

An
Coimisiún
Pleanála

Inspector's Report

ABP-322229-25

Development

Demolition of extension,
refurbishment of house
and construction of
second house, with all
associated works.

Location

41 Saint Fintan's Villas,
Deansgrange,
Blackrock, Dublin
A94TW63.

Planning Authority

Dún Laoghaire
Rathdown County
Council.

Planning Authority Reg. Ref.

D25A/0059/WEB

Applicant(s)

Lakerpod Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Anne Marie Murtagh &
Paul Flood.

Observer(s)	Stradbrook Close Residents.
Date of Site Inspection	30 th May, 2025.
Inspector	Aiden O'Neill.

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1.0 Site Location and Description

- 1.1 The proposed development site is generally level, triangular in shape, is 0.088ha in area, and comprises a vacant two-storey 2-bed semi-detached dwelling, with a small front porch and a small single-storey rear extension, located at the north-eastern end of St Fintan's Villas, an established residential estate accessed off the R827 Deansgrange Road in the suburban area of Deansgrange, Blackrock Co. Dublin.
- 1.2 The existing dwelling (FFL 36.26m, 6.7m in height) is set back from the estate access road, with a large rear garden, currently overgrown, which backs onto Stradbrook Close. It is connected to existing public services.
- 1.3 The site is accessed from a cul-de-sac which also serves 37, 38, 29, 40, and 40A. No. 40A is a detached two-storey dwelling.
- 1.4 St. Fintan's Villas generally comprises pairs of two-storey semi-detached dwellings, which, like no. 41, are set back from the estate access road, with generally large rear gardens. Some individual semi-detached dwellings have been extended, and there have been a number of dwellings (semi-detached and detached) constructed in the rear gardens of the existing dwellings, with separate access, across the estate.

2.0 Proposed Development

- 2.1 The proposed development would comprise the following works:
 - The demolition (approx. 3.38m²) of the existing single-storey rear extension;
 - the refurbishment of the existing 2-storey dwelling, alterations to the existing front porch to include a pressed metal canopy roof, the construction of a new single-storey flat roof rear and extension (including roof light) of approx. 104.2sqm (Unit No. 1). Unit 1 will have a private open space area of c. 85sqm, to include a paved patio and landscaped garden, with a small garden area and car parking to the front.
 - The construction of a new single storey 3- bedroom detached dwelling (including roof light) of approx. 119sqm (Unit No. 2) to the rear of the site. Unit 2 will have a private open space of c. 160sqm including a paved patio and landscaped garden to the side and rear, with a small garden area and car parking to the front.

- A new vehicular access arrangement in the form of a shared surface driveway for Unit No. 1 and a gated driveway entrance for Unit No. 2. This accessway way is designed at a generous 4.3m to allow the safe access of pedestrians and bicycles/vehicles.
- All landscaping and new boundary treatment works all infrastructure works (including water, foul and surface water drainage); and all other ancillary site development works necessary to facilitate the development on the site.

- 2.2 The height of the existing dwelling (Unit 1) is maintained, with the replacement larger single-storey extension increased in height from c. 2.65m to c. 3.05m. Unit 1 is proposed to provide 3no. bedrooms. Replacement double-glazed fenestration is proposed, and a render finish is proposed to the external walls, as well as blue-black roof slates.
- 2.3 The proposed Unit 2 (FFL 36m) has a pitched roof to the front (c. 5.48m in height to ridge) and rear flat roof (c. 2.950m in height), with materials to match the proposed alterations to the existing dwelling.
- 2.4 The application includes an architectural design statement that notes that the 2no. dwelling units are of traditional massing with a mix of pitched and flat roofs which ensure a visual integration with the style and scale of buildings in St. Fintans Villas. The location of the units ensures adequate light efficiency in a tight urban infill site, with the dwelling layouts & orientation designed to maximise sunlight and thermal efficiency. An autotrack analysis is provided for both units to demonstrate that no traffic hazard arises.
- 2.5 The application includes a tree protection plan identifying a tree protection zone along the north-western and northern boundary of the site, as well as areas where works are to be carried out under arboricultural supervision. The proposed site location plan reflects established and existing mature trees on site with the proposed removal of 8 no. trees, all of which are categorised as low quality (Category C, 3 no.) or of such a condition that they cannot be realistically retained (Category U, 6 no.).
- 2.6 The proposed development responds to a previous refusal of permission by the Planning Authority under PA Ref. No. D24A/0541/WEB) for the demolition of an existing house and construction of 4 no. residential units at this location. The 2no. refusal reasons related to the demolition of the existing building, and overdevelopment of the site and a negative impact on the surroundings. It is stated in the application that the revised design is more appropriate, that the existing dwelling is to be retained, and that access to the proposed unit 2 is via the existing cul-de-sac.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority decided to grant planning permission on 19th March, 2025 subject to 13no. conditions.

3.1.1. Conditions

Condition no. 2 attached to the grant of permission states that each of proposed dwelling/s shall be used as a respective single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units. Reason: To prevent unauthorised development.

Condition no. 3 states that the surface water runoff generated by the extension and the new development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. Reason: In the interest of public health.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report dated 19th March, 2025 commented as follows:

- The site is subject to zoning objective A, where residential development is permitted in principle under the zoning objective of the site; the main issues for consideration, therefore, are compliance with policy, visual impact, residential amenity, access and parking, and drainage.
- the proposed development can be considered to be in accordance with Sections 4.3.1.1 PHP18: Residential Density and Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock- Adaptation of the Development Plan subject to the protection of the residential amenity of adjoining properties
- the proposed demolition relates to an existing single storey rear extension. The Planning Authority has no objection to this element of the proposal.

- the proposal will increase the dwelling from a 2- bed to a 3-bed dwelling and remaining rear private open space to serve dwelling will be c.85 sqm which is acceptable to the Planning Authority.
- given the single-storey nature (of the proposed extension to unit 1), it is considered that the proposed fenestration at ground floor level would not result in any overlooking concerns, nor would it reduce the level of privacy and amenity currently afforded to the adjoining properties. The proposed development would, therefore, accord with section 12.3.7.1 of the Plan.
- having regard to the scale, location and design of the proposed porch it is considered that the proposed development will not result in any adverse impacts on the visual amenities of the area or on the general streetscape.
- the proposed modest increase in density can be considered to be in accordance with Sections 4.3.1.1 PHP18: Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022-2028 and the anticipated density outcomes of the Compact Settlement Guidelines 2024.
- the proposed dwelling (unit 2) is single storey in height and is considered to be of an appropriate scale to the existing dwelling on site. A vehicular access with a land width of 4.8 m wide is proposed to serve both existing and proposed dwellings which is in excess of the 3.7m minimum width set out in the Plan.
- the proposals provide for a separation distance of 8.2 metres at ground floor level, increasing to 13.7 metres at first-floor level from the first floor of the existing parent dwelling.
- the front windows of No. 15 Stradbrook Close do not directly face the northern elevation of the proposed dwelling.
- the proposed development can generally be considered to be in accordance with Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill of the Plan.
- the proposal respects the height and massing of existing residential units and generally fits well within the host environment and would not be visually incongruous given the single storey nature of the proposed dwelling. The materials are a render finish and black slate tile on the roof which are considered to be in harmony with the dwellings in the vicinity.

- the Planning Authority considers the provision of car parking acceptable in this instance.
- The Planner's Report is the basis for the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

- The DLR Transportation Planning report dated 12th March, 2025 states that Transportation Planning considers that the proposed provision of 2 no. parking spaces is acceptable. The report raises no objection subject to the inclusion of recommended conditions relating to the proposed vehicle access shared surface to be in accordance with DMURS, compliance with Section 12.4.11 Electrically Operated Vehicles of Plan, and the construction phase.
- The Drainage Department report dated 24th February, 2025 raises no objection subject to conditions in relation to surface water run-off and hard standing areas.
- The Parks Department report dated 13th February, 2025 recommends conditions to retain a number of trees onsite. In addition, a condition is recommended to retain an Arboriculturist prior to commencement of the works.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

There are 2no. observations on file as follows:

The residents of Stradbrook Close, Blackrock Co. Dublin commented that the northern boundary wall of the proposed development site is in the ownership of Stradbrook Close:

- No work is permitted to be undertaken to this boundary wall
- No temporary construction access or permanent access permitted through Stradbrook Close Boundary wall and landscaped area on the northern side of the boundary wall.
- Query why has a site notice been erected on the boundary wall with Stradbrook Close, no work is permitted to be carried out to this boundary wall.

Paul Flood & Anne Marie Murtagh commented that:

- The entrance width to the property/site is 3.619 as stated in the drawings. A manual measurement taken from pillar to wall across the entrance is only approx 3.25 so they believe the site measurements not to be accurate.
- The pillar at the entrance adjoining 40 & 40A was constructed by the owner of number 40 after the construction of 40A in 2002. The pillar does not belong to 41 and houses their letterbox.
- The angle of the entrance within the Cul de sac leaves concern over construction vehicles, traffic and how this will be managed, entering, exiting and turning in such a tight residential space potentially blocking access to their home.
- The proposed house Unit 2 in the rear of the garden is set considerably far back, it is not in line with their house. There is no cast analysis provided in the plans and drawings to show the impact on their property's western side. The gable wall of the proposed Unit 2 to the rear could potentially block light to the rear of their property and enjoyment of their rear garden.
- The drawings do not delineate the rear boundary that continues along the rear of the site to their property suggesting that their rear garden is larger than it is.
- The pitch on the roof of the proposed Unit 2 to the rear is excessive at an attic to rigid height 2.378 for a single storey house. They cite the precedent of 67 St Fintan's Villas (ACP 06D.308858, D20A/0706) where the roof construction is of a lower pitch which has no potential for over shadowing to the neighbouring properties. Their own single storey rear extension does not have such a large roof pitch.

4.0 Planning History

4.1 Subject site

D24A/0541/WEB: Permission was refused on 11th September, 2024 for (a) Demolition of existing 2 storey semi-detached house (b) new entrance on north boundary of site to Stradbrook Close (c) construction of 3 new two storey 3 bedroom house terrace house (Units 1, 23 each with habitable attic accommodation and forming onto Stradbrook close (d) construction of 1 new 2 storey detached 3 bedroom house (Unit No. 4) with habitable attic accommodation and with existing entrance off St Fintan's Villas (e) cycle storage and

parking for 12 cycles and 3 cars for Units 1,2 & 3 (f) cycle storage and parking for 4 cycles and 1 car space for house unit no.4 fronting onto St Fintan's Villas (g) new boundary walls and fences and all associated siteworks connected with the development.

The reasons for refusal are included below.

1. Having regard to the nature of the proposed development, which includes the demolition of an existing dwelling house, the proposed development would fail to accord with Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing House Stock – Adaptation, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, in that a strong justification has not been provided for the demolition of the existing dwelling on site, and it has not been provided for the demolition of the existing dwelling is uninhabitable, Further, the Planning Authority is not satisfied that the adequate measures are detailed for the protection of the neighboring semidetached dwelling. Therefore, to permit the development, as proposed, would set an undesirable precedent for other similar development and would be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

2. Having regard to the overall scheme proposal including siting, massing and design, it is considered that the proposed development represents the overdevelopment of the site and constitutes a visually incongruous and discordant form of development imposed on the subject site which fails to respond to the character, scale and form of the surrounding development, which if permitted would adversely impact on the existing levels of residential amenity and public safety afforded to the established dwellings. The proposed development would detract from the existing amenities of the area, and would offer spaces. Therefore, the proposed development would not accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1 Development Plan

The applicable development plan is the Dún Laoghaire Rathdown County Development Plan 2022-2028.

- The site is subject to zoning objective A, which seeks To provide residential development and improve residential amenity while protecting the existing residential amenities. Residential development is permitted in principle under the zoning objective of the site; the main issues for consideration, therefore, are compliance with policy, visual impact, residential amenity, access and parking, and drainage.
- Section 4.3.1.1 PHP18: Residential Density – it is the policy of the Plan to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock- Adaptation – it is the policy of the Plan to conserve and improve existing housing stock e.g. adaption of homes; and densify through small-scale infill development having due regard to established amenities.
- Section 12.3.4.2 Habitable Rooms shall comply with the relevant Guidelines.
- Section 12.3.7.1 relates to extensions to dwellings, as follows:

Section 12.3.7.1(ii) (Rear Extensions) states:

In determining applications for first floor extensions the following factors will be considered:

- Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries.
- Remaining rear private open space, its orientation and usability.
- Degree of set-back from mutual side boundaries.
- External finishes and design, which shall generally be in harmony with existing.

- Section 12.3.7.6 Backland Development of the Plan sets out the standards for such development including that they generally be single storey in height to avoid overlooking, and adequate vehicular access of a lane width of 3.7 metres.
- Section 12.3.7.7 Infill - new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area
- Section 12.4.11 Electrically Operated Vehicles - new dwellings with in-curtilage car parking to include the installation of appropriate infrastructure to enable installation at a later stage of a recharging point for EVs
- Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the County Development Plan 2022-2028 states that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer.

5.1 Relevant National or Regional Policy / Ministerial Guidelines (where relevant)

- Section 3.3.6(c) of the Sustainable Residential Development and Compact Settlement Guidelines 2024 state that for very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development and to protect the amenities of surrounding properties should take precedence over density ranges set out.

5.2. Natural Heritage Designations

The proposed development site is c. 1.4km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay pNHA (Site Code: 000210).

6.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Please refer to Form 1 and Form 2 as per Appendix 1 below.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party's appeal raises the following grounds of appeal:

- The site boundary measurements are incorrect. The boundary wall adjacent to 40, 40A and 42 are all included in the measures on the site map. The entrance of the site on the site map is not correct – an official registry map shows the measurement to be barely over 3m. The site maps from D24A/0541 and D24A/0059 differ.
- The entrance to the site and angle of the entrance to the site in a narrow cul-de-sac raises concerns over construction vehicles entering, existing and potentially blocking access to their home. The safety of children is paramount. This has not been addressed.
- The pitch and gable of proposed unit 2 is excessive with an attic to ridge height of 2.378m. The proposed house is not in line with theirs and is set far back on the site.
- There is no shadow analysis provided in the plans to show the impact to the rear of their property. There is potential to block light and enjoyment of their small rear garden. Reference is made to a case at 67 St. Fintan's Villas which has a lower pitch. Their single-storey to the rear does not have a roof of substantial height.

7.2. Applicant Response

- The response of the applicant dated 2nd May, 2025 notes the following:
 - In relation to the issues raised on measurement accuracy and boundary discrepancies, the site boundary as identified on the planning application drawing pack is based upon the best available title information and measurements verified by the scheme's architects.
 - the boundary wall referenced in the appeal forms part of the applicant's interests in the site and has been included within the red line boundary to reflect control over

access, and development works proposed, as appropriate.

- minor variations between previous and current mapping and drawing are not unusual, and it is submitted that these minor discrepancies do not materially affect the validity of the planning application.
- The site entrance as shown is the only available access point to the site and will serve to provide a functional and workable access point for both construction and residential use, subject to the relevant construction management standards.
- It is submitted that any issue relating to boundary ownership or minor discrepancies in mapping are matters of title, and civil law, and are not planning matters for the purposes of determining applications.
- The development is subthreshold for the requirement of a Construction Management Plan. However, the cul-de-sac within St Fintan's Villas has been successfully used for the construction and extension of residential dwellings previously (notably that of the third-party appellant in this instance). The Applicant will comply with condition no.8 attached to the notification of decision to grant permission by the Planning Authority. Prior to the commencement of development an agreement can be reached with the appointed contractor regarding vehicle access and egress, timing of deliveries, and traffic management strategies to ensure minimal disruption.
- Following the completion of the works, the site entrance will revert to an attractively landscaped residential entrance is keeping with the established character of St Fintan's Villas, ensuring no long-term impact on accessibility or safety concerns.
- The Applicant strongly contests the Third Party's assertion that the proposed development will result in reduced light and amenity of their private open space:
 - The proposed dwelling to the rear is a single storey property only.
 - The ridge line proposed sits below that of the neighbouring properties.
 - The attic space proposed is non-habitable.
 - The development falls well within the typology that does not necessitate a formal daylight and sunlight study due to its limited height and scope.
 - A reasonable level of development at the rear of plots is both expected and permitted within suburban contexts.
 - The location of the proposed unit to the rear of the application lands, offset

from neighbouring rear building lines, is a considered design decision by the scheme's architects to reduce visual impact and maintain privacy.

- The assertion that light and enjoyment of the neighbouring private open space will be unduly compromised is not supported by the proposed layout or height
- The reference to neighbouring permissions with a lower roof pitch is not warranted in this instance as the material planning context and site- specific conditions are not directly comparable to the case currently before the Board.
- the property is orientated away from the adjoining private space, and building setback, and site layout ensure that this development proposal will not infringe on the amenities of any neighbouring properties- not just that of the Third Party.

7.3. Planning Authority Response

- The Planning Authority's response dated 23rd April, 2025 states that the Commission is referred to the previous Planner's Report, and that it is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.4. Observations

- An observation received on 25th April, 2025 from the residents of Stradbrook Close, Blackrock Co. Dublin generally raised the same comments as their submission to Dún Laoghaire Rathdown County Council.

7.5. Further Responses

None on file.

8.0 Assessment

- 8.1 Having examined all the application and appeal documentation on file, and having regard to relevant policy, I consider that the main issue which requires consideration in this appeal is

that raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. I note the concerns raised in respect of ownership of the pillar at the entrance adjoining 40 & 40A St. Fintan's Villas. This is a civil matter outside the planning code and in this regard, I refer to Section 34(13) of the Planning and Development Act, 2000, as amended. I also note the concerns in the appeal in relation to boundary measurements. I note the applicant's submission that the details provided on the drawings have been verified by the scheme's architects. I also note that the Planning Authority validated the application. I do not, therefore, intend to address these matters further in this report.

8.2 The main issue is as follows:

- Impact on residential amenity

8.2.1 Impact on residential amenity

- 8.2.1.1 The Third Party raises concerns regarding the impact of construction on the amenities of the area, given the narrow cul-de-sac that is to be used for construction purposes.
- 8.2.1.2 The applicant states that the development is sub-threshold for the requirement of a Construction Management Plan, but that the cul-de-sac within St Fintan's Villas has been successfully used for construction purposes in the past, including that of the Third Party.
- 8.2.1.3 Nevertheless, the applicant is willing to comply with condition no.8 attached to the notification of decision to grant permission by the Planning Authority, requiring all necessary measures to be taken to: a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, b) repair any damage to the public road arising from carrying out the works, c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works. The source of this condition is the Drainage Planning Report of 24th February, 2024.
- 8.2.1.4 I note that the applicant has also indicated in the response to the Third Party appeal that prior to the commencement of development an agreement can be reached with the appointed contractor regarding vehicle access and egress, timing of deliveries, and traffic management strategies to ensure minimal disruption.

- 8.2.1.5 I note the applicant's point that the cul-de-sac within St Fintan's Villas has been successfully used for construction purposes in the past, including for the Third Party's dwelling. I also note that there are a number of backland developments that have been constructed in the vicinity of the site. Collectively, these would indicate that the use of the cul-de-sac and the estate road is acceptable for construction and operational purposes.
- 8.2.1.6 Notwithstanding, and while I acknowledge the comments and commitments made by the applicant, and the sub-threshold nature of the development for the purposes of construction management, I consider it appropriate that, in the event that the Commission is minded to grant planning permission, a condition is attached requiring the submission of a Construction Management Plan for the agreement of the Planning Authority prior to the commencement of development.
- 8.2.1.7 The Third Party also raises concerns as to the configuration of the layout proposed for unit 2. Specifically, it is stated that the pitch and gable is excessive, that unit 2 is not in line with their dwelling, and that it is set far back on the site. It is also stated that there is no information to determine the impact on their property, particularly with respect to light and enjoyment of their small rear garden. It is also stated that their single-storey to the rear does not have a roof of substantial height.
- 8.2.1.8 In response, the applicant has included a render of the proposed development which clearly indicates that it will not have any undue impact on the Third Party's property. It is orientated away from the adjoining private space, and the building setback, together with site layout will ensure that it will not infringe on the amenities of any neighbouring properties.
- 8.2.1.9 The applicant also states that the suggestion that unit 2 will result in overshadowing is not substantiated. A single storey development, even with a pitched roof such as the one proposed, presents minimal risk of shadow cast, blocked light, or diminished residential amenity of open space- particularly given the additional setback of the proposed property from the shared boundary line.
- 8.2.1.10 The Planning Authority has also stated that given the orientation of both the parent dwelling and the fenestration on the southern elevation of the proposed dwelling, the proposed separation distances, the single-storey nature of the development (Unit 2), and the absence of directly opposing windows, it is not considered that any undue overlooking would occur with the parent or proposed dwelling. The

Planning Authority was satisfied that, having regard to the scale and nature of the proposed development, it can generally be considered to be in accordance with Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

- 8.2.1.11 I am inclined to agree with both the applicant and the Planning Authority in this instance. Of particular note is the single-storey nature of the proposed unit 2, the relatively low ridge, and the orientation of the proposed unit. I would agree with the applicant that the modest single storey height, building setback and orientation are such that no undue overshadowing or loss of amenity will occur in the rear garden of the neighbouring property. I also note that the attic space proposed is non-habitable. Having regard to the pattern of development in St. Fintan's Villas, it would be my opinion that a range of backland infill developments of varying typologies and building lines have been supported by the Planning Authority in the interests of compact growth, while also minimising impacts on existing residential amenities, reducing visual impact and maintaining privacy.
- 8.2.1.12 I note that the Planning Authority has attached condition no. 2 requiring that each of proposed dwelling/s shall be used as a respective single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units. I recommend that this condition is attached in the interests of clarity, to define the scope of the permission.

9.0 AA Screening

- 9.1 I have considered the demolition of extension, refurbishment of house and construction of second house, with all associated works, at 41 Saint Fintan's Villas, Deansgrange, Blackrock, Dublin A94TW63 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 1.4km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code: 000210).

The proposed development comprises the demolition of extension, refurbishment of house and construction of second house, with all associated works, at 41 Saint Fintan's Villas, Deansgrange, Blackrock, Dublin A94TW63.

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.

The reason for this conclusion is as follows:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections

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. See Appendix 2 - AA Screening Determination.

10.0 Recommendation

10.1 I recommend permission is granted for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the provisions of section 3.3.6(c) of the Sustainable Residential Development and Compact Settlement Guidelines 2024 in relation to very small infill development, the residential zoning objective, the pattern of existing development in the area, the design, scale and massing of the proposed development, and the provisions of the Dun Laoghaire Rathdown Development Plan 2022-2028, in particular Section 12.3.7.6, Backland Development, and Section 12.3.7.7, Infill, it is considered that, subject to conditions, the proposed development would constitute an acceptable form of development at this location and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

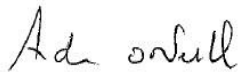
12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27th January, 2025, 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, carried out and completed in accordance with the agreed particulars</p> <p>Reason: In the interest of clarity.</p>
2	<p>Each of proposed dwelling/s shall be used as a respective single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
4.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
5.	<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>

6.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
7.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>The Applicant shall ensure that the proposed development complies with the requirements of Section 12.4.11 Electrically Operated Vehicles of the current Dún Laoghaire Rathdown County Development Plan 2022 - 2028, and specifically that the proposed new dwellings with in-curtilage car parking include 'the installation of appropriate infrastructure to enable installation at a later stage of a recharging point for EVs.'</p> <p>Reason: In order to accord with the County Development Plan 2022-2028.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution of 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.</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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.



Aiden O'Neill
Planning Inspector

25th June, 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322229-25		
Proposed Development Summary	Demolition of extension, refurbishment of house and construction of second house, with all associated works		
Development Address	41 Saint Fintan's Villas, Deansgrange, Blackrock, Dublin A94TW63		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10(b)(i) of Part 2 of Schedule 5	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	√	Class 10(b)(i) of Part 2 of Schedule 5. Threshold is 500 dwelling units.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	√	Class 10(b)(i) of Part 2 of Schedule 5. Threshold is 500 dwelling units.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Ad onull

25th June, 2025

Inspector: _____

Date: _____

Appendix 1 - Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-322229-25
Proposed Development Summary	Demolition of extension, refurbishment of house and construction of second house, with all associated works.
Development Address	41 Saint Fintan's Villas, Deansgrange, Blackrock, Dublin A94TW63
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development Regulations 2001 [as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development includes demolition of extension, refurbishment of house and construction of second house, with all associated works.</p> <p>The nature and extent of the proposed development is modest in footprint and is not exceptional in the context of the existing environment.</p> <p>The proposed development does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>

	<p>Surface water will be discharged to a soakaway. Wastewater to be discharged to public sewer.</p> <p>It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an established suburban residential area.</p> <p>The proposed development site is located c. 1.4km to the south-west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code: 000210).</p> <p>Having regard to the nature and scale of the proposed development, it does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Aden O'Neill Date: 25th June, 2025

DP/ADP: _____ Date: _____ (only where
Schedule 7A information or EIAR required)

Appendix 2 - AA Screening Determination Test for likely significant effects

AA Screening where no screening report was submitted, and no significant AA issues arise.

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics Case file: ABP-322229-25				
Brief description of project	Normal Planning appeal Demolition of extension, refurbishment of house and construction of second house, with all associated works.			
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is located at 41 Saint Fintan's Villas, Deansgrange, Blackrock, Dublin A94TW63. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.			
Screening report	No Dún Laoghaire Rathdown County Council screened out the need for AA.			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)	14 no. bird species https://www.npws.ie/protected-sites/spa/004024	1.4km	No direct connection Possible indirect	Y
South Dublin Bay SAC (Site Code: 000210).	4no. habitats https://www.npws.ie/protected-sites/sac/000210			

The proposed development site is located c.1.4km to the west of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and the South Dublin Bay SAC (Site Code: 000210)

Further Commentary / discussion

Due to the location of the development site and the distance between the site and the nearest designated site, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during operation	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. Conservation objectives would not be undermined.

hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999] South Dublin Bay SAC (Site Code: 000210) Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Direct: none Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during operation	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. 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 the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.		

This determination is based on:

- The modest scale of the works and the nature of the development
- Location - distance from nearest European site and lack of connections.

Ad. O'Sullivan

25th June, 2025

Inspector: _____

Date: _____