



An
Bord
Pleanála

Inspector's Report

ABP-321911-25

Development	Demolition of 3 bedroom house & construction of three-storey 6 bedroom house & associated works.
Location	1 Knocknacree Road, Dalkey, Co. Dublin, A96 VN59
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0926/WEB
Applicant(s)	Tom and Jenny Jones
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Richard & Corrina Moore & others; Mary-Clare Bagot & others.
Observer(s)	None
Date of Site Inspection	22 nd April 2025
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The site is located at the eastern end of Knocknacree Road, opposite the junction with Ardeevin Road, approximately 480m southeast of Dalkey Village. There is a detached dwelling known as Amritsar to the adjoining site to the southwest, Sorrento Road is to the east and south, a rail line is located to the north east and Knocknacree Road is to the northwest.
- 1.2. The site has a stated area of 0.8ha and contains a two-storey dwelling with a floor area of 186 sq.m. There is an existing vehicular entrance from Knocknacree Road. Site boundaries comprise stone walls on the south, north and west boundaries and a fence and dense planting separates the site from the rail line to the northeast. There are significant variations in site levels in the area. The ground level of the existing dwelling on site is approximately 2 metres below the ground level of Knocknacree Road fronting the site and is also below the ground level of properties to the rear (south) on Knocknacree Road.

2.0 Proposed Development

- 2.1. The proposal comprises the demolition of an existing 3 bedroom two storey house with a floor area of 186 sq.m. and construction of a three-storey 6 bedroom house with a gross floor area of 455 sq.m. The proposed dwelling is of a contemporary design with a flat roof with an eaves height of 10.05m above ground level. Balconies are proposed on the southeast (rear) elevation at first floor level and the west (front) elevation at second floor level. The proposal also seeks permission for a green sedum roof, landscaping, revisions to boundary treatments, SuDs drainage and widening and redesign of the vehicular entrance and associated works. Vehicular parking is proposed within the front garden.

3.0 Planning Authority Decision

3.1. Decision

On 22nd January 2025 Dun Laoghaire Rathdown County Council issued notification of a decision to grant permission subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer can be summarised as follows:

- The site is zoned objective 'A' wherein residential development is permitted in principle.
- A Demolition Justification Statement submitted with the application identifies a number of issues including structural defects, lack of insulation, damp and mould. Having considered the information, photographs and conclusions of the report, sufficient justification has been provided to verify that the dwelling is not structurally sound and is uninhabitable in this instance.
- The proposal complies with internal areas, separation distances and private amenity space standards set out in the Sustainable Residential Development and Compact Settlements Guidelines.
- The observation of Iarnrod Eireann is noted and it is considered appropriate that suitable boundary treatments should be in place along the southeast and northeast boundaries which shall be required by condition.
- Two protected structures are located c.30m south of the site at an elevated level.
- The proposal will be 10.05m in height, an increase of 3.275m above the existing house and is less than 1m higher than the first floor element of the neighbouring dwelling Amristar. Due to the significant changes in levels within the subject site, it generally reads as a 2-storey dwelling when viewed from adjacent streets and the large site size allows for the scale of development in a manner which will not unacceptably impact the visual amenity of the area.
- The surrounding area is characterised by a range of architectural styles and house types, and it is considered that the proposal will not read as visually overbearing or dominant nor will it unduly disrupt the established harmony of the streetscape.
- The proposal will not unduly impact upon the residential amenities of nearby properties through overlooking.

- There will not be any issues with overshadowing nor will there be significant overbearing impacts when viewed from nearby properties.
- Observations in the report from Iarnród Éireann are noted, the applicant should be cognisant of the observations which are not planning considerations. A detailed Construction Management Plan should be prepared in the event of a grant of permission to ensure there is no undue impact on the adjacent railway line.
- The report of the Parks Department is noted, no trees are currently on site and as such conditions requiring an Arboriculture Report are unnecessary.
- It is recommended that permission be granted, subject to conditions.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to conditions.

Drainage Planning: No objection subject to conditions.

Parks and Landscape Services: No objection subject to conditions.

3.2.3. Conditions

The Planning Authority granted permission subject to 13 conditions, typically of a standard nature. The following conditions are of note:

Condition 3: Prior to the commencement of development, the applicant shall submit details including proposed heights and materials of proposed, high quality boundary treatment to the north-east and south-east boundaries for the written agreement of the planning authority. REASON: In the interests of the proper planning and sustainable development of the area.

Condition 8: The internal width of the proposed widened vehicular entrance shall be no more than 3.5m and the footpath in front of the proposed widened vehicular entrance shall be dishd and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks and all to the satisfaction of the appropriate utility company and Planning Authority. In relation to these required works, the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for the works. REASON: In the interest of public safety, visual and residential amenity.

3.3. Prescribed Bodies

Iarnrod Eireann: Report outlines observations in respect of the proposed development and requests that the applicant provide further documentation clarifying the exact location of the existing boundary.

3.4. Third Party Observations

11 no. third party observations were received objecting to the proposed development. The issues raised are similar to the issues raised in the third-party appeals.

4.0 Planning History

No recent relevant planning history.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 is the relevant Development Plan for the subject site. The plan has regard to national and regional policies in respect of infill development within existing built-up areas. The site is zoned Objective A for which the objective is to “To provide residential development and improve residential amenity while protecting the existing residential amenities”.
- 5.1.2. Policies of relevance include the following contained in Chapter 3 Climate Action, Chapter 4 Residential Development and Chapter 12 Development Management:
 - Policy Objective CA6: Retrofit and Reuse of Buildings: It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

- Policy Objective PHP20: Protection of Existing Residential Amenity – Ensure that the residential amenity of existing homes in the built-up area is protected where they are adjacent to proposed higher density and greater height infill developments.
- Policy Objective HER20: Buildings of Vernacular and Heritage Interest – Retain, where appropriate, and encourage the rehabilitation and suitable re-use of older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.
- Section 12.2.1 The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible (Refer also Section 12.3.9 Demolition and Replacement Dwellings). Where this cannot be achieved, the Planning Authority will support the use of sustainably sourced building materials and the reuse of demolition and excavated materials.
- Section 12.3.9: Demolition and Replacement Dwellings – The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. The Planning Authority will assess single replacement dwellings within an urban area on a case-by-case basis and may only permit such developments where the existing dwelling is uninhabitable.

5.1.3. Within the vicinity of the appeal site there are a number of objectives indicated on the Development Plan maps for the area, including the following:

- There are a number of protected structures in the vicinity of the site, namely RPS no. 1547 comprising a bridge over the railway line located immediately to the southeast of the site, RPS 1911 Prince Patrick House and the adjoining RPS no. 2128 Arcadia located approximately 30m south of the site.
- 'East Coast Cycle Route' is indicated adjacent to the site's northeastern boundary.

- There are a number of objectives 'To preserve views' located to the west on Knocknacree Road and Torca Road.

5.2. Natural Heritage Designations

The closest designated sites are Dalkey Islands SPA (004172) located 435m northeast of the site and Rockabill to Dalkey Island SAC (003000) located 470m east of the site. Dalkey Coastal Zone And Killiney Hill pNHA is located 290m south of the site.

5.3. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeals have been received from Richard & Corrina Moore and others and Mary-Clare Bagot and others. The grounds of appeal can be summarised as follows:

- The justification for demolition report fails to justify why retrofit cannot be achieved and the proposal is therefore materially contrary to section 12.3.9 and policy objective CA06 of the Development Plan.
- The proposal would be seriously injurious to the residential and visual amenities of the area.

- The ground floor of the existing dwelling on the appeal site is c. 3 m below that of the nearest adjoining dwelling of Amristar. The proposed flat roof will be c. 3.3m above the primary ridge height of the adjoining Amristar dwelling.
- The additional height proposed will be highly visible and form an incongruous feature that will sit 8.43m above the eaves of the existing dwelling and dominate the view from the railway bridge from Sorrento Road onto Knocknacree Road. The proposal would negatively impact the character and setting of the streetscape.
- The design, layout and form of the proposal amounts to overdevelopment and will result in overlooking of adjoining properties. The proposed balcony serving the living area at second floor will overlook a terrace at Greylands impacting residential amenity. This balcony should be removed by condition.
- The overscaled and overbearing impact is further accentuated by the changing levels in the area and it will appear overbearing from all surrounding properties.
- The shadow analysis is inadequate with no indication of what dates the assessments show.
- The proposal is excessively large with flat roofs that present a blocked mass to the landscape which is out of proportion and scale to adjacent properties.
- The proposal ignores the site conditions and natural slope and creates a massed block form at the base of the rise in levels and interrupts existing views and aspects of well established features in this area.
- The existing eaves level is located below the ground floor level of Prince Patrick House whereas the proposed parapet aligns with the first floor of Prince Patrick House.
- A revised scheme over two levels with a larger footprint would be more harmonious.
- The proposal fails to accord with 8.4.5 Policy Objective GIB6: Views and Prospects and Section 12.7.4 relating to high amenity landscapes and views and prospects.

- The proposal will obscure the view of Prince Patrick House from Sorrento Road.
- The visual impact has been assessed by justifying the height based on it being only 1m higher than the tower at Amristar and the Council considered it will appear as being two storey when considered from the adjacent streets. This assessment is misleading and the proposal will form an overbearing and incongruous feature when considered from surrounding properties.
- The CGI's do not reflect the negative visual impact the proposal will have on the area and are not verified views and the Board cannot accept that they reflect the true visual impact of the proposal.
- Views from above the site on Knock-na-cree Road have not been shown. The development plan indicates views from a higher position on this road as being protected.
- The precedents cited by the applicant relate to completely different design and development rational than that proposed, and precedents cited that were not permitted under the current development plan should be dismissed.
- There is precedent on adjoining sites where permission was refused for reasons relating to impact of design on visual amenity of the area and protected views from Knock-na-cree Road. These precedents demonstrate that planning policy has been exercised in the immediate context to protect the visual amenity of the area.
- Boundaries between the application site and Iarnrod Eireann lands are unclear and the concerns of Iarnrod Eireann in their submission have not been adequately considered by the Council.
- Failure to provide the requested 4m setback as required by Iarnrod Eireann nor the 1.58m setback stated by the Council to provide access for maintenance.
- The proposal would set an undesirable precedent and it is requested that An Bord Pleanála refuse permission.

6.2. Applicant Response

A response from the first party can be summarised as follows:

- None of the appellants properties adjoin the appeal site and the appeals infer that the views and opinions are shared by others, including the occupants of the adjoining property Amritsar who have not objected to the proposal. The appellants have no locus standi to represent the property at Amritsar who have not objected to the proposal.
- The appeals do not set out what the claimed significant negative impacts are or submit evidence to support these claims. No evidence is included to support claims relating to overbearing, overlooking and overshadowing.
- No expert report is provided to refute the findings of the first party's expert report and DL RCC in relation to compliance with policy objective CA6. The planning authority assessed the expert report submitted by the applicant and concluded that sufficient justification has been provided to verify that the dwelling is not structurally sound and is uninhabitable.
- The matters raised in Iarnrod Eireanns submission have been addressed.
- The proposed works to the vehicular entrance referred to by the third party as overdevelopment are required to make an unsafe entrance safe and are technical in nature and modest in scale.
- The proposal complies with required separation distances in the Sustainable Residential and Compact Settlements Guidelines.
- The Planning Authority's planners report finds the scale and height acceptable for the site without impact the visual or residential amenities of the area.
- No overlooking will occur on Greylands which is separated from the appeal site by a road and two boundary treatments. The proposed balcony will provide passive surveillance of areas already overlooked.
- The proposed dwelling is only 1m taller than the adjoining property at Amritsar and will appear as 2 storeys from the adjoining road and nearby streetscapes.

- The appellants submission in relation to the height of the proposal that it will sit 8.43m above the eaves of the existing dwelling and dominate the vista is incorrect and not supported by any evidence.
- Appeal grounds relating to the height of the adjoining property Amritsar are misleading.
- The appellants statement that there are no three storey dwellings in Dalkey is not true.
- The appeal seeks to protect the views from the appellants property over the appeal site.
- A pitched roof two storey dwelling would have a similar height to the proposed flat roof dwelling.
- The appeal refers inaccurately to development plan section 8.4.5 relating to views and prospects. Views from Prince Patrick House are not protected and this policy objective does not apply.
- The precedents for refusing permission referred to relate to previous development plans and are not relevant.
- The dwelling elevations are carefully modulated to respond to the ground levels of the site and to the site context and the proposal will integrate into the streetscape and pattern of development at this location. The proposal will not adversely impact the appellants.
- Claims that Prince Patrick house will be overshadowed and overlooked are untrue, the front elevation of Prince Patrick House is set back between 30m and 50m from the proposal, at a higher level and with Amritsar located in between.
- National, regional and local policies support increased density and height.
- It is requested that ABP uphold the decision of DLRCC to grant permission.

6.3. Planning Authority Response

A response received from the Planning Authority states that no new issues are raised which would justify a change of attitude to the proposed development.

6.4. **Observations**

None received.

7.0 **Assessment**

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

- Justification for Demolition and Replacement
- Impacts on Visual Amenities
- Impacts on Residential Amenities
- Other Matters
- Water Framework Directive Assessment

7.2. **Justification for Demolition and Replacement**

7.2.1. Third parties raise concerns that adequate justification has not been submitted in relation to the proposed demolition rather than retrofitting and that there is an emphasis on cost as a justification for demolition. Development Plan Policy Objective CA6 requires retrofitting and reuse of existing buildings where possible and Section 12.3.9 Demolition and Replacement of Dwellings states a preference for retention and retrofitting of 'structurally sound, habitable dwellings in good condition' as opposed to demolition and replacement unless a submission of 'strong justification' for demolition and replacement and states that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable. The Planning Authority considered sufficient justification has been provided to verify that the dwelling is not structurally sound and is uninhabitable in this instance and considered the proposal to demolish the existing dwelling and construct a new dwelling acceptable.

7.2.2. A Demolition Justification Statement prepared by STEM Consulting Engineers and submitted with the planning application includes the following in relation to the existing dwelling:

- There are areas of major work required to upgrade the existing structure.
- The steel and timber elements were not adequately protected against corrosion and are showing serious signs of degradation and these sections of the property are recommended to be demolished and rebuilt if no project was planned.
- It would be very difficult to achieve modern insulation levels in the existing building based on its construction, mixture of façade types and split-level construction.
- Retrofitting the existing building to meet modern energy standards would require extensive, costly upgrades. Replacing it with a new structure allows the use of advanced construction practices to achieve a more energy-efficient, sustainable, and compliant building that meets current environmental standards and aligns with Nearly Zero Energy Building (NZEB) goals.
- Structural issues further support the need for demolition. The defective blockwork wall is cracked, the timber shows signs of rot and the steel components are corroded, compromising the building's structural integrity. These deteriorations underscore the necessity for demolition to ensure both safety and sustainability in the redevelopment project.
- The existing building is poorly constructed, aged and does not lend itself to the level of change required without extensive structural steel frames and construction works.

7.2.3. An Energy and Sustainability Report prepared by KRA renewables and submitted with the planning application finds that retrofit of the existing building would be technically challenging, costly, and limited in its final results, potentially achieving a BER rating B2 as opposed to a new dwelling which will have a BER rating of A2. The demolition and redevelopment would be mitigated by a strong Construction Waste Management Plan.

- 7.2.4. Having reviewed the information submitted, including the Demolition Justification Statement and Energy and Sustainability Report, I am satisfied that the existing house is in very poor condition and with identified structural issues requiring partial demolition of these sections. Policy Objective CA6 seeks retrofitting where possible and Section 12.3.9 allows for demolition where a strong justification has been put forward. I am satisfied that sufficient justification has been submitted and I agree with the Planning Authority's finding that its demolition and replacement is justified in this instance. Having regard to the above I am satisfied that the proposal to demolish the existing dwelling and construct a replacement dwelling complies with policy CA6 and Section 12.3.9 of the Development Plan. I note that the existing dwelling is not of any architectural or other interest that would warrant its protection, and I do not consider it contributes to the character of the streetscape.
- 7.2.5. A Resource and Waste Management Plan was submitted in relation the management of waste during demolition, construction and operation and an outline Construction Management Plan was also submitted and no conditions were attached by the Planning Authority in this regard. The Planning Authority Planning Officer considered a detailed Construction Management Plan should be prepared in the event of a grant of permission to ensure there is no undue impact on the adjacent railway line. I consider that if the Board is minded to grant permission, conditions should be attached requiring compliance with the submitted Resource and Waste Management Plan and that a detailed Construction Management Plan be submitted to the Planning Authority for agreement.

7.3. Impacts on Visual Amenities

- 7.3.1. The appeals raise concerns that the proposal will have a negative impact on visual amenities and views in the area. The Planning Authority considered the proposal will not result in unacceptable impacts on the visual amenity of the area. Knocknacree Road slopes downwards from west to east with the appeal site located at a lower level than properties to the southwest (rear). The existing dwelling on site has a ground level at 41.00 which is between 2m and 3m below the level of Knocknacree Road (which has a stated level of between 44.14 and 41.7 where it fronts the appeal site boundary), is two storeys with a floor area of 186 sq.m., a chimney height of 7.1m and roof height of approx. 6.7m above ground level. The proposed dwelling has a flat roof with a height of 10.05m above ground level and a floor area of 455

sq.m. The proposed dwelling will be set back 5.3m from the northwestern site boundary with Knocknacree Road, 3.3m from the southwestern site boundary with Amristar, between 7.2m and 12.4m from the south eastern (rear) site boundary and 1.58m from the north eastern site boundary beyond which is the railway line.

Concerns are raised that the proposal will be higher than the adjoining property Amristar located to the southwest and that the proposal was assessed by the planning authority as being only 1m higher than the height of the first floor element of Amristar.

7.3.2. As noted by third parties the overall scale, height and massing of the dwelling is increased above that existing on the site. I note the characteristics of the area, with considerable variation in ground levels and with the appeal site located below the level of surrounding properties to the west and southwest. I also note the design of the proposed dwelling and the size of the appeal site and proposed separation from site boundaries, and to the built character of the surrounding area which comprises a mix of varying building styles and heights. Having regard to the foregoing I am satisfied that the scale and design proposed can be accommodated on the site with no significant negative impacts on the visual amenities of the area. I agree with the Planning Authority that the proposal will generally read as two storeys from adjacent streets, and I do not consider the height proposed will give rise to unacceptable visual impacts or that it will form an overbearing or incongruous feature or that it would negatively impact the character and setting of the streetscape.

7.3.3. I note the concerns raised in the appeals relating to visual impacts and protected views in the vicinity of the appeal site. The Development Plan maps include objectives 'To preserve Views' to the west of the appeal site on Knocknacree Road and Toca Road. The closest location is approximately 230m west of the appeal site with an objective indicating views to be preserved facing north which is not in the direction of the appeal site. On Toca Road an objective to preserve views faces east in the general direction of the appeal site and located approximately 350m from the appeal site. Having regard to the difference in ground level, with the appeal site located significantly below the location of the views to be preserved, and having regard to the pattern of development in the vicinity as well as the scale of development proposed, I do not consider the proposal has the potential to adversely impact views identified in the Development Plan to be preserved and as such I do

not consider the proposal fails to accord with Policy Objective GIB6 or section 12.7.4 of the Development Plan relating to views and prospects.

- 7.3.4. There are a number of protected structures in the vicinity of the site, namely RPS no. 1547 comprising a bridge over the railway line located immediately east of the site boundary, and RPS 1911 Prince Patrick House and the adjoining RPS no. 2128 Arcadia located approx. 30m south of the site. Concerns are raised by third parties that the increased height proposed will result in the development being in line with the first floor level of Prince Patrick House resulting in an impact on views of Prince Patrick house from Sorrento Road. I note that there are no views to be preserved along this section of Sorrento Road and having regard to the difference in ground level Prince Patrick House will still be largely visible from Sorrento Road. I do not consider the proposal will result in negative impacts on the character or setting of protected structures in the vicinity of the site.
- 7.3.5. In relation to third party concerns that the CGI's submitted with the planning application are not verified views, I note that there is no requirement for the first party to submit verified views. Having reviewed the drawings submitted I am satisfied that the proposal will not give rise to unacceptable visual impacts.

7.4. Impacts on Residential Amenities

- 7.4.1. Third parties raise concerns that the proposal will result in unacceptable impacts on residential amenities in the area, including in relation to overlooking, overbearing, and overdevelopment as well as concerns relating to overshadowing.
- 7.4.2. I note the concerns raised relating to overbearing and overlooking on surrounding properties. The appeal site is bound by public roads to the north and south and a rail line to the east. A separation distance of 6.5m is proposed between the side elevation of the proposed dwelling and the side elevation of Amstrar to the southwest beyond which are Prince Patrick House, the adjoining dwelling Arcadia and Prince Patrick Cottage located approx. 30 m from the appeal sites southwestern site boundary. A living room window is proposed at third floor on the southwestern side elevation facing the side elevation of Amstrar. Having regard to the design and layout of the proposed dwelling, the separation distance from site boundaries, and to the changing site levels in the area, I am satisfied that the proposal will not give rise to unacceptable impacts of overbearing or overlooking on surrounding properties

and that the proposal will not give rise to direct overlooking into windows serving habitable rooms.

- 7.4.3. Concerns are raised in relation to overlooking from a proposed balcony serving the living room at second floor level into private amenity space serving a residential property 'Greylands' to the west of the appeal site on the opposite side of Knocknacree Road. The proposed balcony is located on the front elevation c. 8m from the western (front) site boundary and separated from Greylands by Knocknacree Road. Having regard to the setback from the site boundary, to the separation distance proposed, as well as the presence of Knocknacree Road between the appeal site and Greylands, I am satisfied that the proposal will not give rise to unacceptable overlooking on Greylands. I therefore do not consider it necessary to omit the proposed balcony by condition if the Board decides to grant permission. I note the proposal also includes a balcony at upper ground floor level facing southeast. Having regard to the location of this balcony and the separation distances I am satisfied that no issues of overlooking will arise.
- 7.4.4. The appeals raise concerns in relation to the submitted shadow study, including that dates are not shown for the shadow assessments submitted. I note that the shadow study refers to winter, spring, summer and autumn and indicates the extent of overshadowing at 9am, 12pm, 3pm and 5pm for each season. I consider the shadow assessment adequately reflects the proposal and the potential impacts from overshadowing. Furthermore, having regard to the scale of development proposed, to the size of the site, and to the separation distances from surrounding properties, I am satisfied that adjacent dwellings and amenity spaces will not be adversely affected by the proposal in terms of a loss of daylight or sunlight.
- 7.4.5. I note concerns raised that the proposal relates to overdevelopment of the site and that an alternative design providing for two storeys would be more appropriate. Having regard to the scale of development proposed and to the site size, and noting that sufficient private amenity space and internal standards are proposed and that separation distances exceed the minimum standards, I am satisfied that the proposal will not result in overdevelopment of the site and that the proposal for three storeys is acceptable.

7.4.6. Having regard to the above I consider the proposal will not result in unacceptable impacts on residential amenities of surrounding properties.

7.5. Other Matters

- 7.5.1. I note the third party concerns that the proposal will give rise to an undesirable precedent, that precedents put forward by the first party are not relevant to the proposal, and that precedent exists on adjoining sites whereby permission was refused in the vicinity of the site for reasons relating to visual impact. Having regard to the findings of my assessment in sections 7.2, 7.3 and 7.4 above I am satisfied that the proposal will not give rise to unacceptable impacts on visual and residential amenities and that it complies with the policies and objectives of the Development Plan. I am therefore satisfied that the proposal will not give rise to an unacceptable precedent.
- 7.5.2. Concerns are raised by third parties that the requirements of Iarnrod Eireann have not been addressed. I note the Planning Authority was satisfied that the proposal was acceptable and included condition no. 3 relating to agreement regarding boundary treatments. I consider that this condition addresses the relevant planning concerns raised in the submission by Iarnrod Eireann and if the Board decides to grant permission I recommend the inclusion of condition 3 as attached by the planning authority relating to agreement of boundary treatments.
- 7.5.3. I note the Planning Authority included a condition (condition no. 8) requiring that the internal width of the proposed widened vehicular entrance shall be no more than 3.5m in the interest of public safety and visual and residential amenity. If the Board decides to grant permission I consider it appropriate that this condition be included in the grant of permission.

7.6. Water Framework Directive Assessment

- 7.6.1. The subject site is located approximately 350m from Dublin Bay. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the demolition of an existing dwelling and construction of a new dwelling as outlined in section 2 of this report. No water deterioration concerns were raised in the planning appeal.

7.6.2. I have assessed the proposed demolition of an existing dwelling and construction of a new dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The nature and scale of the works;
- The location of the site in a serviced urban area and the distance from nearest Water bodies and lack of hydrological connections.

7.6.3. Conclusion: I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.0 AA Screening

8.1. I have considered the proposed development of a dwelling and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The subject site is located approx. 435m from Dalkey Islands SPA (004172) and 470m from Rockabill to Dalkey Island SAC (003000).

8.3. The proposed development comprises the demolition of a dwelling and the construction of a three storey dwelling and all associated site works. No nature conservation concerns were raised in the planning appeal.

8.4. Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the works
- Location-distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
- Taking into account screening determination by the PA.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the condition of the existing dwelling on the site, to the design, scale and nature of the proposed development, to the location of the site in a serviced urban area and the character of the surrounding area, and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028, including the 'A' zoning objective for the area and policy objective CA6 and Section 12.3.9, it is considered that, subject to compliance with the conditions set out below, the proposed development provides for an acceptable design and would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, and would, therefore, be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit details including proposed heights and materials of proposed solid block wall boundary treatment to the north-east and south-east boundaries for the written agreement of the planning authority.

Reason: In the interests of the proper planning and sustainable development of the area.

3. The internal width of the proposed widened vehicular entrance shall be no more than 3.5m. The access arrangements and works to the public footpath shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of traffic safety and visual and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and 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.

Reason: In the interest of public health.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

9. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

10. The Resource Waste Management Plan (RWMP) submitted to the Planning Authority on the 21st day of November, 2024 shall be complied with in full. All

records (including for waste and all resources) pursuant to the RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

11. The landscaping scheme shown on drawing number PP451-01, as submitted to the planning authority on the 21st day of November, 2024 shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interest of residential and visual amenity.

12. 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 the An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Bernadette Quinn
Planning Inspector

27th May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321911-25
Proposed Development Summary	Demolition of 3 bedroom house & construction of three-storey 6 bedroom house & associated works
Development Address	1 Knocknacree Road, Dalkey, Co. Dublin, A96 VN59
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold Class 10 (b) (i) Construction of more than 500 dwelling units and Class 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321911-25
Proposed Development Summary	Demolition of 3 bedroom house & construction of three-storey 6 bedroom house & associated works
Development Address	1 Knocknacree Road, Dalkey, Co. Dublin, A96 VN59
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The appeal site is located in an urban area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature. The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The site is not located within, or immediately adjoining, any protected areas. The development would be in a serviced urban area and would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site. The closest designated sites to the appeal site are Dalkey Islands SPA (004172) at a distance of 435m and Rockabill to Dalkey Island SAC (003000) at a distance of 470m. It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.

	Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3
Screening for Appropriate Assessment
Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Demolition of 3 bedroom house & construction of three-storey 6 bedroom house & associated works.
Brief description of development site characteristics and potential impact mechanisms	The appeal site, with an area of 0.8ha is located c.435m west of Dalkey Islands SPA and 470m west of Rockabill to Dalkey Island SAC SAC.
Screening report	N
Natura Impact Statement	N
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Dalkey Islands SPA (004172)	Roseate Tern (Sterna dougallii) Common Tern (Sterna hirundo) Arctic Tern (Sterna paradisaea) https://www.npws.ie/protected-sites/spa/004172	435m	None. There is no identifiable pathway between the proposed development and any European Site. The proposal would be connected to mains water and sewerage, and surface water is proposed to be attenuated on site before discharge to	N

			surface water sewer.	
Rockabill to Dalkey Island SAC (003000)	Phocoena phocoena (Harbour Porpoise) Rockabill to Dalkey Island SAC National Parks & Wildlife Service	470m	None. There is no identifiable pathway between the proposed development and any European Site. The proposal would be connected to mains water and sewerage, and surface water is proposed to be attenuated on site before discharge to surface water sewer.	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Dalkey Islands SPA (004172) and Rockabill to Dalkey Island SAC (003000). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.
No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed

development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the works
- Location-distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
- Taking into account screening determination by the PA.