan.

- 8.11 The third criterion of objective DMSO 32 relates to adequate provision of private open space for existing and proposed dwellings. The appellant has not referred to this in the grounds of appeal. The submitted plans indicate space provision of 235sqm to the rear of the proposed dwelling whilst the area to the rear of the existing dwelling measures approximately 514sqm, excluding the area of the existing detached garage in the southwestern corner of the site. These areas exceed minimum requirements stipulated in the plan in Objective DMSO27 and SRDCSG guidelines at SPPR 1, requiring 75sqm and 40sqm respectively. The proposal also meets requirements in the plan (14.8.2) and SRDCSG (SPPR 1) for separation distances to neighbouring properties at the rear and side of the proposed dwelling.

(d) Amenity impacts.

- 8.12 The appellant considers that the proposal would be detrimental to their residential amenity. Their concerns principally relate to impacts on amenity in terms of privacy, overshadowing, and overbearance particularly in relation to a rear patio area close to the northern site boundary. The applicant has submitted 2 light assessment impact reports in relation to overshadowing impacts, which conclude there will be no adverse impacts. The Council consider impacts to be acceptable.
- 8.13 These considerations are a requirement of the fourth criterion of DMSO 31 and also within section 14.6.6, part of 14.6 Design Criteria of the plan. 14.6.6.1 relates to Daylight and Sunlight. This requires proposals to ensure "that accompanying public realm areas including areas of outdoor space and seating are not impacted by continuous high levels of shadowing."
- 8.14 The proposed dwelling is aligned with the northern boundary of the site with a separation distance of approximately 1.2 metres based on the submitted layout plan. The closest point

of the neighbouring dwelling to the north, where the rear elevation meets the gable, is approximately 5.7 metres from the gable of the proposed dwelling. The proposed dwelling is 2 stories in height with a single storey extension to the rear. The two-storey element is approximately 10.6 metres in length, with a single storey extension approximately 6.85 metres in length. Most of the two-storey element aligns with the gable of the adjacent property to the north and extends approximately 3 metres beyond the closest point of the adjacent property. There is a significant evergreen hedge currently along the boundary with an average height of approximately 6 metres. The proposed dwelling is broadly directly southwest of the appellant's property. The alignment/aspect of the appeal site is therefore broadly east (front) to west (rear).

#### Impact on Garden / Outdoor Areas

- 8.15 The shadow study (GNET) submitted in support of the application depicts impacts graphically within this assessment. The appellant states this indicates an impact on the adjacent patio within the appellant's property between the hours of 11:00 AM and 4:00 PM on 21st of March and 21st of September. The appellant also considers that the study demonstrates there will be a significant impact on this area between 1:00 PM and 3:00 PM on 21st December. The appellant has not submitted a shadow study to support their case.
- 8.16 The appellant contends that the impact on this patio area is sufficient to render the proposal contrary to policy. In assessing impacts, account must be taken of the existing substantial evergreen hedging currently in place along the common boundary and within the control of the applicant.
- 8.17 In considering impact in March, the GNET study demonstrates that the proposal will have no greater impact on the appellants property at 9:00 AM and 10:00 AM. Shadowing impacts begin at approximately 11:00 AM. A slightly larger area of impact is noted at 11:00 AM, with the most impact between 12:00 PM and 2:00 PM. From 3:00 PM impact reverts to similar to current levels due to the existing boundary evergreen hedging. At this time, shadowing becomes greater on the gable of the appellants property and appears slightly greater than the existing impacts.
- 8.18 There are no discernible impacts for any period of the day on the 21st of June. Similarly, there is no significant change to existing impacts on the 21st of December.
- 8.19 The second study (CSC) submitted with the applicant's appeal evidence employs a different methodology to the GNET study. It references paragraph 3.317 of the BRE Guidelines which states that garden areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. This

assessment is focused on 21st of March and does not include impacts for any other times of the year. It sets out Vertical sky component (VSC) calculations for the garden area and windows of the appellant's property, which is defined in the Guidelines as a measure of the amount of light reaching a window.

- 8.20 The study identifies areas in red on a layout drawing that fail the 2-hour light requirement as an area along and adjacent to the northern appeal site boundary within the appellant's garden area, and a small area adjacent to the southwestern corner of the appellant's dwelling. The area adjacent to the boundary and between the appellant's dwelling reduces slightly as a result of the proposal. There is also a small increase noted adjacent to the rear elevation where the southern elevation meets the rear/western elevation. The remaining areas of both rear and front gardens are indicated that they exceed the minimum 2-hour light requirements.
- 8.21 In terms of impact of the patio area, I do not agree with the appellants assertion that policy affords this area additional protection. Whilst sitting areas are quoted as requiring consideration of impacts, the policy wording refers to "areas" and I therefore agree with the Council interpretation that this relates the rear garden area of the appellant's property as a whole. The proposal would not significantly impact the entire garden area. In addition, in relation to the patio area, the impacts are not significantly greater than the existing situation as discussed above, and not to the extent that it would be impacted for a "continuous" period as discussed at 14.6.6.1 of the plan. The appellant also queries the accuracy of the study; however, I consider the results reasonable based on my site observations and no other evidence has been presented to demonstrate that the results are not accurate. In conclusion, I consider that the impacts are acceptable in this urban context.

Impact on Adjacent properties / windows / living spaces.

- 8.22 The second report (CSC) submitted with the appeal also considers light from sky impacts and sunlight into living spaces. This allocates each window within the appellants property a reference number shown at page 4 of the report. The appellant specifically refers to impacts on 5 windows within the appellants dwelling, 3 at ground floor (within the extension ref: 1.0.3, and 2 within the gable ref: 1.0.5 and 1.0.6) and 2 gable windows at first floor (ref: 1.1.7 and 1.1.8).

Light from Sky impacts & Sunlight into Living Spaces Assessment

- 8.23 The context for assessment is set out within paragraph 2.2.7 of the BRE Guidelines and referenced in the second shadow study report submitted by the appellant in their response

comments. VSC calculation impacts on each window of the appellant's dwelling are tabulated below for ease of reference:

Window Ref:	Existing	Proposed	Ratio	Result
1.0.3	26.2%	23.2%	0.89	Pass
1.0.4	29.8%	29.5%	0.99	Pass
1.0.5	27.5%	21.4%	0.78	Marginal*
1.0.6	27.8%	23.2%	0.83	Pass
1.1.7	37.9%	31.8%	0.84	Pass
1.1.8	37.9%	33.5%	0.88	Pass
Ratio: para. 2.2.7 of the BRE Guidelines state that if this figure is less than 0.80 times the former (existing) value, occupants will notice a reduction in skylight.				
* Study states: Window 1.0.5 is marginal at 0.78 against target of 0.80. This serves a room that is also served by windows 1.0.4 and 1.0.6. para. 2.2.6 of guidelines states mean/average of other windows serving room can be taken into account and therefore complies.				

8.24 The CSC study includes an assessment of light to living spaces assessment at page 6. The study refers to paragraphs 3.2.3, 3.2.4, and 3.2.13 of the BRE Guidelines. The guidelines set out a recommended annual impact VSC minimum of 25%, with a winter VSC minimum of 5%. Results are tabulated at page 6. This assessment concludes all windows exceed these minimum figures.

8.25 Window ref 1.0.3 is a gable window of the single storey extension orientated towards the common boundary with the appeal site. The appellant highlights that this window is currently below the VSC target figure of 27% and therefore the development would adversely impact amenity if approved.

8.26 Whilst this window is below the required VSC light from sky impact assessment, it is one of three windows that provides light to the single storey extension, with the remaining windows orientated towards the rear garden/boundary. The calculations indicate that the other windows exceed the recommended 27% figure by approximately 7%, being 34.3% and 35.1% respectively after the development. Accordingly, I consider the impact on this window acceptable as it is not the sole window to this room.

- 8.27 In relation to the sunlight into living spaces assessment, all of these windows exceed the annual and winter requirements. Window 1.0.3 has stated figures of 51.4% and 8.5% respectively after the development. This further confirms the impacts are acceptable.
- 8.28 Windows 1.0.5 and 1.0.6 are located at ground floor on the gable facing the northern boundary of the appeal site, with 1.0.5 located closest to the rear elevation. The appellant notes that light from sky impact on window 1.0.5 (VSC 21.4% with ratio of 0.78%) is stated as marginal and should be identified as failing the standards/requirements. Window 1.0.6 is noted as having a post-development impact of 23.2% with ratio of 0.83. These windows, along with 1.0.5, provide light to a room and will result in adverse impacts. The CSC study concludes impacts are acceptable.
- 8.29 From my observations on-site, these windows provide light to the same living room. Results from the assessment state that the ratio target impact on window 1.0.5 is 0.02 below the acceptable stated ratio of 0.80. Whilst this could be regarded as a failure, I agree with the applicant that the failure is marginal. Impacts of overshadowing are also mitigated as this is not the sole window providing light to this room. In relation to the sunlight into living spaces assessment, all of these windows exceed the annual and winter requirements. Notably the winter figures (and associated reduced light levels) are unchanged at 11.7% for window 1.0.5 and increase from 12.8% to 14.1%. This confirms the impacts are acceptable. The 0.02 ratio figure below the acceptable level is not sufficient to render the development as unacceptable in my opinion.
- 8.30 I would also highlight to the Board the results of window 1.0.4. This is the closest rear elevation window at ground floor to the appeal site and common boundary. The light from sky assessment notes a post-development reduction of 0.3% to 29.5% with ratio of 0.99. The sunlight into living spaces results notes an annual impact reduction of 4% to 36.7% with ratio of 0.90. The winter impacts are noted as reduced from 7.2% to 3.1% with a ratio of 0.43. As noted in paragraph 3.2.13 of the BRE Guidelines, the reduction will not exceed 4% and none of the above windows will result in a reduction of annual sunlight to less than 25%.
- 8.31 The appellant's further submission highlights the first-floor windows 1.1.7 and 1.1.8 as being adversely affected but does not articulate in the evidence how the impacts are unacceptable. Their comments focus on impact to ground floor windows. The CSC assessment notes impact figures as acceptable and in excess of minimum VSC and ratio figures. Accordingly, I consider impacts to these windows are acceptable.
- 8.32 In conclusion, I consider that the impacts are acceptable in this urban context and the



proposal complies with policy in regard to loss of light.

8.33 In their further submission, the appellant queries the VSC "Tabulated Results" reference to "Hedge Group B1", and lack of information on what this reference represents. This hedge group is identified on an annotated google earth image and further identified on a 3D model of the development within the preliminary overview section of the CSC shadow study at page 3. I consider that this provides sufficient clarity.

8.34 The further submission also notes that the height of the tree screening is not provided for the purpose of establishing the "existing levels". There is no reference in the report to the height of the screening. However, I am satisfied that the conclusions are reasonable based on my on-site assessment.

#### Visual overbearing

8.35 The grounds of appeal state that the proposal would have an overbearing impact on the appellant's property. The Council and applicant consider impacts to be acceptable.

8.36 As stated above, the majority of the two-storey element of the proposal is located parallel with the boundary, with a separation distance of approximately 1.2 metres and gable of the appellant's dwelling beyond (c. 6.36m from the boundary). The ridge height of the proposed dwelling is approximately 9.2 metres in height, with an eaves height of approximately 5.45 metres above ground level. The single storey extension has a flat roof design with an eaves height of approximately 3.3 metres.

8.37 I do not consider that the proposed extension would have an overbearing impact due to its height which would be less than the existing evergreen hedge boundary treatment currently in place. The two-storey element extends for a limited section (c. 3 metres) along the boundary beyond the rear elevation of the appellants dwelling. The remaining two storey element aligns with the gable of the appellants dwelling. I consider that the resulting relationship is acceptable within this urban context given the separation distances of 5.73 metres at the closest point, extending to 6.82 metres between the gables of the appellants' dwelling and the proposal.

#### Overlooking / Privacy

8.38 The appellant considers that proposed gable windows adjacent to the boundary would result in a perception of overlooking and resulting loss of privacy. The applicant supports the Council position that this does not give rise to any amenity impacts as the first-floor window

relates to a landing area and will be finished with frosted glazing. This can be secured by planning condition to which the applicant has no objection.

8.39 I acknowledge the appellant's concerns in relation to this matter. However as stated by all parties the proposed first floor window is to be finished with obscure glazing which would not permit direct overlooking of the appellant's property. This can be secured by a planning condition to ensure it is provided and retained following construction if permission is granted. A window is also proposed at ground floor level, however overlooking or loss of privacy from this window would not be possible due to the intervening boundary treatment. I consider the resulting relationship acceptable within this urban context and permission cannot be refused on this basis.

8.40 The appellant grounds of appeal do not relate to the remaining criteria of objective DMSO 32 in the development plan. For clarity and completeness, I consider that the proposal meets these requirements. Adequate parking and access arrangements are proposed and there are no objections from the Council's Transport Section in relation to these issues subject to condition. I therefore conclude that the proposal satisfies DMSO 32.

(e) Drawings

8.41 The appellant also disputes the adequacy of the submitted drawings. The Council have not commented on this issue. The applicant states that they are adequate as they were accepted by the Council, who did not raise any queries with these details.

8.42 The first issue relates to windows shown on the front elevation but not included within the submitted section drawings and no details on the proposed attic space.

8.43 I consider this to be a drafting error and is not fatal to the consideration of the proposal. The missing details could be secured by way of negative planning condition requiring submission of these details for agreement prior to the commencement of development. Notwithstanding this, these details would not adversely impact on adjacent properties given the nature, location, and design of these elements.

8.44 The second issue relates to deficiencies with the submitted drawings in regard to specified heights. The submitted drawings are to scale, and any relevant details can be measured from the supporting plans. I therefore consider the submitted details are acceptable and any party could ascertain this information by measurement of the plans.

(f) Conditions

- 8.45 The majority of the conditions attached by the Council are of a standard nature and I am satisfied that they are necessary and appropriate.
- 8.46 However, I consider that condition 6 as drafted by the Council requires revision. This states a requirement for obscure glazing to bathrooms and ensuites. As discussed above, the gable landing window is also annotated as being obscured and this must be secured by condition to protect amenity. It is also reasonable to include a requirement that the landing window is not openable to safeguard amenity as suggested by the appellant.
- 8.47 There is also a requirement to secure retention of existing landscaping and proposed landscaping details. This is annotated on the submitted layout drawing and refers to a “landscaping plan”, however this does not appear to have been submitted to the Council or with the appeal evidence.
- 8.48 Revised floorplan details are also required to include details of the attic floorplan for clarity and completeness purposes.

## 9 AA Screening

- 9.1 I have considered the proposed erection of a dwelling and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is located within an urban area and approximately 10.21km to the nearest European Site as discussed at section 5 above.
- 9.3 The proposed development comprises the erection of a dwelling and associated works as discussed at section 2 above.
- 9.4 No nature conservation concerns were raised in the planning appeal.
- 9.5 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:
- The nature of works and limited scale of the development.
  - The site is not within or adjacent to a protected site or feature, and the location and distance from nearest European site and lack of connections.
  - Taking into account screening by the LPA.

- 9.6 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.
- 9.7 Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **10 Recommendation**

- 10.1 I recommend that permission for the development be granted.

## **11 Reasons and Considerations**

Having regard to the provisions of the Fingal County Development Plan 2023-2029, the pattern of development in the area, the infill nature of the application site and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and significant additional information received by the planning authority on the 14th 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>The general design, external finish, height and roof materials of the proposed development shall be as shown on the plans unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The entire premises shall be used as a single dwelling unit and shall not be used for multiple occupancy living units / non-residential uses, except where otherwise permitted by way of a separate grant of planning permission.</p> <p>Reason: In the interest of clarity and to ensure proper planning and sustainable development.</p>
4.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall accord with the requirements of the Planning Authority as follows,</p> <p>a. A maximum of two in-curtilage car parking spaces shall be permitted on site.</p>

	<p>b. The dividing boundary and access point between the existing driveway to the family home and the proposed new permeable driveway to the proposed new dwelling shall be agreed in writing with the Planning Authority prior to the commencement of development to ensure appropriate intervisibility and sightlines.</p> <p>c. The area of road space required for the turning area shall be developed and maintained to the Planning Authority's standards for taking in charge.</p> <p>Reason: To avoid a traffic hazard and in the interest of the proper planning and sustainable development of the area.</p>
6.	<p>Prior to the occupation of the development hereby permitted, all bathroom and en-suite rooms and the gable landing window shall be fitted and permanently maintained with frosted / obscure glass in accordance with the approved plans – the use of film is not acceptable. The gable landing window shall be non-opening at all times.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
9.	<p>(a) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.</p>

	<p>(b) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.</p> <p>Reason: in the interests of traffic and pedestrian safety and amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained as indicated on the site layout plan drawing ref 24/614/1 issue A, dated August 2024 and submitted to the Planning Authority, shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>

12.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(iii) Details of roadside/street planting which shall not include prunus species.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation [including details of phasing].</p> <p>All planting shall be carried out in the first planting season following commencement of development, shall be adequately protected from damage until established, and shall be maintained so as not to block and/or interfere with the vehicles and pedestrians using the adjacent public road.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
13.	<p>Prior to the commencement of development, revised plans to include details of the attic floorplan layout to scale 1:50 or 1:100, shall be submitted to and agreed with the Council in writing. The development shall be carried</p>



	<p>out in accordance with the agreed details.</p> <p>Reason: For clarity and to ensure an acceptable form of development and in the interest of residential amenity.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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R Taylor  
Planning Inspector

3<sup>rd</sup> April 2025

**Appendix 1 - Form 1**  
**EIA Pre-Screening [EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-321608-25		
<b>Proposed Development Summary</b>	2-storey detached dwelling, new driveway to the proposed dwelling and all associated siteworks		
<b>Development Address</b>	Ardfield, Outfarm Lane, Castleknock, Dublin 15, D15 RDF7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	√	Class 10, (b), (i) (threshold is 500 dwelling units)	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	√	Class 10, (b), (i) (threshold is 500 dwelling units) Proposal is for 1 dwelling and siteworks	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	√	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

Inspector: \_R Taylor\_\_\_\_\_

Date: \_03/04/2025\_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP-321608-25</b>
<b>Proposed Development Summary</b>	2-storey detached dwelling, new driveway and all associated siteworks
<b>Development Address</b>	Ardfield, Outfarm Lane, Castleknock, Dublin 15, D15 RDF7
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of</p>	<p>The development is situated in an urban area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>

