



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322497-25

<b>Development</b>	Protected Structure: Construction of 4 houses with all associated works within the curtilage of Montebello House.
<b>Location</b>	Montebello House, Killiney Hill Road, Killiney, Co. Dublin, A96 CP08 (a protected structure).
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0127/WEB
<b>Applicant</b>	Covelo Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Covelo Developments Ltd.
<b>Observers</b>	(1) Eugene Greene (2) Yvanna & Jon Chase and Gillian & Hugh Mc Cutcheon

(3) Stephen & Renate McIntyre

(4) Kate and Colm McCaughley

(5) Hilary & Garret Roche

**Date of Site Inspection**

18/8/2025

**Inspector**

Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located at Montebello House, Killiney Hill Road, Killiney, Co. Dublin. Montebello House, a Protected Structure is a large two-storey over basement detached Victorian dwelling built circa 1860.
- 1.2. The appeal site comprises part of the curtilage of Montebello House. The site has an area of 0.4611. It is located to the southern end of the curtilage of Montebello House. The property is served by gate vehicular entrance onto Killiney Hill Road. The southern and western sides of the site are bounded by Church Avenue. Church Avenue serves St. Alphonsus & Columba Roman Catholic Church which is located 23m to the west of the appeal site.
- 1.3. To the south of Church Avenue lies Shanganagh Terrace is a cul-de-sac containing 17 no. properties which were developed in the late-19th century. Ballybrack village lies circa 290m to the south-west of the appeal site. Killiney Dart Station is situated circa 550m to the east of the appeal site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following;
  - (i) the construction of a residential infill development comprising 4 no. two-storey four-bedroom flat-roofed (with 3 no. rooflights) houses to be served by a shared surface access road off the existing driveway via Killiney Hill Road; and,
  - (ii) all ancillary works necessary to facilitate the development inclusive of tree removal/planting, landscaping, SuDS drainage works, level alterations and provision of visitor bicycle parking (8 no. stands).
    - Each house will be served by vehicular parking (2 no. spaces) within a front garden and will be served by private amenity space in the form of a rear (south-facing) garden and 2 no. terraces at first floor level (to the front/north and rear/south) with shared access provided to public open spaces on site.
    - The site is within the curtilage of Montebello House which is a Protected Structure.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. Dún Laoghaire Rathdown County Council decided to refuse permission by Order dated 14<sup>th</sup> of April 2025. Permission was refused for the following reason,

1. Notwithstanding the subject's site sensitivities and constraints, the Planning Authority considers that the provision of a c. 8.7dph scheme would represent underdevelopment of an accessible site with convenient access to frequent public transport services via Killiney DART Station and facilities in the nearby neighbourhood centre. It is considered that the proposal does not adhere with the requirements of, inter alia, Policy Objective PHP18 of the County Development Plan 2022-2028, and Table 3.1 of the Compact Settlement Guidelines with regard to the density ranges applied to locations in Dublin classified as 'Urban Neighbourhoods'. As such, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

3.2.1. Planning Report – report dated 14/4/2025: It was concluded in the report that the site is located on lands zoned Objective 'A' which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' The principle of residential development on the site is accepted by the Planning Authority. However, having regard to the direction of National Planning Policy objectives to promote higher densities and more compact settlements within appropriate locations and noting the location of the site, being in close proximity to an existing high frequency public transport node and nearby Neighbourhood Centre, it is considered that on the basis of information lodged with the application, that the proposed development of 4 no. dwellings on a 0.4611ha site constitutes an unsustainable use of land, which if permitted, would be contrary to the provisions of Section 4.3.1.1 Policy Objective PHP: Residential Density of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and Chapter 3 of the Guidelines for Planning Authorities: Sustainable Residential Development and Compact

Settlements Guidelines for Planning Authorities (2024). A refusal of permission was recommended on the basis of inappropriate density. It was also stated in the report that the Planning Authority had significant concerns in relation to the layout, the impact on the Protected Structure and its curtilage and the impact on existing mature trees.

3.2.2. Other Technical Reports

3.2.3. Transportation Planning – Further information required: (1) The Applicant is requested to submit revised/additional drawings/details demonstrating that the proposed shared surfaces comply with DMURS Sections 4.3.4 Pedestrianised and Shared Surfaces, 4.4.1 Carriageway Widths and 4.4.2 Carriageway Surfaces. (2) The Applicant is requested to submit revised/additional drawings/details showing the provision of a separate pedestrian access adjacent to the existing cast iron and stone entrance gates on Killiney Hill Road taking account of the protected status of Montebello House. Transportation Planning note that this will require amendment of the Application Site Area (Red Line).

3.2.4. Drainage Planning Department – Further information requested regarding; (1) Given the nature (private houses) of the development, Drainage Planning have concerns over the location of the communal attenuation tank and possible future maintenance issues. It is not clear from the information provided if this development will remain private or have a management company put in place for the management of the communal drainage features. The applicant is requested to clarify. The provision of such a tank in the area surrounded by mature trees may impact on the roots of these trees, in addition, trees are proposed on top of the tank, which may not be acceptable. Drainage Planning requests that the applicant revisit the drainage arrangements and considers a solution that each dwelling is required to dispose of its own surface water runoff within its own property curtilage. While infiltration results are not favourable, alternatives, such as rain water planters and permeable paving with an allowance for roof discharge (e.g. diffuser box) etc. may be workable alternatives. (2) Should it be found that the attenuation tank is required, the applicant is requested to review the allowable outflow calculations. Site specific data should be used, including Soil Type and SAAR values. It is noted that a soil type 2 has been used, which does not align with the site investigation results. The revised allowable outflow may have an impact on the attenuation volume. An allowance for urban

creep should also be included in the calculations. (3) The applicant is requested to review the need for a petrol interceptor in a development of this size.

- 3.2.5. Environmental Health Officer – Further information requested regarding the submission of a Construction and Environmental Management Plan and A Resource & Waste Management Plan.
- 3.2.6. Environmental Enforcement Department – Further information requested regarding the submission of a Construction and Environmental Management Plan and A Resource & Waste Management Plan.
- 3.2.7. Parks and Landscape Services – Further information requested in relation to the following; (1) **Revised Site Layout:** Given the significant removals of good trees in the last 2 years from this site and the proposed vulnerability of the remaining good trees to be positioned in future rear gardens, the applicant should be requested to revised the site layout to position a strip along the southern boundary containing the existing trees (to allow for proper protection) with an access road for the houses to the north-east of this strip of open space and the proposed dwellings to the northeast of the road again. In summary, this involves ‘flipping’ the layout and will enable retention of this line of important trees as they would be located on open space instead of in rear gardens. The importance of these trees is highlighted by the multiple tree icons on the CDP 2022-2028, as shown above. All plans should subsequently be updated to reflect this revised layout. (2) **Revised Landscape Plans:** The landscape plans should be revised to omit paved surfaces underneath the proposed open space to the east of the site, to again facilitate proper protection of the trees in that area, trees which are again protected by a tree icon on the CDP 2022-2028. The paved surfaces indicated currently would compromise the longevity of these good trees due to inevitable excavation works. The proposed dwellings have sufficient private open space to the front and rear of their sites and expansive seating and paved areas as indicated are not necessary for this small development. Thus, this area should be kept as close to its current condition as possible.
- 3.2.8. Conservation Officer – It is stated in the report that the Conservation Division cannot support the proposed development and subdivision of the curtilage of the Protected Structure. We recommend refusal on the grounds the development fails to comply with CDP Policy Objectives set out above notably Policy HER 8, Section 12.11.2.1



and Section 12.11.2.3 and is premature pending a holistic approach to the development of the site to ensure the future preservation and protection of the Protected Structure, its stable yard, walled garden and gate lodge. The parcel of land which forms this planning application cannot be considered in isolation.

- 3.2.9. It is stated that should the Planning Department decide to seek further information, the following is requested. The applicant is requested to submit conservation plans for the house, gate lodge and stable yard. • Omit House 1 to reduce impact on the setting and amenity of the gate lodge, an architectural set piece in its own right. • Reduce the scale of the remaining 3 no. buildings having regard to the scale of the Protected Structure. • Submit further CGI image of the development, showing it in context on arrival to the Protected Structure and gate lodge. Also views along Church Avenue, to assess impact on Shanganagh Terrace and approach to St Alphonsus & St Columba's Church, all Protected Structures adjacent the site and contained within the Killiney ACA. • Submit landscaping plans to include further screening of the development when viewed from Montebello House. View 3 in the verified views is not acceptable. The sylvan setting should be reinstated as far as possible. The AHIA Report states "the proposed new houses will be well screened from view from Montebello House by high quality landscaping". This is at odds with the drawings and photomontages. • Removal of the public open space. This further disconnects the relationship between the Protected Structure and the Gate Lodge and negatively affects the experience on arrival to the Protected Structure. It further isolates the Gate lodge to its own plot.

### 3.3. **Prescribed Bodies**

- 3.3.1. Uisce Éireann – No objection in principle. It is noted a PCE has been submitted, results of the PCE will indicate a number of upgrades required, including the replacement of the existing 150mm diameter sewer on Killiney Hill Road between the proposed connection point and the 300mm sewer downstream with a 225mm dia. Details will be provided in the COF.

### **3.4. Third Party Observations**

- 3.4.1. The Planning Authority received 37 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the observations on the appeal.

## **4.0 Planning History**

- None

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 - National Planning Framework – First Revision – April 2025**

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life.
- 5.1.2. National Policy Objective 7 seeks to “deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.”
- 5.1.3. National Policy Objective 8 seeks to “deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.”
- 5.1.4. National Policy Objective 43 seeks “to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”
- 5.1.5. National Policy Objective 45 seeks to “increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.”

## **5.2. Section 28 Ministerial Guidelines**

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

## **5.3. Climate Action Plan 2025**

5.3.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland’s Climate Action Plan. It should be read in conjunction with Climate Action Plan 2024.

5.3.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

## **5.4. National Biodiversity Action Plan 2023-2030**

5.4.1. Ireland’s 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

5.4.2. The targets set out in the Plan are in the context of five objectives that lay out a clear framework for our national approach to biodiversity.

- Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.

- Objective 2: Meet Urgent Conservation and Restoration Needs.
- Objective 3: Secure Nature's Contribution to People.
- Objective 4: Enhance the Evidence Base for Action on Biodiversity.
- Objective 5: Strengthen Ireland's Contribution to International Biodiversity Initiatives.

## 5.5. **Dún Laoghaire Rathdown Development Plan 2022-2028**

- 5.5.1. The appeal site at Montebello House, Killiney Hill Road, Killiney, Co. Dublin is located on lands zoned Objective 'A' which has the objective: "to provide residential development and improve residential amenity while protecting the existing residential amenities". 'Residential' development is permitted in principle under this land use zoning objective.
- 5.5.2. Appendix 4: Heritage Lists – Montebello House, Killiney Hill Road, Killiney Co. Dublin described as a House is a Protected Structure (RPS No. 1712).
- 5.5.3. The appeal site at Montebello House, Killiney Hill Road, Killiney Co. Dublin lies within Killiney Architectural Conservation Area.
- 5.5.4. Chapter 4 refers to Neighbourhood – People Homes and Place
- 5.5.5. Policy Objective PHP18 - Residential Density: Seeks 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. Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.
- 5.5.6. Policy Objective PHP20 - Protection of Existing Residential Amenity: Seeks to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

- 5.5.7. Policy Objective PHP27 - Housing Mix: Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.
- 5.5.8. Chapter 5 refers to the matter of Transport and Mobility. It seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport.
- 5.5.9. Chapter 12 refers to Development Management
- 5.5.10. Section 12.3.4 refers to Residential Development – General Requirements

## **5.6. Natural Heritage Designations**

- 5.6.1. Rockabill to Dalkey Island SAC (Site Code 003000) is circa 1.9km to the east of the appeal site.
- 5.6.2. Dalkey Island SPA (Site Code 004172) is circa 2.79km to the north-east of the appeal site.
- 5.6.3. South Dublin Bay SAC (Site Code 000210) is 5.1km to the north of the development site.
- 5.6.4. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 5km to the north of the development site.

## **5.7. EIA Screening**

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

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal has been submitted by Hughes Planning & Development Consultants on behalf of the applicant Covelo Development Ltd. The issues raised are as follows:

- The Planning Authority refused permission for the following reason;
  1. Notwithstanding the subject's site sensitivities and constraints, the Planning Authority considers that the provision of a c. 8.7dph scheme would represent underdevelopment of an accessible site with convenient access to frequent public transport services via Killiney DART Station and facilities in the nearby neighbourhood centre. It is considered that the proposal does not adhere with the requirements of, inter alia, Policy Objective PHP18 of the County Development Plan 2022-2028, and Table 3.1 of the Compact Settlement Guidelines with regard to the density ranges applied to locations in Dublin classified as 'Urban Neighbourhoods'. As such, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development comprises the construction of 4 no. house along the southern boundary of the wider envelop of land associated with Montebello.
- The proposed dwellings are two-storey and detached with 4 no. bedrooms, private amenity space to the rear and 2 no. car parking spaces within the curtilage.
- The wider site works proposed as part of the application include the provision of a new spur access road off the existing central access driveway serving Montebello via Killiney Hill Road which will provide vehicular and pedestrian access to the new houses.
- The proposed scheme includes areas of landscaped public open space to the north-east of the proposed houses.

- It is submitted that the proposed development will have no impact on the residential amenity of the area. The proposed dwellings are appropriately orientated and positioned to have an almost imperceptible impact on the public realm.
- Whilst the proposed development would be clearly visible from Montebello House it is considered that the scheme sits comfortably into the backdrop of the Dublin Mountains alongside the existing retained boundary planting along the southern site boundary.
- It is stated that the proposed development would be visually subordinate relative to Montebello House and that the presence of the boundary planting and particularly in summer will provide a backdrop when viewed from Montebello House.
- It is stated in the appeal that at the pre-planning stage, the applicant was advised that the initially presented higher density scheme comprising 21-42 residential units would not be supported due to the site's constraints, its location within Killiney Architectural Conservation Area, the presence of Montebello House and associated tree and heritage sensitivities.
- The final pre-planning meeting response from the Planning Authority concluded: "The development of the attendant grounds to accommodate any form of residential development is not supported as it contravenes the provisions of the County Development Plan 2022-2028 with regards to works to protected structures."
- Following this advice the applicant reduced the scale of the development from the original scheme proposed at pre-planning to a scheme of 4 no. dwellings. The report of the Planning Officer in relation to the application acknowledged the sites sensitivities but also asserted that "the proposed development is located on lands subject to Zoning Objective 'A'..However, having regard to the direction of National Planning Policy...it is considered that...the proposed development of 4 no. dwellings on a 0.4611ha site constitutes an unsustainable use of land."

- This conclusion appears to be inconsistent with the earlier section of the report which states “The Planning Authority also has significant concerns in relation to the layout, the impact on the Protected Structure and its curtilage, impact on existing mature trees and lack of compensatory measures etc.”
- Therefore, the site is considered too sensitive for higher density and too strategic for low density.
- The pre-planning advice issued by the Planning Authority creates an expectation on the part of the applicant that lower density scheme responding to heritage and environmental sensitives would not be refused on the grounds of underdevelopment.
- It is highlighted that there is inconsistency between the approach of the Conservation Department and the Planning Department in assessing the proposed scheme. The Planner’s report states; “The application submission has been reviewed by the DLR Conservation Department who are not supportive of the proposal in their current format with their primary concern relating to subdivision/severance of the curtilage of the Protected Structure, particularly the visual impact between Montebello House and the gate lodge. To reduce the impact, the Conservation Department shares these concerns regarding the impact on the gate lodge and would suggest that the proposed development is redesigned to preserve the setting of the gate lodge and views between the house and gate lodge in a more sympathetic way. This could include the provision of a single storey dwelling or set backs at first floor level. However, as a refusal of permission is recommended. Further information will not be requested in this regard.”
- It is considered that the conflict between departments within the same authority undermines the clarity and consistency of the planning assessment.
- Regarding the relationship between House no.1 and the gate lodge, a separation distance of 14.8m is provided to the single storey section of House no. 1 and the original footprint of the gate lodge. This separation increases to 22.26m when measured to the two-storey element from the original footprint of the gate lodge.



- The applicant's intention is to submit a future application for the restoration and refurbishment of the gate lodge.
- It is submitted that the proposed development has been designed in a manner that is contextually appropriate, particularly having regard to location within the Killiney Architectural Conservation Area and the curtilage of Montebello House (RPS No. 1712) and the established pattern of development in the surrounding area.
- The layout of the scheme seeks to balance the national policy objectives relating to compact growth with the site-specific obligations to protect the character and setting of the Protected Structures and ACAs.
- The proposed scheme of 4 no. two-storey detached dwellings located to the south of Montebello House (RPS 1712) with significant separation from the main structure and associated outbuildings. The scheme was designed to specifically address concerns raised by the Planning Authority and Conservation Division during the pre-planning process, during which it was stated that, "Large, generous plots should not be subject to intensification of the sites." And "the relationship with the house and the gate lodge will be severed by any development between the two."
- In response to this the proposed layout deliberately avoids placing any built form between Montebello House and the gate lodge. The area was reserved as landscaped public open space in order to preserve the spatial and visual relationship between these structures. The proposed dwellings were relocated further south and adjacent to the site's boundary with Church Road, where their presence would be visually softened by level changes and existing/peripheral planting. It is submitted that this approach is in line with Policy Objective HER12 of the Dún Laoghaire Rathdown Development Plan 2022-2028 which states, "It is a Policy Objective to protect structures included on the Record of Protected Structures and to ensure any development proposals are sympathetic to their character and setting."
- In relation to the open space located between Montebello House and the gate lodge, this was intentionally included to retain a landscaped, undeveloped zone preserving the visual and spatial relationship between these structures.

The advice from the Conservation Division at pre-planning stage stated that “The sylvan setting should be reinstated as far as possible..”

- In response to the pre-planning advice the applicant proposed to maintain low building coverage, locating built form outside critical sightlines and preserving mature boundaries. The proposed layout providing open space between Montebello House and the gate lodge directly supports the advice from the Conservation Division. The report of the Planning Officer stated, “The public open space between the gate lodge and Montebello ...compromises the visual link between these two structures.” Therefore, the report of the Planning Officer did not acknowledge the Conservation Division’s earlier recommendation in relation to the sylvan setting and that the proposed open space would achieve it by providing a buffer that protects the setting of the Protected Structure and maintains a coherent landscape character consistent with the site’s historical context. The proposed open space introduces no built form or obstruction; it was specifically intended to preserve not compromise the visual relationship between the structures. It is considered that there is inconsistency in the Planning Authority’s assessment.
- In relation to the wording of the refusal reason the Council references a density of 8.7 dwellings per hectare with the figure derived from a calculation based on the full redline site area of 0.4611 hectares. This calculation does not reflect the actual developable portion of the site which is substantially reduced due to heritage, environmental and infrastructural constraints. It is submitted that the net developable area of the site is 0.2559 hectares when the areas of the historic roadway of 347.5sq m, the tree constraint areas 1,244sq m and the 10% open space provision 461sq m is excluded.
- It is submitted on this basis that the provision of 4 no. dwellings on 0.2559 hectares equates to a net density of approximately 15.6 dwellings per hectare. It is stated that the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) do not impose strict minimum densities for every site and specifically allow exceptions for constrained, sensitive infill lands. This is set out in section 3.3.6 (c) of the Guidelines which states “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.”

- It is considered this exemption is relevant to the appeal site, being less than a half a hectare in size and comprising a vernacular 19<sup>th</sup> century two-storey over basement structure and its attendant gardens. It is submitted that the scale of the proposed scheme aligns with the existing structure on the site.
- Section 3.4 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) is noted which states, “The application of the density ranges in the preparation of statutory development plans and in the consideration of individual planning applications will be subject to local determination by the planning authority, or by An Bord Pleanála in the case of an appeal or direct application. The density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment.”
- The Guidelines note that whilst considerations of centrality and accessibility will have a significant bearing on density, it is also necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment. It is also stipulated that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on the character (including historic character), amenity or the natural environment.
- Therefore, having regard to the details set out above it is clear that appropriate densities must be determined on a case by case basis, having regard to the receiving environment and the character of the area. In relation to the proposed density, the applicant strongly consider that the proposed scheme strikes an appropriate balance between the need to ensure the efficient use of this infill site, whilst retaining a vernacular structure of merit and preventing a scale of development which could appear overbearing

relative to the comparatively lower density of development within the immediate adjoining area.

- It is submitted that planning precedent supports the proposed density. The appeal cites the appeal reference ABP 315000 at Harrow House and the planning application Reg. Ref. D22A/0508 at Chadsley House. It is stated that the Board and Dun Laoghaire Rathdown County Council accepted comparably low densities in similar contexts involving Protected Structures and sensitive suburban settings.
- The applicant submits that the net calculation based on the developable area of the site and consideration of its policy context, that the proposed density of 15.6 dwellings per hectare is consistent with the Compact Settlement Guidelines 2024, County Development Plan policy and established precedent is an appropriate measure in this case and that the Planning Authority's application of a gross site density is not appropriate.
- The Planner's report refers to concerns from the Transportation Division specifically that they required further information on the proposed access arrangements. One of the concerns referred to the perceived lack of compliance with DMURS regarding the shared surface access arrangements. The proposed shared access road complies with the principles of the Design Manual for Urban Roads and Streets (DMURS). The proposed entrance design reflects the low traffic volumes associated with the development and the heritage setting of Montebello House. It is submitted that the limited quantum of traffic and absence of through traffic further support the appropriateness of a shared surface arrangement in this context.
- In relation to a request by the planning authority for a separate pedestrian access to be provided independent of the shared vehicular access route, the applicant submits that the entrance in question already exists and forms part of the curtilage of Montebello House, and therefore further alterations to create a secondary pedestrian access would unavoidably affect protected boundary walls and the setting of the gate lodge.
- The Planning Authority's Drainage Division raised concerns regarding surface water management and specifically in relation to the requirement for each

dwelling to dispose of its own surface water within its curtilage and also the location of the proposed attenuation tank within the communal open space area and with tree planting over the proposed tank. Site tests indicate that there is poor infiltration capacity which has necessitated the proposed attenuation tank. The proposed attenuation tank is sized using industry standard HR Wallingford software and national rainfall/soil datasets it represents an appropriate and policy compliant SuD's solution.

- The report of the Planning Officer referred to the layout and quality of the proposed public open space particularly in relation to the separation from the proposed dwellings. The applicant submits that the proposed public open space is both functional and appropriately integrated into the scheme, that it would benefit from sufficient natural surveillance from the shared surface and surrounding dwellings and that it is appropriately setback from the site entrance. The area was deliberately positioned to retain a visual link between Montebello House the gate lodge, consistent with the conservation advice provided at the pre-application stage.
- An appendix to the appeal provides a number of similar cases which it is stated demonstrate the acceptability of low density residential infill development within or adjacent to the curtilage of Protected Structures and within Architectural Conservation Areas, particularly in cases where site constraints such as heritage sensitivity, mature trees and established urban character necessitate a context-led approach to scale and density.
- In conclusion, it is respectfully submitted that the proposed development constitutes an appropriate and balanced response to the specific constraints and planning policy framework applicable to the subject site.

## **6.2. Planning Authority Response**

- In response to the letter dated 13th of May 2025 with regard to the appeal Ref: 322497-25 the Commission is referred to the previous Planner's Report.
- 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.

### 6.3. Observations

Observations to the first party appeal have been received from (1) Eugene Greene (2) Yvanna & Jon Chase and Gillian & Hugh Mc Cutcheon (3) Stephen & Renate McIntyre (4) Kate and Colm McCaughley (5) Hilary & Garret Roche.

#### (1) Eugene Greene

- Killiney Hill Road is a very narrow and busy road with limited visibility which impacts the ability of residents to safely enter and exit their properties on the road. This is particularly the case during peak traffic periods.
- The development of the proposed houses would increase traffic and exacerbate the situation in relation to the flow of traffic on Killiney Hill Road.
- The existing access serving Montebello House onto Killiney Hill Road has limited visibility.
- An increase in the density of development at this location does not seem appropriate and it does not take into account potential impact upon the character of the area.

#### (2) Yvanna & Job Chase and Gillian & Hugh Mc Cutcheon

- It is considered that the proposed development represents haphazard and piecemeal development in the absence of a masterplan. It is noted that at pre-planning stage the applicant had two options. Option 1 consisted of the conversion of Montebello House into 6 no. apartments and the development of 21 no. two-storey house. Option 2 consisted of the conversion of Montebello House into a communal amenity building with an assisted living residential scheme of 3 no. two/three storey apartment blocks and 4 no. two-storey detached houses in the wider side.
- It is submitted that it is the norm for the development of a larger property and particularly a Protected Structure is to provide a masterplan for the overall development of the property. The current application excludes Montebello House, Protected Structure as part of the planning application this is not in

line with section 12.11.23 of the development plan which refers to development within the grounds of a Protected Structure.

- The precedents referred to in the appeal are considered to be very different contexts to the current application.
- The Heritage Impact Assessment predominantly focused on Montebello House itself rather than the key issue of the impact of the proposed development on the setting of the Protected Structure. There is no assessment of the impact of the proposed development on the Gate Lodge which is the closest structure to the proposed development.
- In relation to the site context within the curtilage of a Protected Structure it is submitted that the scale, mass and height of the proposed dwellings are excessive and inappropriate for this sensitive location. It is submitted that the scale, mass and height of the proposed dwellings will dominate the principal view from the front of Montebello House.
- It is further considered that the proposed dwellings will dominate and have an overbearing impact on the gate lodge to the east of the site.
- It is highlighted that the Conservation Department, the Parks and the Planning Departments all raised serious concerns in relation to the removal of trees prior to the application being lodged.
- The Heritage Impact Assessment submitted with the application does not refer to the location of the proposed development within the Killiney Architectural Conservation Area.
- It is stated that the tree survey submitted with the application does not include the tree which were felled.
- It is considered that the provision of public open space at the location that is on the opposite side of the avenue to Montebello House to the proposed new houses represents poor design.
- The location of the public open space would necessitate crossing the main avenue to Montebello House which would be wholly unsuitable for young

children and would give rise to traffic hazard. The location of the public open space means that it will not be overlooked by the proposed dwellings.

- The Ecological Impact Assessment states that Bat activity was surveyed on the night of 28<sup>th</sup> July 2024 and it recorded that there were only two passes of Soprano pipistrelles to the front of the house. It is submitted that a single day assessment is insufficient to determine the presence of bats associated with the site.
- It is noted that the survey was carried out after the felling of trees occurred in February 2024. It is stated in the Ecological Impact Assessment that “mature trees earmarked for removal were surveyed from ground level for potential bat roost features”. The findings of this were not detailed. No analysis was provided in respect of the proposed lighting associated with the scheme and the impact on bats.
- It is submitted that Specific Local Objective 130 has not been addressed in the application with reference to subsection (ii) which requires the application to demonstrate that the proposed development does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements. The area is characterised by narrow roads with granite walls and this is a material consideration in terms of construction traffic.

### (3) Stephen & Renate McIntyre

- The Council refused permission for one reason in relation to underdevelopment of the site. The applicant's appeal has focused on that issue.
- The observer's state that they would accept that density is a relevant planning consideration, however there are other significant issues which require to be addressed.
- The observer's state that they are not opposed in principle to a carefully considered, low density, low-rise development at the Montebello site.
- They consider that the development must address the following issues;



- The location of the site within Killiney ACA and that the proposed design is not in keeping with the historic character of the Area. The appeal does not provide much reference to Montebello House and how it will be preserved into the future.
- Pre-planning records from 2024 show that the applicant initially proposed a much larger scheme.
- Previously tree felling occurred on the site.
- Concern is raised in relation to traffic and access. Killiney Hill Road is a narrow road which experiences congestion and poor pedestrian safety especially at peak times. The proposed development will increase traffic at this location creating risk for pedestrians and cyclists.

(4) Kate and Colm McCaughley

- The observers have expressed their concern in relation to the decision of the Planning Authority. A total of 37 no. submissions were made regarding the planning application and the context of them was generally reflected in the assessment made by the Planning Authority.
- The majority of the Planning Officer's report outlines a wide array of issues and professional recommendations against a grant of permission. These include site specific sensitivities and planning principles. Internal reports requested further information for a master plan for the whole site, design amendments including the omission of House 1 & the removal of the public open space. The decision to refuse permission did not refer to these matters in the refusal reason.
- The decision was ultimately based on a single issue, insufficient residential density without highlighting the comprehensive concerns raised internally or in the submissions on the application.
- It is considered that national planning guidelines have been prioritised over the Development Plan and the special character of the site. The property Montebello is a Protected Structure, the site is within an ACA, Killiney Hill Road is a narrow winding road bordered by high granite walls. There are no

pedestrian crossings on the road and visibility issues due to bends and gradients. It is the obligation of Council to ensure road safety.

- In relation to the developer's appeal it is considered that it does not engage with the core planning and environmental concerns and that it does not provide adequate justification for the proposed development.

(5) Hilary & Garret Roche

- The site is located within a designated Architectural Conservation Area. It is set out in the Dun Laoghaire Rathdown Development Plan 2022-2028 that new development within ACA's should be sensitive to the character and appearance of the area.
- The proposed modern style houses would be inconsistent with the existing architectural and historical fabric of the area.
- Concern is expressed as to the requirement for two balconies for the dwellings. It is considered that the proposed balconies are inconsistent with the existing architectural and historic fabric of the area.
- The site is located within the curtilage of Montebello House which is a Protected Structure (RPS 1712). It is considered that the proposed development would have a significant impact on the setting and the views associated with Montebello House.
- The observers refer to the document Killiney Proposed Architectural Conservation Area – Character Appraisal & Recommendations December 2010. The gates and ironwork associated with the entrance to Montebello are specifically highlighted as follows: "The finest examples of ironwork in the study area is the ornate gates to Montebello at the lower end of the Killiney Hill Road."
- The proposed development consists of 4 no. houses with 2 no. car parking spaces. This equates to a minimum of 8 no. car pars. The gates at Montebello House are designed for single vehicular access to a single residence. Concern is expressed in relation to how the historic cobbled driveway and historic gates will withstand the level of traffic proposed.
- Concern is raised in relation to the removal of mature trees on site.

- The observation states that the surrounding area including Killiney Hill Road is heavily congested. The proposed scheme would generate increased traffic and parking. The observation refers to the sightlines at the entrance to Montebello.
- Concern is expressed in relation to the capacity in the current urban drainage network to accommodate the increase loading resulting from the proposed 4 no. dwellings.
- A significant number of items were raised in various internal reports of the Council. These issues raised are serious and include a recommendation to refuse permission by the Conservation Officer. The report of the Planning Officer agreed with many of the issues raised but did not include them as refusal reasons given that they were recommending refusal on the basis of density.
- The decision of the Council is considered confusing, and it seems to present an invitation to the applicant to submit a new application. If this is the case the refusal does not reflect the numerous concerns raised by the Council's own various departments.

## 7.0 **Assessment**

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports 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 to be considered is as follows:

- Development Plan and Policy Context
- Impact upon Montebello House Protected Structure
- Access and traffic
- Other issues

## **7.1. Development Plan and Policy Context**

- 7.1.1. This appeal relates to the development of 4 no. detached and two-storey dwellings on site with an area of 0.4611 hectares at Montebello House, Killiney Hill Road, Killiney, Co. Dublin. The site forms part of the curtilage of Montebello House, Protected Structure. The site is zoned Objective A 'to protect and/or improve residential amenity'. Accordingly, residential development is permitted in principle.
- 7.1.2. In relation to the national policy context, a residential infill development in the suburb of Killiney, Co. Dublin would generally be in accordance with the following National Policy Objectives of the National Planning Framework- First Revision (2025). NPO 7 seeks the delivery of 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth. NPO 8 seeks the delivery of at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth. NPO 43 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 7.1.3. The Planning Authority refused permission for the proposed development referring to the density of the proposal not being sufficient having regard to proximity to frequent public transport services and facilities in the nearby neighbourhood centre. The refusal reason referred to Policy Objective PHP18 of the County Development Plan 2022-2028 and table 3.1 of the of the Compact Settlement Guidelines which refers to density.
- 7.1.4. Policy Objective PHP18 of the Development Plan refers to Residential Density and it seeks 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. It is set out under this policy that the design of schemes should be of high quality and that cognisance of the requirement to protect the existing residential amenities and the established character of the surrounding area should be had while also balancing the need to provide for high quality sustainable residential development.
- 7.1.5. The proposed scheme of 4 no. house on the 0.4611 hectares site equates to a density of circa 8.7 units per hectare. The subject site at Killiney Hill Road, is situated

approximately 550m from Killiney Dart Station and 290m from Ballybrack village which is a neighbourhood centre. Accordingly, the appeal site lies in close proximity to both a high frequency public transport link and a neighbourhood centre and therefore I would be of the strong opinion that residential development at this location should be developed at an appropriate density to optimise this highly accessible location in accordance with the provisions of National Policy Objective 45 of the National Planning Framework – First Revision (2025) which seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development and also Policy Objective PHP18 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

- 7.1.6. The first party appellant has requested that the Commission have regard to the site context and the established character of the area and the site-specific obligations to protect the character and setting of the Protected Structures and ACA. The first party submit that the proposal for 4 no. detached dwellings on relatively large plots would integrate with the character of the surrounding residential development. In relation to the density of the scheme the first party submit that the proposed density should be calculated on the basis of the net developable area of the site which is 0.2559 hectares when the areas of the historic roadway of 347.5sq m, the tree constraint areas 1,244sq m and the 10% open space provision 461sq m is excluded. They submit that the density if calculated in this manner would equate to 15.6 dwellings per hectare. While I would note that this method of calculating density would provide a higher density when based on the net developable area, I would also highlight that if a revised housing scheme were proposed it could achieve a higher density than the 15.6 dwellings per hectare based on the net density calculation.
- 7.1.7. The Planning Authority in the reason for refusal cited Table 3.1 of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and referenced that the site location as constituting 'Urban Neighbourhoods'. As set out in Table 3.1 of the guidelines for 'urban neighbourhoods' residential densities in the range 50 dph to 250 dph (net) shall generally be applied. Having regard to the context of the site within 550m of Killiney Dart Station, I would concur with the Planning Authority that this constitutes a highly

accessible location close to existing high capacity public transport and therefore the provision of higher density development is therefore applicable and should be sought.

- 7.1.8. The first party highlighted in the appeal that in reference to Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) that the guidelines do not impose strict minimum densities for every site and specifically allow exceptions for constrained, sensitive infill lands. They cite section 3.3.6 (c) of the Guidelines which states “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.” I note section 3.3.6(c) refers to exceptions in the case of small infill sites and the appeal site does constitute a small infill site. It refers to the scale of form of surrounding development and in respect of the site context I would highlight that while it forms part of the curtilage of Montebello House that other surrounding residential development includes Shanganagh Terrace a cul-de-sac containing 17 no. properties located to the south of the appeal site and south of Church Avenue. I note that the report of the Conservation Department also referred to the location of the adjacent Shanganagh Terrace and considered that due to the proximity to Shanganagh Terrace, that the principal of a row of dwellings may be considered appropriate in this particular context within the Killiney ACA. Therefore, I would consider that the development of a terraced scheme of housing could be a suitable alternative to the proposed 4 no. large, detached houses in terms of achieving a higher density of development while also having regard to the scale and form of surrounding development.
- 7.1.9. I would note the distance between ‘Montebello House’ and the location of the proposed dwellings circa 62m and the topography of the site as it declines towards the appeal site, therefore, subject to an innovative design and layout I also consider that the site could be developed a higher density without undue impact upon the character and setting of the Protected Structure.
- 7.1.10. Accordingly, having regard to the details set out above, I would concur with assessment of the Planning Authority that given the site context specifically the relative proximity of the site to the high frequency public transport link, Killiney Dart

Station and the neighbourhood centre, Ballybrack Village that the residential development of the site should be carried out at a higher density than proposed having regard to the Development Plan policy and specifically the provisions of Policy Objective PHP18 and also National Policy Objective 45 of the National Planning Framework – First Revision (2025) which seeks to increase residential density in settlement with the provision of more compact development and Table 3.1 of the Compact Settlement Guidelines with regard to the density ranges applied to locations in Dublin classified as ‘Urban Neighbourhoods’. Therefore, I would recommend that permission be refused on that basis.

## **7.2. Impact upon Montebello House Protected Structure**

- 7.2.1. It is proposed construct 4 no. detached, two-storey dwellings within the curtilage of Montebello House. Montebello House, Protected Structure (RPS 1712) is a large two-storey over basement detached Victorian dwelling built circa 1860. Features of the property include a well-detailed vehicular gate, with stone piers and cast-iron gates and railings. The adjacent gate lodge dates from the construction of the main house. The sweeping driveway extends north to a gravelled area to the front of the house, and around to a small yard at the north-west corner of the property. There is an octagonal summerhouse to the east of Montebello House.
- 7.2.2. The observations to the first party appeal have raised concerns regarding the impact of the proposed development upon the character and setting of Montebello House. A Heritage Impact Assessment prepared by Mesh Architects was submitted with the application. It is noted in the assessment that the house was not surveyed by the National Inventory of Architectural Heritage, however it is included on the Record of Protected Structures for Dun Laoghaire Rathdown County Council. It is detailed in the assessment that most of the property’s main curtilage features have survived relatively intact, having undergone varying degrees of modification over the last century and a half.
- 7.2.3. Regarding the siting of the proposed dwellings relative to Montebello House, I note that a separation distance of circa 62m would be provide between the front of Montebello House and the front of the closest dwelling, House no. 4. There is a

proposed separation distance of 14.8m between House no. 1 and the gate lodge to the east.

- 7.2.4. The report of the Conservation Department stated that they had concern regarding the subdivision/severing of the curtilage and they considered that a holistic approach in relation to the development of the overall site would be required. It was noted in their report that the site is located within Killiney ACA where the established pattern of development is with large generous plots and it was stated that the intensification of these sites will have an adverse detrimental impact on the character and appearance of the Killiney ACA. The report of the Conservation Department also noted the location of the adjacent Shanganagh Terrace, which is described as an unusual anomaly in the area, being a long terrace of 16 mid Victorian dwellings, which is in contrast to the surrounding hill area. Due to the proximity to Shanganagh Terrace, it was stated in the report that the principal of a row of dwellings may be considered appropriate in this particular context within the Killiney ACA.
- 7.2.5. The report of the Conservation Department also stated they had concerns regarding the perceived bulk, mass and scale of the proposed dwellings relative to Montebello House. The design of the proposed dwellings was considered are over-scaled and therefore fail to be subsidiary to the Protected Structure. The report referred to the potential visual impact on the relationship between the Protected Structure and the gate lodge. It was suggested in the report that alternative design options should be explored with the removal of House no. 1 due to its proximity to the gate lodge. It was also suggested that the proposed open space area to the north-eastern side of the access road be omitted as it was considered to disconnect the relationship between the Protected Structure and the Gate Lodge
- 7.2.6. The first party in response to those matters submitted that an adequate separation has been provided between House no.1 and the gate lodged with 14.8m provided to the single storey section of House no. 1 and the original footprint of the gate lodge and 22.26m when measured to the two-storey element from the original footprint of the gate lodge. Regarding the future proposals for the gate lodge the first party confirmed that it is their intention to submit a future planning application for its restoration and refurbishment.



- 7.2.7. Regarding the siting of the proposed dwellings relative to Montebello House, the first party submit that the scheme has been designed in a manner that is contextually appropriate, particularly having regard to location within the Killiney Architectural Conservation Area and the curtilage of Montebello House (RPS No. 1712) and the established pattern of development in the surrounding area. The first party submit that the proposed 4 no. two-storey detached dwellings will be located to the south of Montebello House and that a significant separation from the main structure and associated outbuildings. They highlight that the scheme was designed to specifically address concerns raised by the Planning Authority and Conservation Division during the pre-planning process, during which it was stated that, "Large, generous plots should not be subject to intensification of the sites." and that "the relationship with the house and the gate lodge will be severed by any development between the two."
- 7.2.8. In response to this pre-planning advice the first party state that the proposed layout deliberately avoids placing any built form between Montebello House and the gate lodge. They highlight that area between the house and the gated lodge was reserved as landscaped public open space in order to preserve the spatial and visual relationship between these structures. The first party submit that location of the proposed dwellings adjacent to the site's boundary with Church Road, serves to reduce the visual impact due to the presence of existing mature planting and the topography of the site with ground level falling to the south. The first party submit that this design that approach is in line with Policy Objective HER12 of the Dún Laoghaire Rathdown Development Plan 2022-2028 which states, "It is a Policy Objective to protect structures included on the Record of Protected Structures and to ensure any development proposals are sympathetic to their character and setting."
- 7.2.9. I note the report of the Conservation Department and also the points raised by the first party as detailed above. I would consider that firstly the sub-division of the curtilage of Montebello House is acceptable in principle subject to a suitable design approach. I note the case made by the first party and I would accept that the appeal site being located adjacent to the southern boundary and at a lower ground level than that of the Montebello House does provide a context in which a new residential scheme can be accommodated subject to a suitable design approach. I note the concerns of the Conservation Department in respect of the scale of the proposed dwellings relative to the gate lodge and Montebello House and I would consider that

dwellings of a more modest scale and height would perhaps be more appropriate in order that the new development would appear subordinate to Montebello House. I also note the concerns raised in a number of observations to the appeal regarding the contemporary design of the dwellings. I would not have any particular objections to the contemporary design of the dwelling subject to their design and scale being appropriate in terms of the relationship with Montebello House and its gate lodge.

- 7.2.10. The report of the Conservation Department also had concerns in relation to the layout of the scheme regarding the proposed open space area to the north-east of the driveway and the visual separation between Montebello House and the gate lodge. I note that the first party highlighted that the open space was positioned at that location in order to provide that the area to the north-east of the driveway would remain undeveloped. I would consider this is a suitable approach. Overall, I would share some of the concerns as raised by the Conservation Department in relation to the development of the site, however I would acknowledge that the applicant has endeavoured to integrate the scheme within the curtilage of Montebello House. On that basis I would not be of the opinion that the proposed development should be refused in terms of adverse impact upon the character and setting of Montebello House, Protected Structure.

### **7.3. Access and traffic**

- 7.3.1. I note that significant concerns have been raised in the observations with regard to the access proposed from the existing entrance serving Montebello House off Killiney Hill Road. A number of the observations refer to the additional traffic which would be generated by the proposed scheme, the nature of the road network in the vicinity and also the limited sightlines at the proposed entrance. Specific Local Objective 130 of the Dún Laoghaire Rathdown Development Plan 2022-2028 is also raised an observation.
- 7.3.2. The report from the Transportation Planning section requested that further information be sought regarding the provision of revised proposals and details to demonstrate that the proposed shared surfaces comply with DMURS Sections 4.3.4 Pedestrianised and Shared Surfaces, 4.4.1 Carriageway Widths and 4.4.2 Carriageway Surfaces. It was also requested that revised plans be submitted

indicating a separate pedestrian access adjacent to the existing cast iron and stone entrance gates on Killiney Hill Road taking account of the protected status of Montebello House.

- 7.3.3. The first party provided a response to those matters. Firstly, they confirmed that the proposed shared access road complies with the principles of the Design Manual for Urban Roads and Streets (DMURS). Secondly, in relation to the proposed entrance design the first party submit that it reflects the low traffic volumes associated with the development and the heritage setting of Montebello House. They highlighted that the limited quantum of traffic and absence of through traffic further support the appropriateness of a shared surface arrangement in this context. Regarding the requirement for a separate pedestrian access to be provided independent of the shared vehicular access route, the first party submits that the entrance in question already exists and forms part of the curtilage of Montebello House, and therefore further alterations to create a secondary pedestrian access would unavoidably affect protected boundary walls and the setting of the gate lodge. I note the responses in relation to the vehicular and pedestrian access proposals, and I consider that they address the items of further information as raised by the Transportation Planning section.
- 7.3.4. Regarding the sightlines at the proposed entrance, as detailed on Drawing No: 008 – Autotrack & Sightlines Layout, sightlines of 49m are provided in both directions. As per section 4.4.4 of DMURS which refers to forward visibility for a road with a speed limit of 50kph 45m of stopping sight distance is required. Therefore, the sightlines at the entrance are in accordance with that provision of DMURS. Furthermore, regarding the matter of sightlines at the entrance, I note that the Transportation Planning section did not refer to it as an issue of concern in their report.
- 7.3.5. Regarding Specific Local Objective 130 of the Dún Laoghaire Rathdown Development Plan 2022-2028, this is indicated on Map 7 of the plan, and it refers to local roads in Killiney to the east and north of the appeal site at Montebello, Killiney Hill Road. SLO 130 sets out “to ensure that development within this objective area .... (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.”

- 7.3.6. The report of the Planning Officer refers to SLO 130 in their assessment and they highlighted that no issues were raised by the Transportation Department regarding the proposed development resulting in an unacceptable increase in traffic volumes and therefore they considered that the proposal was in accordance with the Specific Local Objective. Having regard to the level of housing proposed at 4 no. dwellings and the reports from the Transportation Department and the Planning Officer, I would concur with the conclusion that the proposed scheme would be in accordance with SLO 130.
- 7.3.7. In conclusion, having regard to the details set out above and given the nature of the development and the low number of new houses proposed, I am satisfied that the proposed development would not endanger public safety by reason of traffic hazard.

#### **7.4. Other issues**

##### Surface water drainage

- 7.4.1. The report of the Drainage Planning section of the Council raised concerns in relation to the surface water drainage proposals. It was requested in the report that further information be sought regarding the proposed location of the attenuation tank within communal open space in the area surrounded by mature trees may impact on the roots of these trees. It was also required that the applicant revisit the drainage arrangements and considers a solution that each dwelling is required to dispose of its own surface water runoff within its own property curtilage.
- 7.4.2. In response to Drainage Planning section's report regarding surface water management the first party in the appeal has stated that they note the issues raised specifically in relation to the requirement for each dwelling to dispose of its own surface water within its curtilage and also the location of the proposed attenuation tank within the communal open space area and with tree planting over the proposed tank. In response to the matter the first party highlighted that site tests indicate that there is poor infiltration capacity and this has necessitated the proposed attenuation tank. The first party confirmed that the proposed attenuation tank is sized using industry standard HR Wallingford software and national rainfall/soil datasets it represents an appropriate and policy compliant SuD's solution.

##### Trees on site

- 7.4.3. A number of the observations to the appeal have raised the matter of the previous felling of trees on the site in advance of the lodging of the planning application. This issue was also noted in the report of the Conservation Department which stated that the loss of an extensive number of trees has been detrimental to the setting and amenity of the Protected Structure. It was recommended in the report that any permitted development on this site should include the reintroduction of tree-planting to reinstate and enhance the setting of the Protected Structure. Should the Commission decide to grant permission for the proposal, then I would recommend the inclusion of a condition requiring extensive tree planting to address the loss which has occurred on the site.

#### Ecology

- 7.4.4. An observation to the appeal raised the matter of the potential for bats on the site. The observation refers to the Ecological Impact Assessment and it noted that as detailed in the assessment that Bat activity was surveyed on the night of 28th July 2024 and it recorded that there were relatively low levels with only two passes of Soprano pipistrelles at the front of the house. It was stated in the observation that a single day assessment is insufficient to determine the presence of bats associated with the site and that no analysis was provided in respect of the proposed lighting associated with the scheme and the impact on bats.
- 7.4.5. In relation to the survey on bat activity as detailed in the ecological impact assessment I note that the survey was designed and carried out by Ger O'Donohoe who has over 16 years' experience of carrying out bat surveys. It is stated in the assessment that the surveys undertaken are in line with recommendations of the Bat Conservation Trust 'Good Practice Guidelines, 3rd edition, 2016' (BCT Guidelines 2016) and the Irish Wildlife Manual No. 25' (Kelleher, C. & Marnell, F. 2006)
- 7.4.6. Furthermore, I would note that the report of the Planning Officer did not raise any issues in relation to the presence of bats on the site.

## **8.0 AA Screening**

- 8.1. I have considered case ABP-322497-25 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 8.2. The closest European Sites, part of the Natura 2000 Network, is the Rockabill to Dalkey Island SAC (Site Code 003000) which is located circa 1.9km to the east of the appeal site. Dalkey Island SPA (Site Code 004172) is circa 2.79km to the east of the appeal site.
- 8.3. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 5km to the north of the development site. South Dublin Bay SAC (Site Code 000210) is located approximately 5.1km to the north of the development site.
- 8.4. The proposed development comprises of the construction of 4 no. houses and all other site works within the curtilage of Montebello House, Protected Structure.
- 8.4.1. No streams/watercourses are identified on site.
- 8.5. 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.
- 8.6. The reason for this conclusion is as follows:
- The nature and scale of the proposed development and the location of the site on developed serviced lands.
  - The absence of any ecological pathway from the development site to the nearest European Site.
  - Location-distance from nearest European site.
  - Taking into account the screening report by the Planning Authority
- 8.7. 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.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Water Framework Directive**

- 9.1. The proposed development has been subject to a screening for Water Framework Directive Assessment (refer to Appendix 3 of this report).

- 9.2. The subject site is located at Montebello House, Killiney Hill Road, Killiney, Co. Dublin. It is a suburban area circa 5km to the south of the town of Dun Laoghaire.
- 9.3. The Kill of the Grange Stream\_010 is situated circa 750m to the south. The Shanganagh Stream\_010 is located 1.28km to the south. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody is located 546m to the east of the site. The Wicklow (IE\_EA\_G\_076) groundwater body underlies the site.
- 9.4. The proposed development comprises the construction of 4 no. houses and all other site works within the curtilage of Montebello House, Protected Structure. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.
- 9.5. No water deterioration concerns were raised in the appeal.
- 9.6. I have assessed the proposed the construction of 4 no. houses and all other site works within the curtilage of Montebello House, Protected Structure.
- 9.7. I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.8. The reason for this conclusion is as follows:
- The nature and scale of the development
  - The project uses standard construction / pollution control methods, materials and equipment.
  - A surface water management system including SuDS features is also proposed.

## **Conclusion**

- 9.9. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

10.1. I recommend that permission be refused for the following reasons and considerations.

## **11.0 Reasons and Considerations**

1. Notwithstanding the subject's site sensitivities and constraints, the Planning Commission considers that the provision of a c. 8.7dph scheme would represent underdevelopment of an accessible site with convenient access to frequent public transport services via Killiney DART Station and facilities in the nearby neighbourhood centre. It is considered that the proposal does not adhere with the requirements of, inter alia, Policy Objective PHP18 of the County Development Plan 2022-2028, National Policy Objective 45 of the National Planning Framework – First Revision (2025) which seeks to increase residential density in settlements with the provision of more compact development and Table 3.1 of the Compact Settlement Guidelines with regard to the density ranges applied to locations in Dublin classified as 'Urban Neighbourhoods'. As such, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

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Siobhan Carroll  
Planning Inspector

21<sup>st</sup> August 2025



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP 322497-25
<b>Proposed Development Summary</b>	Construction of 4 no. houses with associated works within the curtilage of Montebello House.
<b>Development Address</b>	Montebello House, Killiney Hill Road, Killiney, Dublin. A96CP08.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Class 10(b)(i), Schedule 5 Part 2
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>EIA is mandatory for developments comprising over 500 dwelling units or urban development over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.</p> <p>The proposal is significantly below this threshold being 4 no. dwellings and the site has an area of 0.4611 hectares which is sub threshold.</p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322497-25
<b>Proposed Development Summary</b>	Construction of 4 no. houses with associated works within the curtilage of Montebello House.
<b>Development Address</b>	Montebello House, Killiney Hill Road, Killiney, Dublin. A96CP08.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project. It 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.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. There are no protected species/habitats on site.  The site forms part of the curtilage of a Protected Structure Montebello House (RPS No. 1712).
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3 – Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322497-25	Townland, address	Montebello House, Killiney Hill Road, Killiney, Dublin. A96CP08
Description of project		Construction of 4 no. houses with associated works within the curtilage of Montebello House. It is proposed to connect to Uisce Éireann mains wastewater and water supply infrastructure.	
Brief site description, relevant to WFD Screening,		The site is located within a suburban area at an elevation of approximately 60m contour. The soil type on site is shallow well drained mineral soil and also made soil. The bedrock is dark blue-grey slate, phyllite & schist. The Kill of the Grange Stream_010 is situated circa 750m to the south. The Shanganagh Stream_010 is located 1.28km to the south. The Southwestern Irish Sea-Killiney Bay (HA10) Coastal waterbody is located 546m to the east of the site. The Wicklow (IE_EA_G_076) groundwater body underlies the site.	
Proposed surface water details		On site attenuation with discharge to surface water drainage network.	
Proposed water supply source & available capacity		Uisce Éireann mains water connection – no capacity issues	

Proposed wastewater treatment system & available capacity, other issues			Uisce Éireann mains wastewater connection– no capacity issues  Connection to public Mains. A number of upgrades required to foul network in the vicinity of the site, including the replacement of the existing 150mm diameter sewer on Killiney Hill Road between the proposed connection point and the 300mm sewer downstream with a 225mm diameter. Foul water from the Site will eventually be treated at Ringsend Wastewater Treatment Plant (WwTP) prior to discharge into Dublin Bay.			
Others?			No			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	750m	Kill of the Grange Stream_010	Poor	At risk	Urban wastewater Urban runoff Hydromorphologic	Not hydrologically connected to the watercourse.

River Waterbody		1.28km	Shanganagh Stream_010	Good	Not at risk	-	Not hydrologically connected to the watercourse.
Coastal Waterbody		546m	Southwestern Irish Sea-Killiney Bay (HA10)	High	Not at risk	-	Not hydrologically connected to Coastal waterbody
Groundwater Waterbody		Underlying Site	Wicklow (IE_EA_G_076)	Good	At risk	Agriculture and unknown	Underlying GWB
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if

							<b>'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Site clearance/Construction	Wicklow (IE_EA_G_076)	Pathway exists	Siltation, pH (concrete), hydrocarbon spillages Deterioration of water quality	Standard construction practice	No	Screened out
<b>OPERATIONAL PHASE</b>							
2.	Discharges to Ground	Wicklow (IE_EA_G_076)	Pathway exists	Spillages Deterioration of water quality	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
3.	NA	NA	NA	NA	NA	NA	NA