



An
Coimisiún
Pleanála

Inspector's Report

ABP-322599-25

Development

The proposed works include: (i) demolition of existing workshop building and sheds with a total floor area of 163 sqm (ii) construction of 2 no. two storey, three bedroom detached houses with flat roofs and rooflights (iii) formation of a new shared vehicular entrance on Clogher Road (iv) inclusion of designated bin areas serving each house (v) 3 no. car parking spaces; private open space, bicycle parking, new boundary wall positions to existing houses, landscaping, Suds drainage and all ancillary works necessary to facilitate the development

Location

Site to the rear of Nos 404 , 406 , 408 and 410 Clogher Road, Crumlin, Dublin 12

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3099/25

Applicant(s)

Paul and Mary Tully

Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Peter & Norma Brodie Gary Delaney & Denise Doorly
Observer(s)	None
Date of Site Inspection	15 September 2025
Inspector	Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is located on the eastern side of Clogher Road, Crumlin, Dublin 12 relatively close to the junction with Parnell Road to the north. This part of Clogher Road is residential in character with terraced rows of four two storey detached dwellings and long rear gardens being typical. The site is an amalgamation of original backland plots (lands to the rear of the existing dwellings at numbers 404, 406, 408 and 410 Clogher Road) and also includes a former steel works site, which comprises a yard area and three single storey sheds. As a result of this former industrial use, it has a gated access onto Clogher Road. To the east of the site are the lands of Our Lady's Hospice in Harold's Cross. A Dublin Bus stop is located at the site entrance.

2.0 Proposed Development

- 2.1** The proposed development comprises the construction of 2 no. two storey dwellings on an assembled plot that was a former steel works site to the rear of properties 404, 406, 408 and 410 Clogher Road. The full works include:
- Demolition of existing workshop building/sheds with a total floor area of 163 sqm.
 - Construction of 2no. two storey, three bedroom detached houses with flat roofs and rooflights
 - Formation of a new shared vehicular entrance on Clogher Road.
 - Designated bin areas serving each house
 - 3 no. car parking spaces (1 no. space to be omitted by condition in the event of a grant of permission); private open space, bicycle parking, new boundary wall positions to existing houses, landscaping, Suds drainage and all ancillary works necessary to facilitate the development
 - Materials for the dwellings to consist of brick and metal cladding

3.0 Planning Authority Decision

3.1 Decision

Dublin City Council recommended grant of planning permission subject to conditions

3.1.1. Conditions

The following conditions are worth noting:

Condition 4

The applicant/developer shall comply with the following:

- a) The boundary to the north shared with no. 412 Clogher Road shall have a maximum height of 2m.
- b) The window to bedroom 2 within Dwelling 2 shall be angled or include a screening measure to reduce any potential overlooking to Bedroom 1 within Dwelling 1, and details shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interests of the residential amenity of neighbouring residential dwellings and the proposed dwellings.

Condition 5

- (a) A maximum of 1 no. car parking space shall be provided for each dwelling.
- (b) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of pedestrian and vehicular safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report noted that the principle of two residential dwellings on an infill site was acceptable under zoning objective 'Z1' subject to an assessment of the impacts of the proposed development on the surrounding area and compliance with relevant Development Plan criteria.

This assessment concluded that there would be no undesirable effects on neighbouring properties or the surrounding area and that the development would be compatible with the policies and objectives of the Development Plan and would be consistent with the proper planning and sustainable development of the area.

Specific matters addressed in the report includes impact on visual amenity, residential amenity, design and integration, development standards and access and parking. The proposed design including height and massing, layout, private amenity space provision, vehicular access, car parking provision and proposed drainage measures were considered acceptable subject to a standard conditions. The report also concluded that there would be no major adverse impact on the environment or the public road network arising from the proposed development.

3.2.2. Other Technical Reports

- Drainage Division: Report dated 31/03/2025 – no objection.
- Transportation Planning Division: Report dated 10/04/2025 – no objection.

3.3. Prescribed Bodies

Uisce Eireann was consulted but no report received

3.4. Third Party Observations

Two submissions were received from 416 and 412 Clogher Road and the concerns are summarised below:

- The applicant has not clarified the intended use of the new properties.

- Reflecting the redrawing property map, has the associated deeds been updated.
- With regards to the reinstatement of the original garden plots of subject properties, the Council should consider Section 46 of the Planning and development Act 2000, as amended.
- The proposal would destroy part of the well-established built heritage of the area and reference is made to the social and historical value of the 'Garden City' model.
- Since the previous permission under Reg. Ref. 4485/19, development has been undertaken to rear of no.'s 410, 406 and 404 including additional of large pitched roof single storey extensions to each of them which have resulted in a piecemeal approach to development and a substantial construction period which raises serious concerns.
- The development will exacerbate existing problems with on-street car parking adjacent to the scheme's entrance resulting in obstruction on footpaths.
- The garden wall surrounding 410 was installed subsequent to the permission although stated as already in situ and differs to the submitted plans – concerns are expressed that the proposal will be completed as per the terms of its permission.
- The applicant has proposed a concrete post and timber panel system to the boundary with no. 412 – third party indicates that applicant has already constructed a wall in excess of two metres (requiring permission).
- The submitted plans do not include any serious greenery to the site and existing back gardens.
- The new vehicular access does not appear to be wide enough to allow for fire department access or allow two car passing. It is not clear as to whether the laneway will be public or private.

- If proposal is permitted, details of drainage should be agreed to ensure it is not diverted into the private residential drainage system meant to serve no.'s 410 -416.

4.0 Planning History

4.1 Subject site

Reg. Ref. 4485/19 (ABP-306597-20): Planning permission granted by Dublin City Council & An Coimisiún Pleanála for a development consisting of: demolition of existing workshop building and shed with a total floor area of 137.3 square metres and construction of 2 no. dwellings.

Reg. Ref. 4357/16 (ABP Ref. PL29S.248167): Planning permission refused by Dublin City Council & An Coimisiún Pleanála for the demolition of 194 sq.m of existing industrial sheds, change of use from steelwork fabricators premises to residential, namely the erection of two, two storey detached three bedroom houses, four car parking spaces, re-instatement of driveway and crossover and associated works.

ACP Reason for Refusal:

'Having regard to the proposed layout and the restricted nature of the site, it is considered that the proposed development of two dwelling houses to the of rear numbers 404,406,408 and 410 Clogher Road would constitute undesirable piecemeal backland development and would lead to substandard private open space for these existing properties and would represent overdevelopment. It is considered that the overall layout and design would seriously injure the amenities of the area and of property in the vicinity and would set an undesirable precedent for further such backland development in the rear gardens of these properties. The development proposed would, therefore, be contrary to Section 16.10.2 (Residential Quality Standards – Houses -private open space) and Section 16.10.8 (Backland Development) of the Dublin City Development Plan

2016-2022 and would be contrary to the proper planning and sustainable development of the area.'

Reg. Ref. 2293/16: Planning permission refused by Dublin City Council for the demolition of 194 sqm of existing industrial sheds, change of use from steelwork fabricators premises to residential, namely the erection of one two storey detached and two two storey semi-detached houses, four car parking spaces, reinstatement of driveway and crossover and associated works.

DCC Reason for Refusal:

1. The proposed development to provide three houses, two of which would have floor areas significantly below the minimum floor area required in the current development plan of 80sq.m. on restricted sites located in a backland area and with a site layout where the front elevation to one house is 1.3m from the gable of the neighbouring house would result in a development which would fail to comply with stated development objective of the development plan, would offer future residents an inadequate standard of amenity due to overshadowing and poor aspect and, as such, would be seriously injurious to their residential amenities. The development would therefore be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 2877/15: Planning permission refused by Dublin City Council for the demolition of 194sqm of existing industrial sheds, change of use from steelwork fabricators premises to residential, namely the erection of one two storey detached and two two storey semi-detached houses, four car parking spaces, reinstatement of driveway and crossover and associated works.

DCC Reason for Refusal:

1. The proposed development would seriously injure the amenities of adjoining residential property by virtue of overlooking, overshadowing, overbearing and loss of privacy. Furthermore, it is considered that the

proposed development would inhibit the future development potential of the neighbouring site to the east. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan 2011-2017 and the proper planning and sustainable development of the area.

Planning Enforcement history

- Ref. E0262/21: Nature of problem: Alleged wall has been demolished & works not in compliance with Ref. 4485/19 – Date Closed: 02/06/2021 – Reason for closure: Exempted Development
- Ref. E0114/21: Nature of problem: Materials placed against boundary fence – Date Closed: 30/03/2021. Reason for closure: Civil matter.
- Ref. E1152/18: Nature of problem: Alleged intensification of use – Date Closed: 24/07/2019 – Reason for closure: not expedient to take action
- E0843/17: Nature of problem: Removal of wall – Date Closed: 25/10/2017 – Reason for closure: Exempted Development

5.0 Policy Context

5.1 Development Plan

Dublin City Development Plan 2022-2028

The site is subject to the Land Use Zoning Objective Z1 ‘To protect, provide and improve residential amenities’. Residential use is listed as a permissible use within the land use zoning objective for the site. The following Development Plan policy objectives are relevant:

Policy QHSN6 Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, reuse/ adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QHSNO4 Densification of Suburbs

To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN22 Adaptable and Flexible Housing

To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland (2015).

Policy QHSN37 Houses and Apartments

To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

Section 15.2.3 Planning Application Documentation – Planning Thresholds

This section notes that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rationale for a scheme. Table 15-1 sets out that all residential developments require a Housing Quality Assessment, and any development of 2 or more residential units requires a surface water management plan.

Section 15.5.2 Infill Development

This section sets out requirements for infill development in general.

Section 15.11 House Developments

This section sets out a number of qualitative and quantitative standards for housing, including floor areas, aspect, daylight/sunlight and ventilation, private open space, and separation distances.

Section 15.13.3 Infill/ Side Garden Housing Developments

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.

Section 15.13.4 Backland Housing

This section refers to backland housing allowing for the provision of comprehensive backland development where the opportunity exists including instances of 'detached habitable dwellings to the rear of existing housing with an independent vehicular access subject to suitable conditions. Applications for backland housing should consider the following:

- Compliance with relevant residential design standards
- Provision of adequate separation distances
- Safe and secure access for car parking and maintenance vehicles
- Respects the existing scale and massing of surrounding properties
- Does not impact on the amenities of existing properties or the unit itself
- Proposed dwelling should be located not less than 15 metres from the rear façade of the existing dwelling and with a minimum rear garden depth of 7 metres.

Applications for infill developments will be assessed on a case by case basis. In certain instances Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and specific constraints to justify the proposal.

Appendix 5 - Transport and Mobility: Technical Requirements

Section 4.3.1 Dimensions and Surfacing

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. 'For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates'.

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

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)

SPPR 1 – Separation Distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. There shall be no specific minimum separation distance at ground floor level or to the front of houses, duplex units or apartment units in statutory development plans and planning applications shall be determined on a case by case basis to prevent undue loss of privacy

SPPR 2 - Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house - 20sqm
- 2 bed house - 30sqm
- 3 bed house - 40sqm
- 4 bed + house - 50sqm

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for

residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

(ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling

Section 3.3.1 Cities and Metropolitan (MASP) Areas

The key priorities for city and metropolitan growth in order of priority are to:

(a) strengthen city, town and village centres, (b) protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality, (c) realise opportunities for adaptation, reuse and intensification of existing buildings and for incremental brownfield and infill development, (d) deliver brownfield and infill development at scale at suitable strategic and sustainable development locations within the existing built up footprint of the city and suburbs area or metropolitan towns, (e) deliver sustainable and compact urban extension at scale at suitable strategic and sustainable development locations that are close to the existing built-up footprint of the city and suburbs area or a metropolitan town and served by existing or proposed high-capacity public transport, and (f) deliver sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the city and suburbs area or a metropolitan town.

5.3. Natural Heritage Designations

Liffey Valley proposed NHA is c. 5km to the northwest, South Dublin Bay SAC & South Dublin Bay and River Tolka SPA c.4km to the east, North Dublin Bay SAC and North Bull Island SPA are c. 8km to the northeast and North Dublin Bay proposed NHA c. 7km to the northeast

6.0 EIA Screening

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

7.0 The Appeal

7.1 Grounds of Appeal

The two submitted appeals raise the following grounds:

- The planning application seeks to benefit from unauthorised development where 7 years have elapsed and the removal of structures under Section 46 of the Planning and Development Act 2000 applies.
- There was a planning enforcement file relating to the unauthorised steelworks (ref. E0643/03). If permission is upheld, the site should be inspected for land contamination prior to construction
- Concerns about the legality of redrawing of existing residential boundaries setting a detrimental precedent for unauthorised ad hoc rezoning in a residential neighbourhood, the lack of clarity of what the intended use is with the new dwellings and whether the new properties and boundaries will be registered
- The amenity of the rear garden of 412 Clogher Road should be protected in any works to the boundary including ensuring 1.8m height restriction on the rear garden wall as per refusal (Reg. ref 4357/16)
- Impact on amenities of the abutting residences – namely the loss of privacy from the positioning of windows and lack of any proposed vegetation/landscaping on site.
- Proposed development amounts to undesirable piecemeal backland development which would seriously injure the amenities of the area. The reasons for refusal in

the refused 2016 application (Reg. ref 4357/16 and ABP ref PL29S.248167) should apply.

- Concern that the existing shared wastewater network that runs through Clogher Road properties 410, 412, 414 and terminates between 416 and 418 will not be able to support additional dwellings. If permission is granted, full details of drainage should be agreed before commencement of demolition to ensure liquid waste from the former steelworks site is not diverted into private wastewater drains
- Concern that the vehicular access road is of insufficient width and would not allow two cars to pass
- The proposed development should have a new gated entrance to ensure security for all residents and there is concerns that there is insufficient passive surveillance
- General concern about the renovations over the previous years being left unfinished and a guarantee is sought that works will be completed within a defined time limit if permission is granted and suitably supervised by the local authority with environmental impact study carried out and sufficient drainage works with adequate funds for all works

7.2. Applicant Response

- The planning enforcement history is not relevant as it relates to a previous commercial use and permission was since already granted for two dwellings
- Redrawing of boundaries – the houses of 404, 406 and 408 will still retain substantial rear gardens and the new dwellings exceed Development Plan minimum requirements of private open space.
- Privacy of neighbours will be protected as the distance between the proposed houses and the property ranges between 20 and 23 metres and there are no first floor windows on Dwelling no. 1 overlooking the rear gardens of Clogher Road houses. Dwelling no. 2 has a window on first floor for passive surveillance of the private lane and this is over 23 metres from rear bedroom windows of nos. 408 and 410. The refused application referred to in the appeal has been superseded and not relevant.

- In terms of landscaping, the proposed dwellings have 65.8 sqm (dwelling 2) and 75.7 sqm (dwelling 1) of private rear garden space above minimum requirements of 10 sqm per bedspace. The hardstanding surface to the front is permeable paving to be used for vehicular access.
- The width of the vehicular access road is designed in accordance with DMURS where the carriageway of a shared surface local street should not exceed 4.8 metres. Visibility of oncoming traffic is adequate and so traffic hazards would be avoided. The ACP Inspector of the previous permission noted that the level of visibility was of good standard.
- Shared drainage concerns have already been addressed in Condition 7 of the decision to grant whereby an agreement with Uisce Eireann would be entered into. This is not the responsibility of the local authority. The proposed foul drainage connects to the public network from within the site curtilage and there is no impact on private drains. There is also no liquid waste from the former industrial use of the site.
- The security of the Clogher Road properties is unaffected by the removal of the existing gate to the former industrial site. There will be new boundary treatment to the existing rear gardens and new passive surveillance arising from the additional dwellings.
- Backland development is now encouraged by Dublin City Council unlike in 2016

7.3. Planning Authority Response

The planning authority requests that their decision is upheld. If permission is granted, the following conditions should be applied:

- A condition requiring the payment of a Section 48 development contribution
- A condition requiring the payment of a bond
- A naming and numbering condition

7.4. Observations

n/a

7.5. Further Responses

n/a

8.0 Assessment

8.1. Following a review of the file, assessment of the relevant planning policies and inspection of the site, I conclude that the key issues raised by both appeals are (1) neighbouring residential amenity (2) overdevelopment of the site and (3) other matters.

8.2 The principle of the additional two dwellings on a residentially zoned infill site is acceptable and complies with zoning objective 'Z1' in the Development Plan. The proposal broadly follows the same layout and design as what was permitted previously in 2020 (Reg. Ref. 4485/19 & ABP-306597-20). The proposed design is relatively modest in relation to surrounding buildings with both two storey dwellings flat roofed and appearing subservient below the ridge line of existing properties when viewed from Clogher Road. Both dwellings are significantly set back from the street and would be clad in brick to reflect surrounding character.

Neighbouring residential amenity

8.3 The appellant refers to the refused permission in 2016 being based on the impact to no. 412 Clogher Road. The concern at the time, where 3 no. dwellings were proposed, was that the front elevation to one house was 1.3m from the gable of the neighbouring house and would cause overshadowing and poor aspect. The development proposal amounted to an overdevelopment of the site and was refused for the reasons outlined in Section 4 of this report. The current proposal is for 2 no. dwellings and since that refusal, there was a planning permission granted for 2 no. dwellings on the site in 2020 and this has now lapsed.

8.4 In terms of any loss of privacy and overlooking, the distance between the proposed two dwellings and the rear windows of dwellings on Clogher Road is 20 metres at a minimum thereby complying with Section 15 of the Development Plan. I note that on the west-facing elevation of Dwelling 1 (southern side), there are no first floor windows facing the rear of 404, 406 and 408 Clogher Road. There is one narrow

window on the south elevation, which is set back approximately 8 metres from the boundary with 402 Clogher Road. As this has also been orientated away from the property there would be no impact on privacy. Dwelling no. 2 (northern side) contains a first floor window overlooking the vehicular entrance lane but not directly overlooking any habitable room windows of 410 or 412 Clogher Road. In any event, this window is at least 22 metres from the windows of either property. I am therefore satisfied the privacy can be maintained at this location. It is noted that the subject site backs onto the Hospice lands to the east and proposed dwellings are sufficiently set back from the boundary. I am also satisfied that the windows on this elevation, although they may offer an oblique view of the end of the rear garden of 412 Clogher Road, do not negatively impact on garden due to its size and the position.

- 8.5 There may be some minor overlooking between the two proposed dwellings themselves but this can be mitigated by condition in the event of a grant of permission whereby the window to bedroom 2 within Dwelling 2 can be angled or include a screening measure to reduce any potential overlooking to Bedroom 1 within Dwelling 1.
- 8.6 In terms of other impacts, having regard to the separation distances to neighbouring dwellings and general alignment with the previously permitted development, it is not considered that the development would cause a significant reduction in daylight/sunlight to the rooms or rear gardens to any of the Clogher Road properties. Equally, there would be no adverse impact on outlook/aspect as the proposed development, suitably set back, would not have an overbearing appearance. I am satisfied that there would be no detrimental impact on neighbouring residential amenity.

Overdevelopment of the site

- 8.7 Section 15.13.4 of the Dublin City Development Plan 2022-2028 allows for the provision of comprehensive backland development where the opportunity exists including instances of 'detached habitable dwellings to the rear of existing housing with an independent vehicular access'. According to the Development Plan, the planning authority 'will seek to encourage the amalgamation of adjoining

sites/properties in order to provide for a more comprehensive backland development'. The Development Plan states that consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight/sunlight are paramount to the success and acceptability of new development in backland conditions.

- 8.8 Applications for backland development are to be considered on their own merit in relation to the criteria set out under Section 15.13.4. This criteria has been set out in Section 5.1 of this report and, following an assessment of residential amenity of neighbouring properties and the need to be located at least 15 metres from the nearest rear façade with a rear garden depth of at least 7 metres, it is considered that the development as proposed has met this criteria.
- 8.9 The other criteria relates to compliance with residential design standards, provision of safe and secure access for car parking and an appropriate scale of development.
- 8.10 Dwelling no. 1 would be set-back from the new boundary by 1 metre and would be set-back from the south boundary with no. 402 by 8 metres. Dwelling 2 would appear to align with the previous permission maintaining a 1.5m set-back from the northern boundary with no. 412 and depth of 8.5m.
- 8.11 Having regard to the separation distances to neighbouring dwellings and general alignment with the previously permitted development, it is not considered that the development would have an adverse impact upon the residential amenities of neighbouring properties by way of significant reductions in daylight/sunlight or by having an overbearing appearance.
- 8.12 Section 15.11.1 of the Development Plan sets out minimum room sizes and these have been complied with in both dwellings. Section 15.11.3 of the Development Plan states a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. These standards may be relaxed on a case by case basis subject to a qualitative analysis of the development. SPPR 2 of the Ministerial Guidelines 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024) specifies that a 3-bedroom house would require a minimum of 40 sqm of private open space.

- 8.13 Dwelling 1 is proposed to have 78.1 sqm and Dwelling 2 is proposed to have 65.78 sqm of private open space located to the rear and accessed off the primary living spaces within the dwellings. The depth of these gardens exceeds 7 metres. The concern that there would be a dominant hardstanding area and not enough garden space has been raised in the appeal. However, the proposed garden space for both dwelling exceeds the minimum requirement and is considered acceptable.
- 8.13 The appellant refers to the refused application of 2016 (Reg. ref 4357/16 and ABP ref PL29S.248167). However, this was a proposal for 3 no. dwellings and the reasons for refusal are set out in Section 4 of this report. There was a subsequent planning permission for 2 no. dwellings on the site in 2020 and the reasons for how that development was considered acceptable are set out in the planners report.
- 8.14 The proposed development of 2 no. two storey dwellings on the subject site would sit comfortably on this site area, suitably set back from neighbours and with appropriate access and servicing proposed, would not constitute undesirable piecemeal backland development or be detrimental to the amenities of adjoining residential properties or the character of the area.

Other matters

- 8.15 Concern was expressed about the legality of the proposed development due to a number of reasons including the redrawing of established boundaries, the lapsed planning permission, the lack of clarity about proposed use and a previous enforcement file relating to the former industrial use of the site.
- 8.16 The applicant has assembled various plots of land for the application (rear of numbers 404, 406, 408 and 410 Clogher Road) and I am satisfied that, as with the previous applications, there is no legal ambiguity about the ownership or the ability to propose development on the subject lands. One of the appellants states that the previous permission (Reg. Ref. 4485/19 & ABP-306597-20) has now just lapsed. However, the subject appeal relates to a new planning application for development. The proposal is to divide the subject site into two separate plots creating two additional separate dwellings and so the proposed use has been

made sufficiently clear for the purpose of making a planning application. A naming and numbering condition can be included in the event of a grant of permission.

- 8.17 The previous enforcement issues relating to boundary works are noted but these appear to have been resolved by the planning authority. The planning authority has also placed a condition on their resolution to grant permission restricting the height of any boundary wall to no. 412 to 2 metres. The Commission has no function or power with regard to planning enforcement and such responsibility falls to the planning authority to deal with these matters. The subject proposal is being assessed on its merits and consideration of whether it is acceptable in the context of the proper planning and sustainable development of the area.
- 8.18 In terms of the historic industrial use of the subject site and any enforcement matters arising at that time, a planning permission for residential development was granted in 2020 following three previously refused planning applications for residential development. The reasons for refusal in those applications are clear and have been set out in Section 4.0 of this report. This removes any ambiguity about the legitimacy of the site and the principle of residential development.
- 8.19 Some concerns were raised about drainage but it appears from the application drawings that the proposal would not interfere with wastewater drains on neighbouring properties and any foul water would drain out into the public network on Clogher Road. Condition 7 of the resolution to grant permission requires an agreement with Uisce Eireann to be entered into. The appellant raises the concern about waste from the former steelworks being placed into the neighbour's foul drainage but I note that site remediation was not raised by the planning authority or prescribed bodies previously and residential use has already been established. Any current concerns relating to site waste would be a general environmental health matter and not related to the development as proposed. Overall, I am satisfied that, subject to an agreement with Uisce Eireann, the drainage of the site, as proposed, would not cause any adverse impact on neighbouring properties.
- 8.20 Concerns were expressed about the width of the proposed vehicular entrances. The proposal entails vehicular access off Clogher Road with a width of approximately 4.46m – 4.55m with based on an existing vehicular access that served the former steel fabrication works on site. The access is therefore an

existing gap in the street and has not been amended since the 2020 planning permission. In their response to the appeal, the applicant has noted that the access road is designed in accordance with DMURS where the carriageway of a shared surface local street should not exceed 4.8 metres and there would be space for emergency vehicles. Following a site inspection, it was deemed that there would two vehicles traveling in opposite directions would not have any difficulty navigating the access road and there would be sufficient vehicular manoeuvring space if the third car parking space is omitted as recommended by the Dublin City Council Transportation Planning Department. The proposed vehicular entrance is considered acceptable in the existing urban setting. I am satisfied that the nature of the proposed development and the level of traffic likely to be generated can be catered for without creating a traffic hazard.

- 8.21 Table 2.0 of Appendix 5 of the Development Plan states '1 per dwelling' as the maximum car parking provision for houses. The proposal initially included 3 no. car parking spaces. The site layout plan indicates provision of a bin store and bicycle parking within the rear gardens to each dwelling. However, following concerns about the ability of vehicles to manoeuvre and so 1 no. space was to be omitted from any grant of permission. I am satisfied with the level of parking provision and it accords with the parking requirements in the Development Plan.
- 8.22 The appellant's concerns regarding the ability of the developer to complete works can be dealt with by way of condition in the event permission is granted, specifically the securing of a bond payment in addition to development contributions.
- 8.23 The proposed development also includes a sufficient level of passive surveillance owing to the first floor windows of the proposed dwellings generally and the proposed boundary treatment that provides sufficient definition of each curtilage. There is no planning requirement to reinstate the gated entrance of the former industrial site.
- 8.24 Overall, the proposed development does not deviate from the previous planning permission to such an extent that it would cause any detrimental impact on the residential amenity, access, drainage or security of existing properties. The minimum standards for dwellings including room size, set back distance, private

amenity space, parking and access provision have been complied with and, having regard to the planning history of the site and Development Plan policies set out in this report, it is considered that the proposal is not piecemeal and would not constitute overdevelopment of the site.

9.0 AA Screening

- 9.1. I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established residential area c. 4km west of South Dublin Bay SAC & South Dublin Bay and River Tolka SPA, c. 8km southwest of North Dublin Bay SAC and North Bull Island SPA
- 9.2. The proposed development comprises construction of 2 no. two storey dwellings, new vehicular access and all associated site works as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1 The subject site is located to the rear of Nos 404 , 406, 408 and 410 Clogher Road, Crumlin, Dublin 12 approximately 100 metres to the south of the Grand Canal and is located within the Poddle River Sub Basin.

The proposed development comprises demolition of existing workshop building and sheds with a total floor area of 163 sqm (ii) construction of 2 no. two storey, three bedroom detached houses with flat roofs and rooflights (iii) formation of a new shared vehicular entrance on Clogher Road (iv) inclusion of designated bin areas serving each house (v) 3 no. car parking spaces; private open space, bicycle parking, new boundary wall positions to existing houses, landscaping, Suds drainage and all ancillary works necessary to facilitate the development

No water deterioration concerns were raised in the planning appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

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.

11.0 Recommendation

11.1. I recommend a grant of permission

12.0 Reasons and Considerations

12.1. Having regard to the location of the application site on lands zoned for residential development, the infill nature of the site, the residential standards contained in the Dublin City Development Plan 2022-2028 and the pattern of development in the area, it is considered that the proposed development would be in keeping with the residential character of the area, would not give rise to the creation of a traffic hazard and would not be injurious to the amenities of neighbouring residential properties, thereby according with the provisions of the Development Plan and consistent with the proper planning and sustainable development of the area

13.0 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 disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development,

the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority

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

3. All necessary measures should be taken by the applicant and contractor to prevent the spillage or deposit of clay, rubble or other debris on the public road network, repair any damage to the public road arising from carrying out works and avoid conflict with between construction activities and pedestrian and vehicular movements on the surrounding public roads.

Reason: In the interest of amenities, public health and safety and environmental protection

4. The applicant/developer shall comply with the following:

(a) The boundary to the north shared with no. 412 Clogher Road shall have a maximum height of 2m.

(b) The window to bedroom 2 within Dwelling 2 shall be angled or include a screening measure to reduce any potential overlooking to Bedroom 1 within Dwelling 1, and details shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: In the interests of the residential amenity of neighbouring residential dwellings and the proposed dwellings

5. (a) A maximum of 1 no. car parking space shall be provided for each dwelling.
- (b) All costs incurred by the local authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of pedestrian and vehicular safety.

6. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network prior to commencement of development.

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

7. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall

be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas.

9. Site development and building works shall be carried out between the hours of 7:00 am to 6:00pm Mondays to Fridays inclusive, between 8:00am to 2:00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

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

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

Killian Harrington

Planning Inspector

17 September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ABP-322599-25
Proposed Development Summary	The proposed works include: (i) demolition of existing workshop building and sheds with a total floor area of 163 sqm (ii) construction of 2 no. two storey, three bedroom detached houses with flat roofs and rooflights (iii) formation of a new shared vehicular entrance on Clogher Road (iv) inclusion of designated bin areas serving each house (v) 3 no. car parking spaces; private open space, bicycle parking, new boundary wall positions to existing houses, landscaping, Suds drainage and all ancillary works necessary to facilitate the development
Development Address	Site to the rear of Nos 404 , 406 , 408 and 410 Clogher Road, Crumlin, Dublin 12
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 <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	

<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
1. Is the proposed development of a CLASS specified in <u>Part 2, Schedule 5, Planning and Development Regulations 2001</u> (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) of Part 2 (dwelling units) Proposed development is a single dwelling substantially below the 500 dwelling unit threshold in Class 10(b)
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: 16 September 2025

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	ABP-322599-25
Proposed Development Summary	The proposed works include: (i) demolition of existing workshop building and sheds with a total floor area of 163 sqm (ii) construction of 2 no. two storey, three bedroom detached houses with flat roofs and rooflights (iii) formation of a new shared vehicular entrance on Clogher Road (iv) inclusion of designated bin areas serving each house (v) 3 no. car parking spaces; private open space, bicycle parking, new boundary wall positions to existing houses, landscaping, Suds drainage and all ancillary works necessary to facilitate the development
Development Address	Site to the rear of Nos 404 , 406 , 408 and 410 Clogher Road, Crumlin, Dublin 12
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development of 2 no. dwellings has a modest footprint, comes forward as a standalone project, requires only minor demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones,	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an established urban area on serviced lands in Dublin city and is not in close proximity to designated sites and landscapes of identified significance in the County Development Plan.

nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its urban 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.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** 16 September 2025

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

