



An
Bord
Pleanála

Inspector's Report ABP321943-25

Development

Demolition of a rear garden out building and the existing granny flat to the side of the existing house, with modification to house roof and replacement of the granny flat with a detached, two-storey, two-bedroom house and the formation of a new opening in the front boundary wall, together with all associated site works.

Location

19B Sycamore Lawn, Castleknock, Dublin 15, D15 DEA4.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

FW24A/0514E

Applicants

Paul and Jean Brophy.

Type of Application

Permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellants

Paul and Jean Brophy.

Observers

None

Date of Site Inspection

7th May 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The site is located in an established residential area in the outer northwestern suburbs of Dublin. The site has frontage onto two roads, Sycamore Lawn which defines the site's eastern boundary and Carpenterstown Park East Road which defines the site's southern boundary. The remaining boundaries adjoin residential properties.
- 1.2. Sycamore Lawn is a cul de sac road and the site is located at the head of the cul de sac. On the site is a part two storied and part dormer detached dwelling. The structure on the site currently incorporates two dwelling units, the main dwelling and a granny flat with independent access located in the dormer section of the structure. The site has garden areas to the front and rear with a side access facilitating access to the rear garden area. There is a detached single storey shed with a pitched roof in the rear garden adjoining the southern boundary.
- 1.3. The area is characterised by dwellings which are mainly semi-detached dwellings.
- 1.4. The appeal site as related to the proposed development is stated as having an area of 0.046 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority provides for the following;
 - 2.1.1. The demolition of a rear garden out building and the existing granny flat to the side of the existing house. The demolition will retain in part some of the existing dormer section of the main dwelling with the modification to the existing house roof to facilitate this.
- 2.2. The replacement of the granny flat with a detached, part two-storey, two-bedroom house with the rear section of the proposed dwelling single storied. The proposed dwelling is of a modern design and construction incorporating a flat roof with an overall maximum height of approximately 6 metres and will be slightly below the

ridge height of the existing dormer section of the dwelling. The development provides for a kitchen, shower room, dining room and living room at ground floor level with an internal courtyard at ground floor level. At first floor level are two bedrooms and a shower room. The separation distance between the retained dwelling and proposed dwelling varies in width initially 1250mm narrowing to 750mm at the rear of the two storied section of the proposed dwelling with provision for a bin storage in the narrow separation area between the dwellings.

The dwelling as proposed extends a stated 8.94 metres beyond the existing rear building line of the adjoining house and incorporates the current open area at the side of the existing dwelling. The southern elevation of the proposed dwelling facing onto Carpenterstown Park Road East appears to extend almost onto the boundary currently defined a boundary screen wall and this screen wall is retained where no section of the new dwelling is proposed.

- 2.3. The proposal in addition to providing a courtyard also proposes to have a rear garden with a stated area of 21.27m². A rear garden of 120m² is retained for the existing dwelling.
- 2.3.1. The formation of a new opening in the front boundary wall which includes partial paving of the existing green verge to facilitate an independent access to the proposed dwelling.
- 2.4. All associated site works.
- 2.1. The gross floor space of existing buildings on the site is stated as 204.30m², the gross floor space of work to be retained is stated as 180.44m². The gross floor space of existing buildings for demolition is stated as 36.38m² and the gross floor space of proposed works 115.18m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse planning permission and two reasons were stated.
- 3.1.2. The first reason refers to zoning of the site, notes that the design has architectural merit but would be incongruous with the streetscape of Carpenterstown Park Road East owing to the absence of setback; that the proposal would materially contravene DMSO26 relating to separation distances of side walls; would offer reduced residential amenity in terms of access arrangement and bin storage owing and in terms of overall design would be considered overdevelopment on a restricted site contrary to the character of the area.
- 3.1.3. The second reason refers to access to the site over lands not in the ownership of the applicants and absence of consent to allow this. The reason also refers to a reduction of public open space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 4th February 2024⁵ refers to national guidance, the provisions of the current County Development Plan (CDP); the planning history of the site and area, an assessment of the proposal referring to particular provisions of the CDP, that the proposed development is acceptable in principle subject to an assessment of the stated standards. The report indicates that the development accords with DMSO19 standards for new residential development, is acceptable in relation to overlooking/overshadowing and overbearance. Reference is made the level of private open space provided and that while the level proposed may be suitable in certain locations it is not acceptable in this suburban location; to the proposed access is over lands not in the ownership of the applicant; to the development encroaching the boundary with Carpenters Park Road East; the

separation of distance between side walls of units and to overdevelopment of the site. Refusal of permission was recommended.

3.2.2. Other planning authority reports

The report of the Transportation Planning Section dated the 23rd January 2025 indicates no objections to the development. The report indicates that access to the development would be provided across the existing green verge and footpath. In Order to access the development, the driveway would need to be a maximum of 4.0m in width as the vehicle would have to park in curtilage at an angle. The report outlines conditions in relation to the development including that the proposed widening of the existing vehicular access shall not exceed a maximum width of 4m; the proposed vehicular access shall be increased to maximum width of 4m the footpath and kerb shall be dished at the developer's expense to the satisfaction of the Council and the works to the public footpath, verge and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Councils' standards for taking-in-charge and to the satisfaction of the Council.

The report of the Water Services dated the 20th January 2025 recommended the submission of further information and to submit an acceptable surface water drainage proposal, including design calculations, following the principles of Sustainable Drainage Systems (SuDS) and all new areas contributing to rainwater runoff must be accounted for and discharged to commensurate and appropriate SuDS devices.

3.2.3. Statutory bodies reports

Uisce Eireann in a response dated the 31st December 2024 indicated no objections.

4.0 Planning History

4.1.1. The P.A Ref. No F97A/0199

Permission granted for a granny flat on the appeal site.

4.1.2. The P.A Ref. No FW18A/0004

Permission was granted for a semi-detached dwelling at 1 Maple Drive involving the demolition of a side garage and utility room.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The statutory development plan is the Fingal County Development Plan 2023-2029. The appeal site is zoned RS Residential with the Objective Provide for residential development and protect and improve residential amenity. The vision in relation to the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2. Chapter 3 relates to Sustainable Placemaking and Quality Homes with the strategy to guide successful placemaking and ensure quality housing and to ensure that housing, in conjunction with high quality placemaking, is delivered in parallel and in the right locations ensuring that Fingal is home to sustainable resilient communities.

Section 3.5.13 refers to Compact Growth, Consolidation and Regeneration and seeks to promote the regeneration of Fingal's towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and increased housing options and that chapter 14 Development Management Standards should be consulted in relation to residential and mixed use consolidation proposals. In this regard relevant policies and objectives include;

Policy SPQHP36 Private and Semi-Private Open Space which is to ensure that all residential development within Fingal is provided with and has access to high quality private open space and semi-private open space (relative to the composition of the residential scheme) which is of a high-quality design and finish and integrated into the design of the residential development.

Policy SPQHP38 refers to Compact Growth, Consolidation and Regeneration and to promote compact growth in line with the NPF and RSES through the inclusion of specific policies and targeted and measurable implementation measures that: "Encourage infill/brownfield development; focus growth on the County's designated strategic development areas identified in the Metropolitan Area Strategic Plan "and promote increased densities along public transport corridors.

Objective SPQHO37 refers to Residential Consolidation and Sustainable Intensification and to promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.

Objective SPQHO39 refers to New Infill Development and that new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective SPQHO40 Development of Corner or Wide Garden Sites to favourably consider proposals providing for the development of corner or wide garden sites within the curtilage of existing dwellings in established residential areas subject to the achievement of prescribed standards and safeguards set out in Chapter 14 Development Management Standards.

Objective SPQHO43 Contemporary and Innovative Design Solutions to promote the use of contemporary and innovative design solutions subject to design respecting the character and architectural heritage of the area.

- 5.1.3. Chapter 14 outlines a range of standards and requirements for the assessment of development.

Section 14.5 refers to Consolidation of the Built Form: Design Parameters and Table 14.4 refers to Infill Development and that proposals for infill development will be required at a minimum to provide a high-quality design response to the context of the infill site, taking cognisance of architectural form, site coverage, building heights,

building line, grain, and plot width; examine and address within the overall design response issues in relation to overbearance, overlooking and overshadowing and respect and compliment the character of the surrounding area having due regard to the prevailing scale, mass, and architectural form of buildings in the immediate vicinity of the site.

Standards are outlined in relation to a range of criteria including open space private and communal, standards for individual residential units and parking.

Section 14.6.4 outlines Residential Standards and that the minimum size of habitable rooms for houses/apartments/and flats shall conform with appropriate National guidelines/ standards in operation at the date of application for planning permission.

In relation to 14.6.4 Objective DMSO19 New Residential Development it is required that applications for residential developments comply with all design and floor area requirements set out in:

- "Quality Housing for Sustainable Communities – Best Practice Guidelines 2007, " Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009,
- the companion Urban Design Manual – A Best Practice Guide, DEHLG 2009,
- "Sustainable Urban Housing: Design Standards for New Apartments 2020.

Section 14.8.2 refers to Separation Distances with a requirement of a minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, however, where sufficient alternative private open space (e.g. to the side) is available, this may be reduced. A separation distance of at least 2.3 metres should be provided between the side walls of each house, pair of semi-detached houses or each terrace of houses in order to allow for adequate maintenance and access.

Objective DMSO26 Separation Distance between Side Walls of Units requires to ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units. (Note: This separation distance may be reduced on a case-by-case basis in relation to infill and brownfield

development which provides for the regeneration of under-utilised lands and subject to the overall quality of the design and the schemes contribution to the streetscape. A statement demonstrating design mitigation and maintenance arrangements shall be submitted in such cases).

Section 14.10 refers to Additional Accommodation in Existing Built-up Areas and 14.10.1 to Corner/Infill Development and that 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. Relevant objectives include;

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.

5.2. National Guidance.

5.2.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

Section 5.3.1 Separation Distances and indicates that a requirement for a minimum separation of 22 metres between opposing upper floor rear windows has formed part of suburban housing design since the early 20th century. The standard does not account for modern methods of design and construction and the capability of modern computer-based design programmes to model outcomes in relation to sunlight, daylight and privacy. Through the careful massing and positioning of blocks, positioning of windows and the integration of open space at multiple levels it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of less than 22 metres. Separation distances should, therefore, be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development.

This is further stated in SPPR 1 Separation Distances. There is no requirements indicated in relation separation between the side elevations of dwelling units.

Section 5.3.2 refers to Private Open Space for Houses and SPPR 2 outlines minimum private open space standards for houses 30m² for 2 bedroom houses.

- 5.2.2. Design Manual for Quality Housing 2022 provides guidance in relation housing in the context of meeting modern requiring and the principle of sustainable development while acknowledging that it is understood that each scheme will have its own site-specific influences and particular requirements.

5.3. **Natural Heritage Designations**

- 5.4. The subject site is within and not proximate to any European site.

5.5. **EIA Screening**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The first party appeal in summary refers to;
- The appeal is in relation to the planning authority decision to refuse planning permission.
 - In relation to the first reason for refusal reference is made to the proposal and the set back as not incongruous as stated and it is contended that this form of setback is almost the norm with nine properties on Carpenterstown Park Road East built out to their boundary wall.

- Reference is made to two properties which have built their gable walls to the boundary and are significantly taller than the proposed development.
- The proposal has a flat roof and this serves to reduce the scale and height of the building.
- Reference is made to national policy to increase housing supply and the need to provide housing.
- The planning authority have acknowledged the scheme has architectural merit and is compliant with the latest standards and guidelines.
- The designed separation distance provided is 1225mm which is more than adequate given that 800mm is normally the minimum required for wheelchair access.
- The space provided for bins and access is adequate and the grounds include a revised drawing 2411.ABP.02 indicating an increased access width and a screen door to the bin area.
- The proposal does not provide for demolition of the boundary wall and involves building up to the inside of the boundary wall and this is indicated on drawing 2411.ABP.02.
- The external finishes proposed is in keeping with the area.
- It is also contended that because of the wide design and generous margins on Carpenterstown Park Road East it does not adversely affect the streetscape.
- No third party submissions were made in relation to the proposed development.
- In relation to the second reason for refusal relating to access to the proposed development is across lands not in the ownership of the applicant resulting in the loss of the grass verge it is contended that all houses have to traverse from the public road and across the public footpath.
- This could have been addressed by a redesign or condition.

- There are similar examples of identical proposals in the area and precedent for this type of access.
- The appellants are willing to redesign the access and an alternative access is indicated on drawing 2411.ABP.02 which takes up less of the grass area and which mirrors work carried out on the house directly opposite.
- The grounds includes photographs, drawings and maps in support of the submission made in the grounds and to ABP 307829-20.

6.2. **Planning Authority Response**

The planning authority in a response dated the 18th March 2025 requests the Board to confirm its decision. The stated first reason should stand and the development is on the boundary and the examples are within the boundary and the site is constrained. In relation to the second reason for refusal the planning authority was not presented with the alternative now proposed. If permission is granted by the Board conditions are outlined to be considered in a grant of permission in relation to financial contributions.

7.0 **Assessment**

- 7.1. The main issues in this appeal are principle of the development and the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development
- Grounds of appeal.
- First reason for refusal
- Material contravention of objective DMSO26
- Second reason for refusal.

7.2. **The principle of the development.**

7.2.1. The proposal as submitted is in effect to part demolish an existing dwelling which has a granny flat, to demolish the granny flat and replace with a standalone detached dwelling incorporating the ground area of the granny flat and a section of the side open space. Given the current zoning the principle of the proposed development is acceptable but it requires to be considered in the context of CDP and national standards in relation to complying with development management standards. The CDP also recognises and encourages the development of infill housing on underutilised infill and corner sites in established residential areas where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed.

7.3. Grounds of appeal.

7.3.1. The primary issues raised in the appeal relates to the stated reasons for refusal.

7.3.2. The first reason for refusal notes that the design has architectural merit but would be incongruous with the streetscape of Carpenterstown Park Road East owing to the absence of setback; that the proposal would materially contravene DMSO26 relating to separation distances of side walls; would offer reduced residential amenity in terms of access arrangement and bin storage owing and in terms of overall design would be considered overdevelopment on a restricted site contrary to the character of the area. The second reason refers to access to the site over lands not in the ownership of the applicants and absence of consent to allow this. The reason also refers to a reduction of public open space.

7.4. First reason for refusal.

7.4.1. In relation to the first reason for refusal this largely relates to the design of the dwelling as submitted and that although the design has architectural merit the planning authority considered that the development as proposed would be over development of the site and impact on with the streetscape of Carpenterstown Park Road East. There is specific reference also to the side separation distances of the existing and proposed properties and the issue of bin storage.

7.4.2. I would note in general terms the development as noted in the planning report complies with Objective DMSO19 in which it is required that applications for new

residential developments comply with all design and floor area requirements set out in national guidance in relation minimum areas for living space, bedrooms and storage.

In responding to the stated reason for refusal the appellants contend that the set back as not incongruous as stated and it is contended that this form of setback is almost the norm with nine properties on Carpenterstown Park Road East built out to their boundary wall. Reference is made to two properties which have built their gable walls to the boundary and are significantly taller than the proposed development. The proposal has a flat roof and this serves to reduce the scale and height of the building The proposal does not provide for demolition of the boundary wall and involves building up to the inside of the boundary wall and this is indicated on drawing 2411.ABP.02 submitted with the grounds of appeal.

- 7.4.3. In relation to the setback onto Carpenterstown Park Road East the development would encroach very closely to the existing boundary wall along Carpenterstown Park Road East and it is noted that there are other properties which encroach or are immediately in proximity to the road boundary. Many of these properties are two storied and I would not have an objection to this aspect of the proposed development. It is noted that the streetscape along Carpenterstown Park Road East largely comprises gable walls rather than frontage development and I do not consider that the streetscape of Carpenterstown Park Road East would be adversely impacted by the proposed development.

I do not consider that the elevation along the Carpenterstown Park Road East which includes a part single storied structure adversely impacts on the overall visual amenities of the area and would assimilate into the streetscape as similarly occurs on another site in the area at 1 Maple Drive.

7.5. Material Contravention of Objective DMSO26

- 7.5.1. I would note that objective DMSO26 of the CDP does require separation distance of at least 2.3 metres should be provided between the side walls of each house, pair of semi-detached houses or each terrace of houses and this is in order to allow for adequate maintenance and access. There is no similar provision stated in national

guidance. In addition to consider the issue of material contravention it is also necessary to assess in overall terms separation distance between the dwelling to be retained and the proposed dwelling.

- 7.5.2. Specifically in relation to the issue of material contravention of an objective stated in the CDP in considering this matter the Board have to consider whether the proposal as submitted is a material contravention with reference to the provisions as stated in sections 37(2)(a) and (b) of the Planning and Development Act 2000 as amended.
- 7.5.3. The initial issue to consider is whether DMSO26 is materially contravened. Section 14.8.2 Separation Distances requires that a separation distance of at least 2.3 metres should be provided between the side walls of each house, pair of semi-detached houses or each terrace of houses in order to allow for adequate maintenance and access. The objective does not make specific reference to in order to allow for adequate maintenance and access which is the primary reason for requiring such separation.
- 7.5.4. In the grounds of appeal, it is contended that the designed separation distance provided is 1225mm which is more than adequate given that 800mm is normally the minimum required for wheelchair access. The space provided for bins and access is adequate and in the grounds is a revised drawing 2411.ABP.02 is submitted indicating an increased access width and a screen door to the bin area.
- 7.5.5. The primary purpose of the side separation distance of at least 2.3 metres is to provide sufficient space for adequate maintenance and access. There is less than 2.3 metres separation distance between the existing dwelling and proposed dwelling but it is noted that the existing dwelling which will remain as a detached dwelling will retain a side access along the common boundary of 19A and 19B Sycamore Lawn which will provide for maintenance and access to the rear for the current dwelling.
- 7.5.6. The current proposal in particular as indicated in the drawings submitted with the grounds of appeal I consider addresses the issue partially as it provides access to the proposed dwelling provides for a bin storage area which is screened by a gateway but access to the rear of the proposed dwelling can only occur through the proposed dwelling.

- 7.5.7. It is unclear however that an overall maintenance of the rear single storey section of the dwelling and in particular the single storied elevation which immediately adjoins the common boundary can be achieved other than by accessing from the rear garden of the retained dwelling as the side passage and separation terminates at the rear building line of the existing dwelling and a condition requiring access for such maintenance from another property may not be readily and legally enforceable.
- 7.5.8. A setback of a metre of this elevation from the common boundary would I consider be the optimum manner to address this matter which would reduce the living room area and the courtyard area in effect continuing the side passage to the rear boundary of the proposed dwelling. A boundary wall between the sites would also be required.
- 7.5.9. This would address concerns raised and provide for an independent dwelling unit with no restrictions of access to the rear of the property. The reduction in the living room area and reduction in the courtyard would however still comply with residential standards in terms of satisfactory provision of private amenity open space and living space for a habitable room.
- 7.5.10. In modifying the floor plan as indicated the criteria as outlined in Objective DMSO32 would be addressed and in relation to the overall design and the visual appearance onto Carpenterstown Park Road East as previously indicated I would have no objections.
- 7.5.11. Having considered the matter I do not consider that the development as submitted and further modified would be a material contravention of DMSO26. It is noted that the provisions of section 14.8.2 provide for in certain instances, depending on orientation and location in built up areas, reduced separation distances may be acceptable. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development. The provisions as stated in relation to the objective provides flexibility and the submissions of the first party adequately address the design mitigation and maintenance arrangements to conclude that the overriding intention of the objective has been satisfied by providing for adequate maintenance and access.

7.5.12. In modifying the floor plan as indicated the criteria as outlined in Objective DMSO32 would be addressed and in relation to the overall design and the visual appearance onto Carpenterstown Park Road East as previously indicated I would have no objections.

7.6. Second reason for refusal

7.6.1. In relation to the second reason for refusal which refers to access to the site over lands not in the ownership of the applicants and absence of consent to allow this. The proposal as initially submitted did provide for an access which resulted in a significant reduction of part of the green verge and open space at the head of the cul de sac.

The appellant in the grounds of contends that all houses have to traverse from the public road and across the public footpath. The issue raised in the reason for refusal could have been addressed by a redesign or condition. Reference is made to similar examples of identical proposals in the area and precedent for this type of access and to address the issue the appellants is willing to redesign the access and an alternative access is indicated on drawing 2411.ABP.02 submitted with the grounds of appeal which takes up considerably less of the grass verge area and which mirrors works carried out on the house directly opposite the appeal site at 14A Sycamore Drive.

7.6.2. The infringement of the loss of public open as space is infringing into a grass verge area and is not a loss of any active open space area. I would objection to the amendments to the access as provided for on drawing 2411.ABP.02 which would mirror a similar arrangement on the other side of the cul de sac and is a minimal loss of open space. It would however be necessary by way of condition to obtain approval and consent for the access arrangement provided for on drawing 2411.ABP.02 prior to any commencement of development works.

8.0 Appropriate Assessment Screening

8.1. I have considered the proposal for the demolition of a rear garden out building and the existing granny flat to the side of the existing house, with modification to house

roof and replacement of the granny flat with a detached, two-storey, two-bedroom house a new access in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is an established residential site.

- 8.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 8.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be granted.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the Fingal County Development Plan 2022 – 2028, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 10th day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development shall be revised as follows:</p> <p>(a) The width of the single storied section of the development shall be reduced and amended to provide for a minimum separation distance of one metre from the rear building line of the existing dwelling to the rear elevation of the proposed dwelling from the common (northern) boundary with the existing dwelling which is being retained on the site.</p> <p>(b) A screen wall two metres in height of concrete block construction which shall be suitably capped and rendered on both sides shall be constructed along the northern boundary of the site from the rear building line of the existing dwelling being retained to the rear boundary of the site.</p> <p>(c) A bin storage area with a screen gate shall be provided in accordance with the details submitted to An Bord Pleanála on drawing 2411.ABP.02.</p> <p>(d) The vehicular entrance serving the proposed dwelling shall be amended and constructed in accordance with the details submitted to An Bord Pleanála on drawing 2411.ABP.02.</p> <p>(e) The applicant apply for and receive consent from the planning authority</p>

	<p>for the access arrangement provided for on drawing 2411.ABP.02 prior to any commencement of development works</p> <p>The development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interest of orderly development and residential amenity.</p>
3.	<p>Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning authority for such works and services. Any damage to the footpath and restoration works in relation to the grass verge shall be at the applicants' expense</p> <p>Reason: In the interest of traffic safety and visual amenity</p>
4.	<p>Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>External finishes in relation to the proposed development shall be submitted to and agreed with the planning authority prior to the commencement works on the site.</p> <p>Reason: In the interest of visual and residential amenity.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400</p>

	<p>hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
8.	<p>(a)The applicant shall submit for the agreement of the Planning Authority a numbering scheme to serve the proposed development.</p> <p>(b) The planning authority will approve the naming of residential developments in order to avoid confusion with similar names in the locality and other locations.</p> <p>Reason: In the interests of orderly street naming and numbering; to enhance urban legibility and to retain local place name associations</p>
9.	<p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of reducing waste and encouraging recycling</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

. Derek Daly
Planning Inspector

22nd May 2025