



An
Bord
Pleanála

Inspector's Report ABP-321917-25

Development	Demolition of bungalow and construction of 2 two-storey dwellings with all associated works.
Location	1 Deerpark Close, Castleknock, Dublin 15, D15 R3PC
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW24A/0486E
Applicant(s)	Ted & Henry Crowley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant(s)	1) Niall & Ann O'Neill 2) Niall & Aideen Duggan 3) Tom & Jeanne Freeman
Observer(s)	None
Date of Site Inspection	22 nd May 2025
Inspector	Gerard Kellett

1.0 Site Location and Description

- 1.1. The site is located at 1 Deerpark Close, Castleknock, within a cul-de-sac that connects to Deerpark Road to the west. The site currently comprises one dormer bungalow residential dwelling and adjoins the boundary of No. 3 Deerpark Close to the east. It is situated to the rear of Nos. 2, 4, and 6 Deerpark Drive to the north, and No. 20 Deerpark Road to the west. Deerpark Close consists of six residential dwellings. The northern boundary is defined by mature trees and hedging. The eastern and western boundaries are defined by mature hedging. The site area is stated to be 0.14 hectares. The surrounding area is prominently urban in character.

2.0 Proposed Development

- 2.1. Permission is sought for:
- a) Demolition of the existing dormer bungalow c 239sqm; total height of 6.7 metres.
 - b) Construction of 2no. detached part-single, part-2 storey 4 – 5 bedroom dwellings, each with its own individual vehicle entrance; total floor area of each dwelling c132sqm; total height of each dwelling 6.8 metres.
 - c) Addition of garden rooms/sheds to the rear of each house; 19.3 sqm & 20.5 sqm respectively.
 - d) Changes to the street boundary, including brick cladding to piers, solid walling with brick capping.
 - e) Associated landscaping and drainage works.
 - f) The dwellings are designed to be identical with mirrored layouts and design.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on the 25th of January 2025 subject to the 14no. conditions:

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to grant. The report provides a description of the site, indicates the planning history, identifies the land use zoning designation and associated policy context from the Fingal County Development Plan 2023-2029.
- No concerns with respect to AA or EIA.

3.2.2. Other Technical Reports

- Transportation Section: No objection, subject to conditions.
 - Vehicular accesses to be widened to 4m for visibility.
 - Stormwater to be disposed of within the site.
 - Repairs to public footpaths and roads caused by construction to be completed at the developer's expense.
- Water Service – No objection subject to conditions
 - Surface water drainage proposals must comply with relevant standards (e.g., BRE Digest 365, GDSDS).
 - No surface water/rainwater discharge into the foul water system.
- Parks and Green Infrastructure Division: No objection subject to conditions
 - Retention and protection of mature trees and street trees during construction.
 - Submission of a landscape plan detailing proposed trees, shrubs, and hedgerows.
 - Compliance with biodiversity guidelines (e.g., no hedgerow works between March 1 and August 31).

3.3. Prescribed Bodies

- Uisce Éireann (Irish Water): No objection
 - Submission of a Pre-Connection Enquiry and Confirmation of Feasibility for water/wastewater connections.
 - Separate water/wastewater connections for each dwelling.
 - Compliance with Irish Water standards and codes.
- DAA (Dublin Airport Authority – No comments received

3.4. Third Party Observations

A total of six submissions were received objecting to the application making the following points:

- Visual Impact:
 - The modular style of the proposed development is inconsistent and out of character with the existing area.
 - The bulk of the proposed buildings may result in a negative visual impact.
- Precedent:
 - Concerns that the development will set a precedent for similar developments in the vicinity.
- Residential Amenity
 - Privacy:
Unclear if the existing tree line along the rear boundary will be retained.
Large windows serving first-floor bedrooms may enable overlooking of neighbouring properties.
 - Overbearing and Overshadowing:
Extensive side elevations may be overbearing and result in overshadowing.
Side elevation windows may lead to overlooking.

4.0 Planning History

Subject Site

- 4.1. **PA REF: FS97W24008:** Refers to a Part V exemption certificate granted.
- 4.2. **PA REF: F06A/0102:** Refers to a grant of permission on the 2nd of May 2006 for the demolition of the existing house and outbuildings and their replacement with a two-storey, four-bedroom detached dormer-style house with associated site works. **Note:** This development was never carried out.

Site Vicinity

- 4.3. **PA REF: F06A/0757:** Refers to a refusal on the 17th of July 2006 at no. 3 Deerpark to the immediate east for the demolition of an existing two-storey, three-bedroom dwelling and garage, and the construction of 2 no. two-storey, four-bedroom dwellings at No. 3 Deerpark Close. Reasons for Refusal: Visually unacceptable and out of character with the established pattern of development. Negative impact on adjoining residential amenity due to proximity to boundaries and overlooking. Excessive built form, visually obtrusive, and incongruous relative to the area's character. Overdevelopment of the site, setting a precedent for similar developments.

5.0 Policy Context

5.1. National Policy

- National Planning Framework First Revision April 2025

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- Climate Action Plan
- National Biodiversity Action Plan

5.2. **National Guidelines**

Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The document outlines Specific Planning Policy Requirements (SPPR) which are mandatory standards for residential developments.

- SPPR 1 - Separation Distances: requiring minimum separation distances exceeding 16 meters between opposing windows serving habitable rooms at the rear or side of houses, duplex units, or apartment units above ground floor level.
- SPPR 2 - Minimum Private Open Space Standards for Houses: 1-bed house: 20 sqm, 2-bed house: 30 sqm, 3-bed house: 40 sqm, 4-bed+ house: 50 sqm
- SPPR 3 - Car Parking: Maximum car parking provision for residential developments:

Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)

5.3. **Regional Policy**

Eastern and Midland Regional Assembly: Regional Spatial and Economic Strategy 2019-2031.

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartment’s Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

5.4. Development Plan

Fingal County Development Plan 2023 – 2029

The Fingal County Development Plan 2023 – 2029 is the relevant Development Plan for the subject site.

The subject site is zoned “RS – Residential” which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.

Policy CSP13 – Consolidation and Re-Intensification of Infill/Brownfield Sites

Supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.

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 SPQHO44 – Retention, Retrofitting and Retention of Existing Dwellings

The Council will encourage the retention and retrofitting of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses, such as cottages, that, while not Protected

Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type.

14.6.3 Residential Density

In general, the density and number of dwellings to be provided within residential schemes should be determined with reference to *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009*. Development should also be consistent with the policies and objectives set out in Chapter 3 Sustainable Placemaking and Quality Homes and should promote appropriate densities, having regard to factors including the location of the site, accessibility to public transport and the principles of sustainability, compact growth and consolidation.

14.10 Additional Accommodation in Existing Built-up Areas

14.10.1 Corner/Infill Development

The development of infill housing on underutilised infill and corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill, such development provides for the efficient use of valuable serviced land and promotes consolidation and compact growth. Contemporary design is encouraged and all new dwellings shall comply with Development Plan standards in relation to accommodation size, garden area and car parking.

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.

5.5. Natural Heritage Designations

The subject site is located within any Natura 2000 sites.

There are no Natural Heritage Area's (NHA) or Proposed Natural Heritage Area's (pNHA) Area in proximity.

6.0 Environmental Impact Assessment Screening

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal (GOA)

3no. third-party appeals have been lodged against the Planning Authority's decision to grant permission by the following.

- 1) Niall & Aideen Duggan (to the immediate east)
- 2) Niall & Ann O'Neill (to the immediate south)
- 3) Tom & Jeanne Freeman (to the immediate southeast)

The grounds of appeal can be broadly summarised as follows:

- 1) Niall & Aideen Duggan (to the immediate east)

Residential Amenity:

- Overlooking from windows on the east elevation of House B into the private garden of No. 3 Deerpark Close and other neighbouring properties.
- Overshadowing effects due to the scale and design of the proposed development, particularly impacting the garden of No. 3 Deerpark Close.
- Overbearing impact from the proposed two-storey structure, which is considered excessive in height (6.846 meters) and proximity to shared boundaries.

Visual Amenity:

- The density and design are out of character with the surrounding area, disrupting the visual cohesion of Deerpark Close.

- The modern architectural style of the proposed development does not blend with the traditional dormer-style pitched roof design of the existing six houses on Deerpark Close.

Other:

- Overdevelopment – it is considered the proposed development is considered too dense for the site's location and the sensitive character of the surrounding area.

2) Niall & Ann O'Neill (to the immediate south)

3) Tom & Jeanne Freeman (to the immediate southeast)

Both grounds of appeal are identical and are as follows:

Visual Amenity:

- The proposed development of two two-storey parapet/modular-style houses is considered to be out of character, scale, and style with the existing houses in the cul-de-sac, which have existed for the past 50 years.

Design

- An alternative design of one single two-storey pitched roof house would be more appropriate in the area. Series of photographs provided highlighting the existing properties in the existing cul de sac.

7.2. Planning Authority Response (PA)

Response received dated 18th of March 2025 requesting the Board to uphold the decision of the Planning Authority (PA) and that conditions from the Parks and Transportation section be retained. If the appeal is successful, provisions for financial contributions, bond/cash security of 2 or more units, tree bond, and contributions for play provision facilities should be included in conditions for approval.

7.3. Applicants Response

A response from the applicant was received on the 14th of March 2025 seeking to address the concerns raised by the third parties which can be broadly summarised as follows:

- The principle of development is considered acceptable by the Planning Authority.
- The proposed height and design is considered acceptable by the Planning Authority.
- It is considered there would be no undue impact to the residential amenity of neighbouring properties.
- There would be no overdevelopment of the site and is appropriate and integrates into the surrounding area.

7.4. Prescribed Bodies

None

7.5. Observations

None received.

8.0 Assessment

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

- Principle of Development
- Design & Visual Impact
- Residential Amenity
- Other matters

8.1. Principle of Development

- 8.1.1. The subject site is in an area zoned 'RS – Residential' as per the Fingal County Development Plan 2023 – 2029 which has zoning objective, *“to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. Residential development is permitted in principle under this zoning subject to compliance with the policies and objectives of the Development Plan

8.2. Design & Visual Impact

- 8.2.1. The grounds of appeal (GOA) at both No.2 Deer Park Close to the immediate south and No.4 Deer Park Close to the immediate southeast of the site consider the proposed development of two two-storey parapet/modular-style houses is out of character, scale, and style with the existing houses in the cul-de-sac. That an alternative design of a one single two-storey pitched roof house would be more appropriate in the area. I note the PA considered the design and visual impact of the proposed development acceptable and that the proposal provides a high-quality design, respects the character of the area, and complies with relevant planning objectives, including those for infill developments.
- 8.2.2. Permission is sought to demolish the existing bungalow dwelling on site and construction of two individual two-storey dwellings. In that context, I have had regard to the relevant provisions of the Fingal Development Plan 2023–2029, in particular Objective SPQHO39 and Objective DMSO31 which supports infill development that respect the height and massing of existing residential units and where contemporary design is encouraged. Furthermore, Objective DMSO32 of the Plan sets out applications for residential infill development will be assessed against 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.
- 8.2.3. I note the prevailing character of the area is residential, with a mix of single-storey dormer-style bungalows and larger two-storey detached dwellings on generous plots in a cul de sac setting, all in my view are not uniform. A mix of materials (red brick

render finish) and design styles was observed in the locality, with raised pitched roofs being the most common architectural feature. I note the proposed dwellings would comprise a contemporary design approach with concealed pitched roof and raised parapets at a maximum height of each at 6.84 metres.

- 8.2.4. It is my opinion the proposed dwellings being two storeys at a height 6.8 metres responds to the scale and form of the surrounding built environment which is not uniform. The proposed dwellings would be set back from the adjoining road and set on the same footprint of the existing dwelling to be demolished and adhere to the established building line in the cul de sac and as such in my view unlikely to be visually obtrusive to surrounding area. Furthermore, I consider the proposed dwellings seeks to integrate with this existing character by aligning the ridge height at 6.8 metres with the average height of surrounding buildings and incorporating contemporary design elements that complement the variety of styles in the area in accordance with Objective SPQHO39 and Objective DMSO31 of the Plan which supports infill development that respect the height and massing of existing residential units and that would not be visually obtrusive in line with Objective DMSO32 of the Plan.
- 8.2.5. Having regard to the foregoing, I consider that the design and appearance of the proposed development would not cause any visual impact to the built environment and would be in accordance with Objective SPQHO39, Objective DMSO31 and Objective DMSO32 of the Plan. Therefore, permission should be granted.

8.3. **Residential Amenity**

- 8.3.1. The grounds of appeal (GOA) at No.3 Deer Park Close to the immediate east of the site has raised concerns relating to overlooking, overshadowing and overbearing impact from the proposed two storey dwelling. Each which I will address in turn below.

Overlooking

- 8.3.2. The GOA consider there would be overlooking from first floor windows on the east elevation of House B into their private garden. The PA considered the bedroom

windows on the eastern elevation would be sufficiently set back and have louvres added as a privacy measure and the other bathroom and ensuite windows would be obscured and acceptable in that regard.

- 8.3.3. Objective DMSO32 of the Plan refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units. In that context, I note the proposed development would be set back from the neighbouring boundaries to the west by 3.5 metres and to the east by 5.8metres. Furthermore, the first-floor windows on the eastern and western elevations related to a bathroom and an ensuite, would be obscured glazing and non-opening which I consider is acceptable and unlikely to cause any adverse overlooking. In terms of the other first floor side windows to house type A and B, I note the first bedroom window to the side/eastern and side/western elevations have louvres added as a privacy measure to avoid overlooking to No.3 Deer Park to the east and No.20 Deerpark Rd to the west.
- 8.3.4. In my opinion these first-floor side windows to bedroom no.1 give the perception of being overlooked and in my view should be omitted. These first-floor windows overlook onto a side patio area of No.3 Deerpark and to the rear garden of No.20 Deerpark Rd. Bedroom No.1 to both dwellings would still retain a window on the northern elevation to allow sufficient light to bedroom no.1.The window to be removed is a secondary window and its loss will not affect the residential amenity of future users of that room. Should the board be minded to grant permission I consider it necessary to attach condition no.2 as set below to omit these windows in order to mitigate any perceived overlooking onto a side patio area to No.3 Deer Park to the immediate east and to the rear garden of No.20 Deerpark Rd to the east.
- 8.3.5. Subject to the omission of first floor side window to bedroom no.1 it is my view that the proposed development would not cause any significant adverse impact to the residential amenity of No.3 or No.20 Deerpark, in terms of overlooking and would be in accordance with Objective DMSO32 of the Plan refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units.

Overshadowing

- 8.3.6. The GOA consider there would be overshadowing effects due to the scale and design of the proposed development, particularly impacting the rear garden area. The PA was satisfied that more than half of the affected rear garden will receive at least two hours of sunlight on March 21st, meeting the minimum standards set by the BRE Guidelines BR 209, 2022. As already stated, Objective DMSO32 of the Plan refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units. I note section 3.3.17 (page 28) of the BRE Guidelines BR 209, 2022 'Site layout planning for daylight and sunlight A guide to good practice' refers to at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March.
- 8.3.7. In that context, I note a shadow study dated the 20th of November 2024 which shows some overshadowing impacts on the side area of No.3 Deerpark Road to the east and to the rear garden of No.20 Deerpark at specific times (9:00 AM on March 20th and September 20th). However, I am satisfied based on the shadow study dated the 20th of November 2024 received that more than half of the rear garden areas of both properties would receive at least two hours of sunlight on March 21st, which meets the minimum requirement set by the BRE Guidelines BR 209, 2022. Furthermore, given the east to west orientation, the set back from the neighbouring boundaries to the west by 3.5 metres and to the east by 5.8metres, the outcome of the shadow study submitted and the overall height of both dwellings at 6.8 metres comparable to immediate adjoining properties which are No.3 Deerpark Close which has a ridge height of 6.2 metres and No.20 Deerpark Rd which has a height in excess of c6.8 metres.
- 8.3.8. Therefore, it is my view that the proposed development would not cause any significant adverse impact to the residential amenity of No.3 Deerpark Close or No.20 Deerpark Rd, in terms of overshadowing and would be in accordance with Objective DMSO32 of the Plan which refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units in terms of over shadowing.

Overbearing

- 8.3.9. The GOA set out there would be an overbearing impact from the proposed two-storey structure due to its height and proximity to the common boundary. The PA was satisfied there would be no undue overbearing as a result of the proposed development. Objective DMSO32 of the Plan refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units.
- 8.3.10. I note the proposed development would be set back from the neighbouring boundaries to the west by 3.5 metres and to the east by 5.8 metres. Furthermore, the overall height would be set at 6.8 metres which is comparable to No.3 Deerpark to the immediate east which has a ridge height of 6.2 metres and No.20 Deerpark Rd which has a height in excess of c6.8 metres. Moreover, the neighbouring properties would see the proposed development however the size, scale and massing of the proposed dwellings, in my opinion, would be equivalent to that of a No.3 Deerpark Close to the east and would not cause any overbearing impact.
- 8.3.11. Given the setbacks from the neighbouring boundaries, the flat roof design which I consider acceptable and the overall proposed height at 6.8 metres, it is my view that the proposed development viewed in a residential area, would not cause any significant adverse impact to the residential amenity of No.3 or No.20 Deerpark, in terms of overbearing and would be in accordance with Objective DMSO32 of the Plan which refers to Infill Development will be assessed against the ability to safeguard the amenities of neighbouring residential units in terms of overbearing.

8.4. Other Matters

Overdevelopment/Density

- 8.4.1. The GOA has expressed concerns the proposed development is considered too dense for the site's location. Policy CSP13 of the Plan supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs. Furthermore, section

14.6.3 (Residential Density) of the Plan references a requirement for densities needed to comply with the national standards. These national standards are the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) which supersede the Sustainable Residential Developments in Urban Areas – Guidelines for Planning Authorities 2009.

8.4.2. In that context, I note the site located within an established residential location and I am satisfied the subject site falls within a 'City – Suburban/Urban Extension' category as set out per table 3.1 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. These areas are established residential neighbourhoods constructed at the edge of cities in the latter half of the 20th and early 21st century. I note it is a policy and objective 3.1 of the compact settlement guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied in city-suburban/urban extension neighbourhoods of Dublin.

8.4.3. Section 3.3.6 and section 3.4 of the compact settlement guidelines, state in the case of small infill sites the density range can be refined to reflect the character of the area. I note the immediate built environment is characterised by well-established low-density dwellings being individual large dormer bungalows to two storey dwellings on single plots along Deerpark Close. I have calculated a proposed density at 14 uph on a stated site area of 0.14 hectares which I consider would be broadly acceptable for this suburban location. Therefore, it is my view the proposed development would represent an acceptable development within this established suburban location and would be line with density ranges set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024).

Demolition

8.4.4. Objective SPQHO44 of the Plan seeks to encourage the retention and retrofitting of structurally sound, habitable dwellings, rather than their demolition, where such dwellings contribute beneficially to the area in terms of visual amenity, character, or accommodation type. In my opinion, the existing 1970s dormer bungalow does not display any vernacular architectural characteristics and does not contribute positively to the area's visual amenity. The proposed demolition of the existing dwelling to

facilitate the development of two new dwellings would, in my view, be consistent with national planning policy, in particular the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), which promote compact growth within urban areas. Therefore, I consider the demolition of the existing dwelling to be in accordance with Objective SPQHO44, as the objective seeks to prevent the loss of dwellings only where they contribute beneficially to the area in terms of visual amenity, character, or accommodation type criteria which, in my opinion, the existing dwelling does not meet.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development for an infill house in an urban area in Dublin City in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is in an established residential urban area. The site is serviced by public mains water and wastewater services. The closest European sites are the South Dublin Bay and River Tolka Estuary SPA, which is approximately 11.6 km to the east of the site and the South Dublin Bay SAC approximately 11.6 km to the east.
- 9.3. The proposed development comprises the demolition of an existing dwelling and the construction of two dwellings on site area of 0.013 ha (See Section 1.0 of this report for full site description).
- 9.4. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.5. The reason for this conclusion is as follows:
 - The small-scale nature of the works and the location of the site in a built-up urban area.

- Location-distance from nearest European site and lack of connections.

9.6. I conclude, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water framework Directive Screening

10.1. The subject site is located in an established residential urban location. There are no water bodies in proximity. The proposed development comprises the demolition of an existing bungalow and construction of 2 two-storey dwellings with all associated works. I note no water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development 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.

10.3. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections

10.4. I conclude that on the basis of objective information, 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

11.0 Recommendation

11.1. I recommend that PERMISSION should be GRANTED for the reasons and considerations as set out below.

12.0 Reasons and Considerations

12.1. Having regard to the nature, scale, location and design of the development, it is considered that, subject to compliance with the conditions set out below, the development would comply with the zoning objective for the site, the Fingal Development Plan 2023 – 2029 in particular Objective SPQHO39 (New Infill Development), Objective DMSO31 (Infill Development), Objective DMSO32 (Infill Development on Corner / Side Garden Sites) which supports infill development and would not seriously injure the visual or residential amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

Reason: **In the interest of clarity.**

2. (a) Prior to commencement of development, the developer shall submit details for the written agreement of the Planning Authority which comply with the following:

- i. The first-floor window to bedroom no.1 on the western elevation of house type A and the first-floor window to bedroom no.1 on the eastern elevation of house type B shall be both omitted.

(b) Development shall not commence without the prior written agreement of the Planning Authority and shall there after only be authorised to commence in accordance with the agreed plans.

Reason: **In the interest of residential amenity.**

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

Reason: **In the interest of visual amenity and to ensure an appropriate high standard of development.**

4. The glazing to the bathroom and en-suite window to the eastern elevation of house type A and the glazing to the bathroom and en-suite window to the western elevation of house type B shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: **In the interest of residential amenity.**

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: **To prevent flooding and in the interests of sustainable drainage.**

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

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

7. The site development and building works required to implement the development shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, 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.

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: **It is a requirement of the Planning and Development**

Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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

Gerard Kellett
Planning Inspector
26th May 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-321917-25
Proposed Development Summary	Demolition of bungalow and construction of 2 two-storey dwellings with all associated works.
Development Address	1 Deerpark Close, Castleknock, Dublin 15, D15 R3PC
	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.	
<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 type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) of Schedule 5 Part 1 of the Planning & Development Regulations 2001 (as amended) –
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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321917-25
Proposed Development Summary	Demolition of bungalow and construction of 2 two-storey dwellings with all associated works.
Development Address	1 Deerpark Close, Castleknock, Dublin 15, D15 R3PC
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).	The development has a modest footprint, comes forward as a standalone project, 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.
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).	The development is situated is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact,	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
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.
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)