



An
Coimisiún
Pleanála

Inspector's Report

ABP-322457-25

Development	Demolition of garage and plant room. construction of two dwellings, alterations to existing dwelling, new vehicular entrance and associated site works
Location	1, Kerry Mount Green, Cornelscourt, Dublin 18, D18N8X3
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0108/WEB
Applicant(s)	Laura Houlton
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant	Laura Houlton

Observer(s)

1. Feargall Kenny 2. Michael Hyland
and others

Date of Site Inspection

11th July 2025

Inspector

Suzanne White

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located in the Cornelscourt Hill Estate in Foxrock, on the corner of Kerry Mount Green and Cornelscourt Hill Road (R842). The N11 is located c. 300m to the north and Cornelscourt Shopping Centre is c. 450m walking distance to the northeast. No.1 Kerry Mount Green is a detached dwelling with a single-storey garage and extension to the eastern side, positioned at the eastern end of a row of two-storey dwellings. To the south, on the opposite side of the estate road, is an existing public open space area, Kerry Mount Green. The site is bounded by a c. 2m high masonry wall to the east, beyond which is a public footpath and a wide green verge, including tree planting, providing a buffer to Cornelscourt Hill Road. To the north, beyond the rear garden boundary of the site, is a row of 4no. detached two storey dwellings which address Cornelscourt Hill Road and form a cul-de-sac accessed via a side road from Cornelscourt Hill Road.
- 1.2. The site area is 0.074ha.

2.0 Proposed Development

- 2.1. The proposed development is for:
- the demolition of a single storey garage and plantroom (19 sqm) attached to the eastern side of the existing dwelling and construction of a single storey side and rear extension (c.26sqm scaled from the plans);
 - The subdivision of the side garden and the construction of two detached two-storey, three bedroom houses (of c. 131sqm each). House A would be located in the southern portion of the site, while House B would be in the northern portion;
 - Installation of a new vehicular entrance from the side road serving No.s 1A-3 Cornelscourt Hill Road, via the existing green verge and footpath adjacent to Cornelscourt Hill Road;
 - Widening and subdivision of existing entrance to Kerry Mount Green;

- Provision of 1no. parking space each within the curtilage of Houses A & B and reconfiguration of front garden of No. 1 Kerrymount Green to provide 2no. parking spaces.
- The gross floor area of the existing building is stated to be 180sqm, the gross floor area to be demolished is 19sqm and the gross floor area proposed is 288sqm (which appears to include the two new dwellings and extension of the existing dwelling). It is proposed to connect to public services.

3.0 Planning Authority Decision

Decision

Permission REFUSED, for one reason as follows:

1. Having regard to the Objective 'A' zoning of the subject site, massing, scale, design and form of the proposed two dwellings in relation to the neighbouring properties, it is considered that the proposed development would adversely impact on the residential or visual amenity of adjacent properties by reason of overshadowing, overlooking, overbearing appearance or on the streetscape, the proposed development would not provide adequate quantum of private amenity space and adequate separation distance, would constitute overdevelopment of the subject site and would be out of character in the area. Therefore, the proposed development is not in accordance with Sections 12.3.7.5 Corner/Side Garden Sites, 12.3.7.7 Infill, Section 12.8.3.3 Private Open Space for Houses of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and SPPR 1 Separation Distances of Compact Settlements Guidelines 2024. The proposed development would be contrary to the proper planning and sustainable development of the area.

Planning Authority Reports

3.1.1. Planning Reports

The main points of the Local Authority Planner's report include:

- Site is subject to zoning objective 'A', under which residential development is permitted in principle,
- Proposed density of 54dph acceptable,
- Proposed dwellings meet the requirements of the Development Plan 2022 and 'Quality Housing for Sustainable Communities' Guidelines in terms of floor area,
- Private amenity space for proposed unit No.5 Cornelscourt Hill is inadequate in terms of quantum and the private amenity space of both proposed units is not considered to be acceptable in terms of quality,
- Separation distance between the proposed dwellings not sufficient,
- Proposal constitutes an overdevelopment of the site,
- Site is prominent and the proposed dwellings would be out of character with the surrounding area,
- Overlooking, overshadowing and overbearing impacts on neighbouring dwellings

3.1.2. Other Technical Reports

Drainage Section:

- Further information sought in respect of proposed surface water run-off disposal measures and confirmation of permeability of hardstanding areas

Environmental Enforcement:

- No objection, subject to conditions in respect of noise management, construction environmental management plan and public liaison plan

Transportation Section:

- Further information requested in respect of visibility for proposed vehicle entrances, cycle parking provision, vehicle access width, permeable

surfacing, EV charging and feasibility of the new access onto Cornelscourt Hill Road which is obstructed by an existing ESB mini pillar.

Parks and Landscape Services:

- The proposed new foul connection would necessitate the removal of a large specimen street tree, which is unacceptable.
- Reduction of grass verge on Kerry Mount Green to widen access would impact on existing Maple tree.
- Further information required in respect of an Arboricultural survey and landscaping proposals. Request a revised proposal that does not impact on any of the existing street trees around the site.

Prescribed Bodies

Uisce Eireann:

- No objection in principle.

Third Party Observations

Six submissions were received in relation to the application. The issues raised may be summarised as follows:

- Incompatible with existing context
- Overdevelopment of site
- Lack of outdoor space
- Residential amenity: overlooking, daylight, construction activities
- Inadequate parking and traffic hazard

4.0 Planning History

Appeal site:

None.

Other relevant planning history:

D17A/0060: permission granted at 61 Kerrymount Rise for the construction of a new two storey detached house on a separate site in the side garden of the existing house with new access from Kerrymount Rise

D07A/1128: permission granted at 1 Cornelscourt Hill Road for construction of 4bed 2 storey house to side of existing house, new vehicular gate to Cornelscourt Hill Road and new pedestrian gate to Gort na Mona Drive.

ABP-320922-24: permission granted at 11 Vale View Lawn, Cabinteely for the demolition of a ground floor side extension and store room to the existing dwelling of 37 sq. m. and the construction of a detached two-storey, 2 bedroom house with attic room of 97.5 sq. m. within the side corner garden along with off street parking for 1 vehicle and all associated site works.

5.0 Policy Context

Development Plan

Dun Laoghaire Rathdown County Development Plan 2022-2028

Site is subject to Zoning Objective A – *To provide residential development and improve residential amenity while protecting the existing residential amenities.*

The green space to the south of the site is zoned 'F' with the objective "To preserve and provide for open space with ancillary active recreational amenities." The green space to the east of the site, bounded by Cornelscourt Hill Road, is not zoned.

Objective PHP18 - increase housing supply and promote compact urban growth, including through infill; encourage higher densities, ensuring a balance with protection of existing amenities and established character.

Objective PHP19 – objective to densify existing built-up areas through small scale infill development having due regard to amenities of existing established residential neighbourhoods.

Objective PHP20- ensure the residential amenity of existing homes in the Built Up Area is protected where adjacent to higher density or height infill development

Objective OSR7- objective to implement the objectives and policies of the Tree Policy and forthcoming Tree Strategy for the County, optimise environmental, climatic and educational benefits

Objective EI6: Sustainable Drainage Systems - It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS). Development will only be permitted where the Council is satisfied that suitable measures have been proposed that mitigate the impact of drainage through the achievement of control of run-off quantity and quality while enhancing amenity and habitat.

Objective EI9: Drainage Impact Assessment - It is a Policy Objective to ensure that all new development proposals include a Drainage Impact Assessment that meets the requirements of the Council's Development Management Thresholds Information Document (include see Appendix 3) and the Stormwater Management Policy (See Appendix 7.1). The relevant threshold in Appendix 3 is residential development of one or more units. Appendix 7.1 sets out the level of detail in respect of drainage and flood risk that should be submitted as part of planning applications.

Section 12.3.7.5, referring to Corner/Side Garden Sites, includes:

Corner site development refers to sub-division of an existing house curtilage to provide an additional dwelling(s) in existing built up areas. In these cases relevant parameters to which the Planning Authority will have regard include:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A

modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.

- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/reinstated where possible.

Section 12.4.8.1 Vehicular entrances includes: Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres

Section 12.4.8.6 Access across public open space: The Planning Authority will not normally grant permission for a development which requires or entails vehicular access over public open space or a non-paved route. The applicant would be required to clearly indicate the necessary right of way or entitlement to carry out the proposed works.

Section 12.8.3.3 Private Open Space: All houses shall provide an area of good quality usable private open space behind the front building. Minimum requirement for 3bed houses of 60sqm. A relaxation may be considered for innovative design responses, particularly for infill or corner side garden sites.

Section 12.8.7.1 Separation Distances: a minimum of 22 metres separation between directly opposing rear first floor windows should be observed. Private open space should not be unduly overshadowed.

Section 12.8.7.2 Boundaries – boundaries to the front should generally consist of softer, more open boundary treatments.

Section 12.8.11 Existing Trees and Hedgerows: New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. Arboricultural Assessments carried out by an independent, qualified Arborist shall be submitted as part of planning applications for sites that contain trees or other significant vegetation.

The appeal site is located outside the buffer zone for a scheduled monument SMR No. DU023-028 – Castle tower house.

The site is not in proximity to a watercourse and is not located in Flood Zone A/B.

Natural Heritage Designations

None relevant.

6.0 EIA Screening

- 6.1 Having regard to the limited nature and scale of the proposed development, and the absence of any significant environmental sensitivity in the vicinity or connectivity to any sensitive location, 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. See Appendix 1.

7.0 The Appeal

Grounds of Appeal

The appellant's grounds of appeal are summarised as follows:

- Design: the proposal is of contemporary design but paying homage to the houses of the estate. Design cues are taken from the existing estate houses in terms of form (detached and gable ended to street), materiality (white brick and mortar similar to white render and timber cladding). The houses address Cornelscourt Hill Road. The solar mono pitch roofs face south and are solar collectors.
- Overshadowing: The two new houses are sunk down into the sloping site and their two-storey elements are pulled away from the adjoining dwellings to the north and west. There will be some overshadowing of No.1 Kerry Mount Green, though this dwelling retains a generous rear garden. The living area of

No.4 could be moved in c. 1.139m to reduce overshadowing and overbearance. Shadowing diagrams submitted.

- Sustainability: the ridge height is designed for maximum solar panels. The height of the mono pitch roof and parapet could be reduced.
- Overlooking: privacy will be retained for private amenity spaces of the existing and proposed dwellings by means of landscaping, boundary treatments and opaque glass louvers to the first floor level windows of the north elevation. The kitchen of No.4 would overlook the front entrance yard/garden of No.5, not the back garden of No.5. A trellis is shown on top of the dividing wall to minimize overlooking.
- Separation distance: meets requirements. There are opposing windows at first floor but the windows in No.5 will have louvers designed to prevent any visual connection between the two houses. If necessary, the first floor rear windows of No. 5 could be high level/opaque/omitted. Similar use of louvers approved under DLR D10A/0662.
- Private amenity space: meets requirements. House No. 4 will have a south facing back garden of 70sqm and a south facing first floor balcony of 5.8sqm. House No.5 will have a south facing back garden of 51sqm (excluding car parking space) and a first floor balcony of 5.8sqm. The back gardens will be directly linked to the main living spaces by external stairs. Back garden of No. 5 considered to be high quality and useable, being enclosed and overlooked by the kitchen. A precedent case is D20A/0786. The site is in close proximity the large public open space at Kerrymount Green. The appellant highlights part of SPPR2 which states that, for urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in whole or in part, subject to overall design quality and proximity to public open space.
- Overbearing: House No. 5 will be substantially hidden by existing mature trees. The houses pick up the block rhythm of the street and gables front on to Cornelscourt Hill Road. They are similar in width and have similar separation distance at first floor to the existing houses in the street. The parapet height is lower than adjacent houses and could be reduced. The existing street line on

Cornelscourt Hill Road will be broken by the proposal, as has happened with the two modern corner site houses on Gort Na Mona Dr.

Planning Authority Response

The Board (Commission) is referred to the Planner's Report. The Planning Authority considers that the grounds of appeal do not raise any new matter which, in their opinion, would justify a change of attitude to the proposed development.

Observations

Two observations were received, one from Feargall Kenny and one from Michael Hyland, Carol Brennan and others. The observations may be summarised as follows:

- Agree with Local Planning Authority decision to refuse permission
- Cornelscourt Hill Estate developed between 1967-1972 with an as-constructed density of 6 houses per acre (c. 14 per hectare). The constraints placed on developers at the time led to a distinctive type of development.
- The subject site is not an infill site but an essential element of the planned development. Any proposal for redevelopment or alteration of the original layout must respect the integrity of the original. The proposed development does not harmonize with the existing context.
- The side garden of 1 Kerrymount Green is probably the most important corner site visually in the entire estate. Cornelscourt Hill Road gives a broad vista out towards Dublin Bay and Howth. Development is set back and has generous landscaping on either side. The setback is currently uninterrupted on the western side.
- The Compact Settlement Guidelines haven't been satisfactorily addressed in the appeal and shouldn't be used to justify infilling this corner site. Section 3.3.6 of the Guidelines sets out exceptions to the general rules on density in the case of very small infill sites. The impact on adjoining residential amenities can't be ignored.

- The applicant has not addressed any of the issues raised by internal departments of DLR County Council.
- The proposed development is not consistent with other corner sites, where only one property has been built.
- Inadequate quantum private amenity space
- Adverse impact on adjacent properties, particularly No.3 Cornelscourt Hill Road. Overshadowing and overlooking impacts noted. The use of louvers or opaque windows is not an appropriate design solution. Also, the requirements of SPPR1 for a minimum of 16 metres separation between opposing windows above ground level hasn't been met. Applicant refers to distance of 9.034m.
- Extensive alteration of the streetscape/public open space to provide access is unprecedented in the neighbourhood. Verge understood to be in the ownership of DLRCoCo.
- Road safety issue of additional driveway to Kerry Mount Green.
- Lack of parking for the new houses.
- Proposed design of the two properties is inappropriate and out of character with the adjacent environs and not sympathetic to the existing buildings.
- The two houses built on corner sites on Gort Na Mona Drive are in line with the existing properties on both streets, oriented the same way and sympathetic in terms of streetscape and density.
- Question sustainability credentials of the proposal, particularly with regard to solar gain and accessibility.
- Lack of engagement with neighbours.
- Increased surface water runoff.

Further Responses

None received.

8.0 Assessment

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

- Principle of development
- Density
- Visual amenities
- Residential amenities
- Access and car parking
- Other issues

8.1 Principle of development

8.1.1 The site is zoned 'A' with the objective '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'. The development of residential extensions and additional housing units is permissible in principle under this zoning. I note that the grass verge to the east of the site, through which access is proposed to be taken to serve House B, is not zoned.

8.1.2 The County Development Plan 2022-2028 makes provision for additional accommodation in existing built-up areas, and for the development of suitable corner and side garden sites. In principle, the proposal to construct additional housing on this corner site is acceptable on policy grounds, subject to other key considerations including compliance with residential standards, the relationship of the proposed development to adjacent properties and the streetscape, any impact on the amenities of neighbouring residents and transport and drainage impacts.

8.2 Density

8.2.1 The Local Authority Planner's Report assessed the density of the proposal to be acceptable, having regard to the Sustainable and Compact Settlements Guidelines

2024 and Objective PHP18 of the relevant development plan. The applicant's grounds of appeal notes the conclusion on density in the Local Authority Planner's report.

8.2.2 Observations received raise concern that, due to the small size of the site, the assessment of appropriate density for development would fall under the exception set out under Section 3.3.6 of the Guidelines 2024.

8.2.3 The appeal site has an area of 0.074ha. On the basis of three dwellings on site, this would give a density of 40.5dph (dwellings per hectare). The side garden area measures as c. 0.37ha. On this basis, the proposed 2no. units would have a density of c. 54dph.

8.2.4 I note that the density of the existing estate is c. 15 dph. Having regard to Table 3.1 of the Guidelines 2024, I consider that the site falls within the 'City-Suburban/Urban Extension' category, for which densities in the range 40dph to 80dph shall generally be applied. The site is located c. 50m from bus stops on Cornelscourt Hill Road serving the L26 and L27 routes, with services every 15 minutes (combined). The site is also within 500m walking distance of bus stops on the Bray-City Centre Bus Connects 'Core Bus Corridor', which would place it within the 'High Capacity Public Transport Node/Interchange' category of Table 3.8 of the Guidelines. Consequently, I consider that it would qualify as an 'accessible' suburban/urban extension location where densities of up to 150dph (net) can be considered. I note that Table 3.8 advises that highest densities should be applied at the node/interchange and decrease with distance. Consequently, the proposed density of 54dph would be acceptable in this location.

8.2.5 However, I also note the exception at 3.3.6(c) of the Guidelines, which states that "*In the case of 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, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.*"

8.2.6 Similarly, Objectives PHP18, PHP19 and PHP20 of the Development Plan, whilst encouraging higher densities, also seek to ensure a balance with the protection of existing amenities and established character. Section 12.3.7.5 of the development plan, relating to development of corner/side garden sites, also indicates that the

planning authority will have regard to the design of any relevant proposal in terms of its relationship with adjacent properties and its impact on the amenities of neighbouring residents.

- 8.2.7 Overall, whilst the proposed density could be acceptable in this location, the actual capacity of the site will be determined having regard also to the characteristics of the site, the compatibility of the proposed development with the character of the area and its impact on the amenity of neighbouring residential occupiers. These matters are considered below.

8.3 Visual amenities

- 8.3.1 Section 12.3.7.5 of the Development Plan, referring to Corner/Side Garden Sites, lists among the relevant parameters for assessment: the size, design, layout, relationship with existing dwelling and immediately adjacent properties; building lines followed, where appropriate; level of visual harmony, including external finishes and colours; and provision of appropriate boundary treatments.
- 8.3.2 The Local Authority reason for refusal refers to the Objective 'A' zoning of the site, the massing, scale, design and form of the proposed dwellings in relation to the neighbouring properties and their overbearing appearance on the streetscape, that they would constitute overdevelopment of the site and would be out of character with the area. Similar concerns are raised in the observations received.
- 8.3.3 The applicant, in their grounds of appeal, asserts that they have endeavoured to produce a scheme which delivers high quality living spaces, while respecting the existing urban environment. They note that the houses address Cornelscourt Hill Road and pick up the rhythm of the houses on the street and that the scheme is unashamedly contemporary on a prominent corner site but takes its cues from the existing estate houses in form and materiality.
- 8.3.4 The proposed two new dwellings would be located in the side garden of an existing dwelling, on a site of c. 0.037ha. Existing trees and other vegetation within the side garden would be removed, with the exception of a tree in the southeast corner of the site. House A, to the south, would follow the building line of the parent dwelling, however it would address Cornelscourt Hill Road rather than Kerrymount Green. The proposed building and its curtilage is designed to give privacy to the southern garden

and ground floor bedrooms facing south, towards Kerrymount Green. Although vehicular access would be taken from the south, consistent with the other properties to the west, the height of the proposed boundary treatments, necessary to provide privacy to the private amenity space and ground floor bedrooms, would be significantly taller in height, typical of a rear garden boundary treatment and, on this prominent corner site, would appear incongruous in this context.

- 8.3.5 Both proposed dwellings would be positioned on the back of the existing footpath to the east, along Cornelscourt Hill Road, and have their front entrances on this side. The houses adjoining to the north, No.s 1A –3 Cornelscourt Hill Road, are set back from the footpath by c. 9.7m. A single storey element of House B would be positioned on the boundary with No. 3 Cornelscourt Hill Road, while the two-storey part would be set 3.74m from the boundary. Due to the degree to which the proposed houses step forward of the established building line on Cornelscourt Hill Road, together with the combined scale and massing of the two dwellings within a limited site area, the prominent position of the site in the streetscape and the limited extent of any soft boundary treatments, I consider that the proposed development would be out of character with the pattern of development in the surrounding area.
- 8.3.6 I note the report from the Council's Parks and Landscape Section which identifies that the existing specimen street tree to the east of House A would need to be removed to facilitate the foul drainage connection for the dwellings. I note that the tree is one of several large trees which line Cornelscourt Hill Road. The Parks Report states that the loss of this tree would be unacceptable and I would agree that its loss would have a negative impact on amenity of this area, contributing to the overall impact of the proposed development on the streetscape.
- 8.3.7 The design of the proposed houses would contrast with the existing dwellings in Cornelscourt Hill Road and Kerrymount Green in terms of their roof form and pitch, fenestration pattern and extent, materiality, eaves height, ridge height, boundary treatment and inclusion of external balconies. The positioning of the two-storey volume of House A directly on the boundary with No. 1 does not follow the existing pattern in this row, whereby the dwellings are set off both side boundaries, and results in a dominant relationship with the existing dwelling. The contrast in the form and appearance of the two dwellings results in a discordant visual impact on this prominent corner site. The retention of a large tree within the southeast corner of the

site, does not mitigate this impact and, as identified by the Parks and Landscape report, the existing street tree in front of No. 1 Kerrymount Green may be negatively impacted by the relocated entrance for that dwelling.

8.3.8 Having regard to my assessment above, I consider that the proposed dwellings, due to their orientation, layout, siting, design, form and boundary treatment, would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would therefore be contrary to Section 12.3.7.5 of the Development Plan.

8.3.9 I note that no concern was raised in the Local Authority Planner's report with regard to the proposed extension to the side and rear of No. 1 Kerrymount Green, which would be single storey in scale, set back from the front building line and would be finished in materials to match the existing dwelling. I consider that the proposed extension would form a subordinate addition, in keeping with the character of the existing dwelling and neighbouring dwellings and is therefore acceptable in terms of visual impact.

8.4 Residential amenities

Residential standards

8.4.1 The Local Planning Authority's reason for refusal stated that the proposed development would not provide an adequate quantum of private amenity space and adequate separation distances between opposing windows.

8.4.2 The Appellant's grounds of appeal state that separation distances and private amenity provision meet requirements.

8.4.3 The Local Authority Planner's report highlights that the separation distance between the two new houses at first floor level is c. 8.4m. Unit A includes a large north facing window at first floor level serving a living room, which directly faces a full width glazed area serving a kitchen/dining room in Unit B at a distance of c. 8.4m. The window of Unit A potentially overlooks the rear garden of Unit B at a distance of c. 2.7m and the 1st floor terrace adjoining the kitchen of Unit B. I note that the floorplans show opaque glass louvres to the window of Unit A to prevent overlooking.

- 8.4.4 SPPR 1 of the Sustainable and Compact Settlements Guidelines 2024 requires that a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses above ground level shall be maintained. Habitable room is defined in the appendices to the Guidelines as “primary living spaces such as living rooms, dining rooms, studies and bedrooms”. Reduced distances may be considered acceptable where there are no opposing windows and suitable privacy measures have been designed into the scheme. Section 12.8.7.1 of the operative development plan states that, where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.
- 8.4.5 Noting the limited separation distance of 8.4m between opposing windows, which is significantly below the minimum generally sought by the Guidelines, the size of the window opening, the uses of the rooms involved, the design of the louvres which I consider would still allow some views through (particularly of the external amenity space below), and would give a perception of overlooking, I consider that the proposed development would result in an unacceptable level of overlooking on House B and would not therefore provide an acceptable level of amenity in this regard for future occupiers.
- 8.4.6 The Appellant’s grounds of appeal state that the window could be obscure glazed or omitted. This would resolve the overlooking issue between the units, however I have concerns that it would not address issues of overshadowing and overbearance arising from the layout and massing of the units, discussed further below. The appellant also references an appeal decision, PL06D.239254, which included the use of louvres to mitigate overlooking. I have reviewed the online file and note that the appeal decision was made in November 2011, within a different policy context. Also, it is not clear that the circumstances in that case were similar, noting that the fenestration of neighbouring dwellings and the separation distance to opposing windows is not clear from the drawings. In addition, I note that each proposal should be assessed on its own merits.
- 8.4.7 With regard to private amenity space, the Local Authority Planner’s Report raised concern with provision for House A (No.5) because the majority (69sqm) of its open space is located to the front of the dwelling and therefore not considered to be high

quality and useable. Concern was also raised with regard to the quality of the private amenity space for both new dwellings, due to it not being accessed from the main living space.

- 8.4.8 SPPR 2 of the Guidelines sets a minimum standard of 40sqm for 3bed houses, though this may be relaxed on urban infill sites of up to 0.25ha, subject to overall design quality and proximity to public open space. The supporting text to SPPR 2 states that private open space must form part of the curtilage of the house and be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space. Section 12.8.3.3 Private Open Space of the Development Plan states that all houses shall provide an area of good quality usable private open space behind the front building (sic). There is a minimum requirement for 3bed houses of 60sqm, though this may be relaxed for innovative design responses, particularly for infill or corner side garden sites. Also, amenity space to the side and front can be considered, where it is useable and good quality.
- 8.4.9 House A (No.5) has 3no. external areas comprising a 16.5sqm courtyard on the northern side (with access from Cornelscourt Hill Road), a 51sqm garden to the south (accessed from Kerrymount Green) and a first floor balcony of 5.8sqm on the southeast corner of the building. The Appellant argues that the larger garden space is the back garden as the front door to the dwelling is on the northern side, via the courtyard. As the vehicular access and parking space for the unit is located on the southern side, together with a secondary entrance to the dwelling, I consider that this would function as the main entrance. In any case, I consider that there is scope within the Guidelines and development plan policy to allow for private amenity space to be considered at the front/side of a dwelling, particularly for infill sites, and subject to design quality. I note that the southern garden area is directly accessible from the unit, via the entrance at ground floor level and external stairs from the 1st floor terrace adjacent to the kitchen/dining room.
- 8.4.10 It is proposed to erect gates and a boundary wall of 1.7m in height on the southern boundary, rising to 1.92m on the eastern boundary of the garden. The existing wall heights are c. 1.3m and c.1.5m, respectively. I note also that a new boundary wall is proposed between No.1 Kerrymount Green and House A, which would be up to 2.36m in height, replacing the existing hedging. Whilst the taller boundary treatments would help to provide privacy to this garden area, and to the ground floor bedrooms

on the southern elevation, as identified above, I have concerns with regard to the visual impact on the streetscape arising from the orientation of the dwelling and the height of the boundary treatments, relative to the adjoining properties. The formation of a rear garden and related boundary treatments addressing Kerrymount Green on this prominent corner would, I consider, be at odds with the pattern of development in the street.

8.4.11 House B would have a southfacing garden of 70sqm and a south facing first floor balcony of 5.8sqm. The garden would be directly linked to the ground floor hallway and first floor terrace serving the kitchen dining room. As noted above, I have concerns that this garden would experience overlooking and a perception of overlooking from the large northfacing window serving the 1st floor living room of House A. I also note that the proposed plans indicate a new window at first floor level on the eastern elevation of the existing dwelling, serving Bedroom 3, which would overlook the garden of House B. However, a new window is not indicated on the elevations and would not appear to be feasible given the roof form.

8.4.12 On the basis of the shadow diagrams submitted by the appellant, I would accept that the proposed dwellings would receive adequate levels of sunlight over their private amenity spaces. However, noting that the lower ground floor bedrooms of House B are set at a level 0.8m lower than the garden, I would have concerns that these rooms may receive limited daylight outside the summer period. A daylight impact assessment report has not been submitted in this regard. Noting that the two storey elements of both No. 1 Kerrymount Green and House A would be set back from the boundaries of the garden serving House B, I do not consider that an unacceptable overbearing impact would arise for this space.

8.4.13 The appellant highlights the proximity of Kerrymount Green and the flexibility on quantum allowed by SPPR 2 of the Guidelines for smaller urban infill sites. However, as noted from my assessment above, I consider that there is an issue of quality for the amenity space serving House B on account of overlooking, which would not provide adequate residential amenity for future occupiers. In the case of House A, whilst the southern garden space may provide adequate quantum and quality of amenity space for future occupiers, this results in an unacceptable impact on the character of the area due to the orientation of the dwelling and the height of the

boundary treatments being at odds with the prevailing pattern of development on Kerry Mount Green.

8.4.14 The appellant lists a precedent permission (DLR D20A/0786) whereby the private amenity space for 4no. infill dwellings was located on the roadside. From review of the online planning file, I note that the private amenity spaces of the 4no. infill dwellings was located to the rear of the dwellings, albeit bounding the public road, and that the existing boundary wall of c. 1.35m height to the road was retained and hedging added behind it to provide privacy. I do not consider that the two developments are directly comparable therefore and, in any case, each proposal should be assessed on its own merits.

8.4.15 I note that the Local Planning Authority raised no objection to the retained private amenity space of the existing dwelling, which I note would meet the SPPR2 requirements.

8.5 Neighbouring amenity

8.5.1 The Local Planning Authority decision refers to the adverse impact of the proposed development on the residential amenity of adjacent properties by reason of overshadowing, overlooking and overbearing appearance. Observations received raise concern in respect of potential overlooking and overshadowing of adjacent properties, particularly No. 3 Cornelscourt Hill as well as construction related disturbance generally.

8.5.2 A single storey element of House B would be positioned on the boundary with No. 3 Cornelscourt Hill, while the two-storey part would be setback 3.74m from the boundary, or 5.03m from the flank wall, of that dwelling. A large window serving the 1st floor living area, with opaque glass louvres fitted externally, would face the front garden of No. 3 at a maximum distance of 3.74m distance. The parapet height of the two-storey part would be 6.5m above ground level for the length of the front garden of No.3. The ridge of the roof, which would be further setback, would be 8.2m in height, relative to No. 3 Cornelscourt Hill. The submitted floorplans indicate that the existing hedging on the boundary is located within the curtilage of No. 3 and would be retained.

- 8.5.3 I note from the shadow diagrams submitted as part of the grounds of appeal that some overshadowing of the front garden of No. 3 would occur during autumn and spring. Based on these diagrams, the scale of proposed House B and its position south of No. 3, I consider that there is also potential for impact on daylight to the rooms at the front of No.3. An assessment has not been submitted in this regard. In addition, some overshadowing of the rear garden of No.1 Kerrymount Green would occur, as indicated in the overshadowing diagrams and as noted in the grounds of appeal, I consider that the level of overshadowing of the rear garden of No. 1 Kerrymount Green would be noticeable for those occupiers but, given the size of the garden an adequate area would retain sunlight to maintain an adequate level of amenity.
- 8.5.4 I note that the northfacing window in House B faces the less sensitive front garden area of No.3 Cornelscourt Hill, which is also visible from the street. However, due to its size, height and proximity to the boundary, I consider that it would impinge on the privacy of the occupiers of the adjacent dwelling.
- 8.5.5 I note the concerns of the Observers with regard to construction related impacts, however these would be temporary in nature and could be mitigated by standard measures including limited hours of operation and management of parking, deliveries, dust etc.
- 8.5.6 Overall, based on my assessment, I consider that the proposed houses, due to their scale and proximity to neighbouring dwellings, as well as the 1st floor northfacing window to House B, would result in unacceptable impacts on neighbouring residential amenity by way of overlooking, overshadowing and overbearance. The proposed development would therefore be contrary to the zoning objective for the lands and to objectives PHP18, 19 & 20 and Section 12.3.7.5 of the Development Plan which seek to increase housing supply whilst ensuring a balance with protection of existing amenities.
- 8.5.7 I note that no concern was raised in the Local Authority Planner's report with regard to the proposed extension to the side and rear of No. 1 Kerrymount Green in terms of neighbouring amenity, which would be single storey and set off the neighbouring boundary to the north. I consider that the proposed extension would not give rise to any material impacts on neighbouring occupiers.

8.6 Access and Car parking

- 8.6.1 Matters related to transport, access and parking did not feature in the Local Planning Authority's reason for refusal, however they were raised in observations received.
- 8.6.2 The Local Authority Transport Planning Report sought further information in relation to a number of points, some of which relate to matters of detail which could be dealt with by condition, such as cycle parking, EV charging and permeable surfaces. In respect of the new and modified entrances, details were sought to show that the proposed vehicle accesses would provide adequate visibility from exiting vehicles to pedestrians on the adjacent footpaths by way of minimum 1.5m length boundary treatments not exceeding 1.1m driver eye height or 1.5m recessed accesses with 90 degree splayed/bellmouth wing walls. The report also notes the presence of an existing ESB minipillar obstructing the proposed route across the grass verge.
- 8.6.3 Section 12.4.8.1 of the Development Plan requires that vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. The proposed new entrance to House B is 2.54m in width, situated between the boundary with No. 3 Cornelscourt Road and the proposed dwelling. To address the requirements of the Transport Planning Section, a redesign of the proposed dwelling and/or the consent of the neighbouring occupier to lower their boundary would be required. For House A, the proposed boundary wall to Kerrymount Green and the side boundary to No. 1 Kerrymount Green would need to be lowered. I also note that the parking areas of both proposed dwellings are restricted in size and cars would not be able to enter and exit in a forward gear, which could also increase the potential for conflict between pedestrians and cars entering/exiting those sites. I note also that both entrances onto the public road are close to existing junctions. For these reasons, I would have concerns that the proposed vehicular entrances would result in an unacceptable risk of conflict between pedestrians and vehicles, causing a traffic hazard.
- 8.6.4 In respect of the proposed access to House B, I note that Section 12.4.8.6 of the Development Plan states that permission will not normally be granted for a development which entails vehicular access over public open space or a non-paved route. I consider that the proposed access to House B would distract from the layout,

character and function of the open space and would not comply with the requirements of Section 12.4.8.6 of the development plan.

- 8.6.5 Having regard to the design of the proposed vehicular entrances serving Houses A & B, their proximity to existing junctions, and the limited visibility for vehicles existing the sites, I consider that the proposed development would result in the potential for conflict between pedestrians and vehicles, and in the case of the access to House B, may not be feasible due to the presence of existing utilities.
- 8.6.6 In relation to the proposed modified access to No. 1 Kerrymount Green, sightline visibility would not meet the requirements of the Transport Planning Section of the Local Authority due to the height of both the side boundary wall with proposed House A and the roadside boundary of that dwelling. In addition, the Local Authority's Parks and Landscape Services Section report raises concern that the dropped kerb associated with the relocated access to No. 1 would result in negative impact on the existing street tree to the front of that dwelling. For these reasons, the modified entrance to No. 1 Kerrymount Green would not be acceptable and I recommend that the proposal be refused for this reason.

8.7 Other issues

- 8.7.1 The Local Authority Drainage Report sought further information in respect of proposals for surface water drainage and confirmation that all hardstanding would comprise permeable surfaces. Objective EI6 of the Development Plan requires that all development proposal incorporate Sustainable Drainage Systems (SuDS). The application form indicates that surface water would be disposed to the public sewer/drain. No details of surface water management are indicated on the submitted drawings.
- 8.7.2 For the proposed extension to the existing dwelling, I consider that the use of SuDS measures could be required by condition, given that it is partially on the footprint of the existing extension, its limited scale and the relatively large rear garden area retained.
- 8.7.3 With regard to the proposed two dwellings in the side garden, both would have curtilages including grassed and hard surfaced parking areas. I consider therefore that SuDS measures could be implemented as part of the proposed development to

minimise flows to the public drainage system. If the Commission were minded to grant permission for the infill dwellings, a condition could be added in this regard.

9.0 AA Screening

- 9.1. Having regard to the modest nature and scale of the proposed development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Water Framework Directive Screening

- 10.1. Having regard to the modest nature and scale of the proposed development, it is concluded on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. I recommend a SPLIT DECISION to grant the single storey extension to the existing dwelling and refuse the two infill dwellings and new/modified vehicular entrances, as set out below.

Recommendation A

- 11.2. I recommend that planning permission is REFUSED for works comprising 'sub division of side garden to form two additional house plots. Construction of two two storey houses. Widening and subdivision of existing car gateway to provide hard standing for three cars. New vehicular entrance off Cornelscourt Hill', for the following reasons and considerations:

1. Having regard to the restricted nature and prominent location of this corner site, and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its layout, massing, form, design, boundary treatment, impact on adjoining public space and street trees, would constitute overdevelopment of a limited site area, would seriously injure the amenities of adjoining residential property and would be visually obtrusive on the streetscape and out of character with development in the vicinity. As such, the proposed development would be contrary to the Zoning Objective 'A' for the lands, to Sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and to SPPR 1 Separation Distances of Compact Settlements Guidelines 2024. The proposed development would set an undesirable precedent for similar haphazard development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of traffic hazard because insufficient sightlines are available in both directions at the junctions with the public road of the proposed entrances serving Houses A & B.

Recommendation B

- 11.3. I recommend that planning permission is GRANTED for 'Demolition of car garage and plant room. Interior alterations and single storey extension to existing house', for the following reasons and considerations and subject to the conditions set out further below:

Having regard to the Zone A zoning objective relating to the site, the nature and extent of the proposed development and the character of the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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

Reason: In the interest of achieving a sustainable disposal of surface water.

4. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

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

Suzanne White
Planning Inspector

8th August 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ABP-322457-25
Proposed Development Summary	Demolition of garage and plant room. Construction of two dwellings, alterations to existing dwelling, new vehicular entrance and associated site works
Development Address	1, Kerrymount Green, Cornelscourt, Dublin 18, D18N8X3
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

_Date: 08/08/2025