



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322640-25

<b>Development</b>	Demolition of garage and construction of three houses with associated works.
<b>Location</b>	1 Mounttown Park, Mounttown, Glenageary, Dublin, A96V6Y1
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D25A/0198/WEB
<b>Applicant(s)</b>	Stoe Construction Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Ben Adamson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13th August 2025
<b>Inspector</b>	Suzanne White



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Appendix 1 – Form 1: EIA Pre-Screening

## **1.0 Site Location and Description**

- 1.1. The site is located on the southern side of Mounttown Park in the Monkstown area of South Dublin. It forms a corner site, bounded to the west by Mounttown Road Lower. The site comprises an existing two storey dwelling, No.1 Mounttown Park and its side garden. No.1 Mounttown Park forms one of four semi-detached dwellings (of differing design) situated on the southern side of Mounttown Park. On the day of my site visit, I observed that works had begun on site and the previously existing garage attached to No. 1 Mounttown Park and rear chimney of the dwelling had been removed. In addition, I observed that the building was in the process of being extended to the side at ground and first floor level. A new vehicular access has been opened within the front boundary, along Mounttown Park, which appears to have been installed to facilitate demolition of the garage and site clearance works, and gravel has been laid over part of the front lawn.
- 1.2. The site is accessed from Mounttown Park, a cul-de-sac which also serves a row of semi-detached dwellinghouses to the east and the basement car park entrance to Mounttown Villas, a development of apartment and duplex units located to the rear (south of the subject site). Mounttown Road Lower (R829), directly west of the appeal site, is a distributor type street which includes bus stops and a small number of commercial units in proximity to the subject site. To the north, on the opposite side of Mounttown Park, is an apartment block, Woodlawn House, which is accessed from Woodlawn Park.
- 1.3. The stated site area is 0.094ha and comprises the existing dwelling and its side and rear gardens.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for:
- demolition of the existing garage attached to the side of No.1 Mounttown Park;
  - construction of 3no. 3-storey, 3-bedroom terraced dwellings in the side garden of No. 1 Mounttown Park;

- new access driveway via widened entrance from Mounttown Park to the 4no. dwellings;
  - 2no. parking spaces within the front yard of each new dwelling;
  - services, bin storage, landscaping etc.
- 2.2. I note that, other than the demolition of the existing garage, no other works to the existing dwelling are indicated in the description of development and on the submitted plans.
- 2.3. As part of their response to the appeal, the applicant submitted a revised surface water drainage design. The original drainage design as submitted with the application proposed a soakaway in each of the rear gardens of the proposed 3no. dwellings to take run-off from the rear roof areas. Surface water run-off from the front roof areas would discharge to the permeable paving proposed for the driveways. The runoff from the new access road would discharge to the proposed infiltration trench located below the footpath. The drainage design was informed by infiltration tests undertaken in the front and rear garden locations of the proposed dwellings and included an allowance (20%) for increased rainfall due to climate change. Existing drainage arrangements are proposed to be retained for the exiting dwelling.
- 2.4. The revised design involves removing the 3no. soakaways to the rear of the new dwellings and instead directing run-off from the rear roof slopes initially to rainwater butts for storage/potential reuse, but if the rainwater butt overflows, the excess water would be diverted to infiltration blankets located in the front driveways. The run-off from the front roofslopes would discharge initially to rain gardens where it would infiltrate naturally into the ground but, should that overflow, the excess water would be diverted via the aco SuDS overflow gully to the infiltration blankets in the front driveways. No change is proposed to the approach to run-off from the access road, which would discharge to the infiltration trench located below the footpath.

### **3.0 Planning Authority Decision**

#### **Decision**

Permission GRANTED subject to 12 conditions, by order dated 2nd May 2025.

## **Planning Authority Reports**

### Planning Reports

The main points of the planner's report (taking account of the further information submitted) include:

- the subject site is zoned under objective 'A' with residential development permitted in principle.
- single house type proposed. Proposed houses generally comply with the applicable residential standards.
- the proposed houses would have a high quality of design, with robust external materials. The design, character and materiality of the proposed house would be in keeping with the character of neighbouring houses and would not have a significant impact on the visual amenity of the area.
- site is within an 'Accessible' location. The maximum parking provision allowed is 4.5 spaces (including visitor parking), whereas the proposal is for 6no. spaces with no visitor parking. Given the site's proximity to high frequency bus routes, the level of parking is not acceptable. This can be addressed by condition.
- It is not considered that the impacts to neighbouring property, privacy and amenity would be significant. Separation distances in excess of 30m provided, meaning that there is limited potential for overlooking impacts. The proposed houses would not be visually obtrusive.
- Third-party concerns in relation to the proposed soakaways are noted, however it is not considered that the proposed development would have a significant impact on drainage in the area.

### Other Technical Reports

- Drainage: no objection subject to conditions requiring that surface water runoff shall not be discharged to the public sewer, parking areas shall be of permeable surfacing and the access road shall be designed to taking in charge standards with runoff discharged to an infiltration trench.

- Transport Planning: further information requested, seeking: a reduction in parking provision to 1no. per dwelling; submission of a cycling statement; compliance with cycle parking standards; compliance with maximum vehicular entrance requirement of 3.5m; and compliance with EV charging requirements.
- EHO: further information recommended, seeking the provision of a Construction Environmental Management Plan and a Resource and Waste Management Plan.

### Conditions

The following conditions attached by the Local Planning Authority are of note:

- Condition 5 required the submission of proposals for SuDS measures for each house demonstrating that all surface water runoff for each dwelling will be infiltrated or reused locally within each property curtilage.
- Condition 6 required revised drawings showing car parking provision reduced to 1no. space for each dwelling, with provision for EV charging, and the other space finished with soft landscaping

### **Prescribed Bodies**

None.

### **Third Party Observations**

Two submissions were received in relation to the application. In addition to the issues raised in the grounds of appeal, the following concerns were also raised:

- overlooking
- increased noise from both construction and if/when the proposed property is occupied.
- access to Mounttown Park. Currently there are long delays when bin lorries are present. Also, difficulties reported entering Mounttown Park itself when a car is leaving at the same time.

## **4.0 Planning History**

### Appeal site:

None identified.

Other relevant planning history:

ABP-311653-21 (DLR D21A/0680): planning permission granted for a new two storey dwelling No.21A, new two storey extension and vehicular access to existing dwelling at 21 Woodlawn Park, Dun Laoghaire.

ABP-306143-19 (DLR D19A/0716): planning permission refused for construction of 1no. detached two storey two bedroom infill dwelling etc at 1 Woodlawn Park, Dun Laoghaire. The reason for refusal related to visual impact of the development, having regard to the restricted and prominent nature of the site, the character of the area and the scale, form and design of the proposed development.

ABP- 315304-22 (DLR D22A/0717): planning permission granted for the construction of an end-terrace two-storey dwelling etc at 1 Fitzgerald Park, Dun Laoghaire.

## **5.0 Policy Context**

### **Development Plan**

#### Dun Laoghaire Rathdown County Development Plan 2022-2028

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

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

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

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

*Objective PHP27* – ensure a wide variety of housing and apartment types is provided throughout the County.

*Objective OSR4* - to promote public open space standards generally in accordance with overarching Government guidance documents.

*Objective EI6* - to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).

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

*Objective EI22* - Flood Risk Management.

*Section 12.3.7.5 - Corner/Side Garden Sites.* Corner site development refers to subdivision of an existing house curtilage to provide an additional dwelling(s) in existing built up areas. In these cases relevant parameters to which the Planning Authority will have regard include:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.
  - Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.

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

*Section 12.3.7.7 Infill* - In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

*Objective T19* - manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5

#### *Section 12.4.5 Car Parking Standards*

In reference to the Parking Zones map which forms part of the DLR County Development Plan 2022-2028, the site is located in Parking Zone 2.

12.4.5.2 Application of Standards – allows for deviation from the standards in Zone 1 & 2 and some locations in Zone 3.

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

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

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

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

### **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## **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 the 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**

### **Grounds of Appeal**

One appeal was received from a third party. The third party is a resident of Mounttown Villas, a duplex and apartment scheme located adjacent to the south of the appeal site. The grounds of appeal can be summarised as follows:

#### Proposed drainage and watermain layout

- concerned about the risk of additional water build up in the ground around Mounttown Villas. Soakaways are proposed in close proximity to a corner of Mounttown Villas where the underground car park is already experiencing water ingress as outlined in the images and videos contained in the enclosed usb stick.

- The underground car park is the lowest point in the area. A rapidly flowing leak occurred in 2022 and, although the leak has stopped, there is persistent water ingress which is damaging the internal concrete steps and columns. A water pump is active 24hrs/day. If the pump stops, the car park floods.
- Without expert knowledge, it is our opinion that water should be sent to the public sewer rather than relying on 3-4 soakaways.

#### Site development/building works times

- Consider that scheduling of development/works at weekends is unreasonable.

In addition to the written grounds of appeal, the Appellant submitted a USB stick containing two videos and a marked-up version of the application site plan and contextual elevation drawing. The marked-up plan includes photos taken from within the basement car park and indicates the position of the basement car park relative to the soakaways as originally proposed in the application. The videos (created 27/05/2025) show water ingress within the basement car park of Mounttown Villas.

#### **Applicant Response**

A response was received from the first party, which may be summarised as follows:

- It is clear from the submitted documentation that there is an existing defect in the construction of the basement wall to the basement car park of Mounttown Villas. The ingress of water to the basement car park of Mounttown Villas is a result of poor-quality waterproofing construction and not specifically related to the surrounding lands and/or proximity to any well/springs.
- The proposed development included soakaways in the rear gardens of the dwellings, located c. 3m from the boundary with Mounttown Villas. The scheme has been designed to DLRCC's Drainage Department requirements. Infiltration test for the rear garden indicated a very low infiltration rate, therefore there would be a negligible effect on the water build-up in the area.
- Notwithstanding, the applicant has submitted an alternative surface water discharge configuration for the development, which removes the soakpits from

the rear gardens and directs surface water drainage to the front gardens. The infiltration test indicated a very low infiltration rate for the front gardens.

- All surface water will be dealt with within the curtilage of the site using infiltration. SuDS measures include an infiltration blanket, rainwater butt and raingardens.
- Condition 5 of the permission requires written agreement with the Council on the specific details for compliance with SuDS measures, specifically no overflow to the public sewer.

### **Planning Authority Response**

The Planning Authority response refers the Board (Commission) 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.

### **Observations**

None.

### **Further Responses**

None.

## **8.0 Assessment**

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

- Principle of development
- Density
- Drainage
- Impact on adjoining residential amenity
- Other issues

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including: residential amenity; impact on adjoining property in terms of potential overlooking, overshadowing and overbearance; and access. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

## **8.1. Principle of development**

8.1.1. The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The development of additional housing units is permissible in principle under this zoning, subject to accordance with other objectives of the Development Plan.

## **8.2. Density**

8.2.1. Although density was not raised in the grounds of appeal or discussed explicitly in the Local Authority Planner's Report, I consider that it is a relevant consideration. In reference to Table 3.1 of the Sustainable and Compact Settlements Guidelines 2024, I would place the site within the 'City-Urban Neighbourhoods' category, noting that there are higher density developments in proximity, there are a range of uses nearby and there is good access to public transport, employment, education and institutional uses. A residential density of 50-250dph applies in City-Urban Neighbourhoods. The total site area is 0.094ha, therefore the proposed density including the existing dwelling would be c. 42dph. I calculate that the site area for the 3no. new dwellings, including the part of the new access road located in front of them, would be c.0.6ha and would therefore give a density for these houses of c.50dph. The proposed density would therefore be within the acceptable range for this location and I consider that the proposed development would be acceptable in this regard.

### **8.3. Drainage**

- 8.3.1. The key concern raised by the appellant in their grounds of appeal is that the soakaways originally proposed in the rear gardens of the proposed dwellings could cause additional water build-up adjacent to the underground car park of Mounttown Villas. The appellant points out that the car park is the lowest point in the area. They suggest that water should be sent to the public sewer rather than relying on 3-4 soakaways.
- 8.3.2. The appellant has submitted an extract of the original drainage layout submitted as part of the application, marked-up to show the location of photos taken of the basement car park of Mounttown Villas. The photos show three points internally along the wall of the basement which runs approximately parallel to the rear boundary of No.1 Mounttown Park. Based on the drainage plan and photos, the basement wall appears to be set off the boundary with No. 1 Mounttown Villas by c. 5.8m at the closest point. The soakaway located in the rear garden of Unit 1B, as originally proposed, would be closest to the basement wall at c. 12m distance.
- 8.3.3. Spot heights indicated on the existing and proposed site layout plans indicate a relatively level site with levels of 99.775 in the southwest corner and 99.750 in the southeast corner. The site plans as originally submitted indicate no change to levels on the rear boundary with Mounttown Villas. The internal floor level for the basement car park at Mounttown Villas is not known. The submitted Proposed Contiguous Elevation drawing indicates that the communal open space at Mounttown Villas, adjacent to the rear boundary of the appeal site, is set at a slightly lower level than the appeal site.
- 8.3.4. I note that the soakaways as originally proposed were designed only to take run-off from the rear roofslopes of the three new dwellings, with run-off generated by the front roofslopes directed to the permeable parking area in the front gardens. I note also that the infiltration tests undertaken on site indicate a relatively low infiltration rate. I further note that the proposed drainage scheme (as originally submitted) is designed to manage all surface water runoff within the curtilage of the site to restrict outflow in accordance

with the Greater Dublin Strategic Drainage Study Volume 2 New Developments (GDSDS). In addition, I note that no concerns were raised by the Local Authority's Drainage Section, subject to further details to be submitted by condition.

- 8.3.5. Having regard to the limited roof area for which run-off will discharge to the soakaways, the low infiltration rate of the site and the distance between the soakaways and the existing basement parking at Mounttown Villas, there is no evidence on file to suggest that the original surface water drainage design, featuring soakaways in the rear gardens of the proposed dwellings, would result in any negative impact on Mounttown Villas in terms of water ingress to the basement.
- 8.3.6. I note the alternative surface water design proposal submitted by the applicant in response to the appeal, omitting the soakaways at the rear of the dwellings. The submitted engineering report states that the proposed infiltration blanket to be located at the front of the houses will have capacity to take all the runoff from the rear roofslopes of the houses and does not rely on the rainwater butts to be provided at the rear of the dwellings. I note that this solution requires additional pipework under the dwellings to drain the runoff from the rear roof slopes to the infiltration blanket in the front yard. I consider that this option would also constitute an acceptable approach to managing surface water drainage on site, however based on my assessment above, I consider that the original, simpler design is adequate and the revised design is not necessary. In this regard, I also note that no additional comments were received from the Local Planning Authority.
- 8.3.7. On the basis of my assessment above, I consider that the original surface water drainage design submitted by the applicant would provide an acceptable means of managing the surface water runoff generated by the proposed development and would incorporate sustainable urban drainage systems measures, as required by Objective EI6 of the Development Plan. I note that Condition 5 of the Local Authority's decision required the submission of proposed SuDS measures for each dwelling, demonstrating that all surface water runoff would be infiltrated or reused locally within each property curtilage. If the Commission were minded to grant permission for

the proposed development, I recommend that a similar condition be attached.

#### **8.4. Impact on adjoining amenity**

- 8.4.1. The second item raised in the grounds of appeal is a concern that, if permitted, construction works would take place at the weekend. The Local Authority decision included Condition 7 setting out permitted construction hours. These allow construction works on Saturdays between 08:00 and 14:00, with no works permitted on Sundays and bank holidays. I note that it is common practice to allow Saturday working during these hours in proximity to residential use. The report of the Environmental Health Officer on the application raised no concerns with regard to construction hours, though did recommend that a Construction Environmental Management Plan was sought as further information. If the Commission were minded to grant permission for the proposed development, I recommend that a condition is attached in this regard.
- 8.4.2. I note that the Local Authority Planner's report considered that the proposed development would not have a significant adverse impact on adjoining residential amenity in terms of overlooking, overbearance or overshadowing. Noting the siting of the proposed dwellings, which would extend the existing row of dwellings at 1-4 Mounttown Park and the minimum separation distance of 9.5m between the rear elevation of the proposed houses and the side elevation of Mounttown Villas, I would agree that the proposed development would not result in material harm to neighbouring amenity in terms of overlooking, overbearance or overshadowing.

#### **8.5. Other issues**

##### Visual amenity

- 8.5.1. Generally, I would agree with the Local Authority Planner's report conclusion that the proposed dwellings would be of good quality design, in keeping with the character of neighbouring houses, though I do have concerns with regard to their relationship with the streetscape. I note that the siting of the

proposed dwellings follows the pattern established by the existing row of dwellings to the east, 1-4 Mounttown Park by facing Mounttown Park (north). By contrast, Mounttown Villas (to the south) and Woodlawn House (to the north), through the arrangement of entrances and fenestration, address Mounttown Road Lower (west). In this context, the proposed development would introduce a blank, rendered flank wall (to proposed dwelling 1C) in close proximity to the boundary with Mounttown Road Lower, which I consider would not provide an appropriate response to the street. I note that the proposed dwelling is modest in scale and massing and that the existing stone boundary wall is to be retained, which will mitigate the visual impact. However I consider that the west elevation of proposed house 1C would benefit from the addition of windows, to add interest and add to the passive surveillance of the street. This could be resolved by condition, if the Commission were minded to grant permission.

- 8.5.2. In addition, I note that the proposed boundary treatment to Mounttown Park is a post and rail fence. Noting the existing rendered wall to the east on Mounttown Park and the stone boundary wall on Mounttown Road Lower to the west, I consider that a post and rail fence would appear incongruous in this context. Brick pillars are proposed to the vehicular entrance and I consider that a rendered wall along this boundary would be appropriate. This can be secured by condition, in the case of a grant of permission.

#### Parking

- 8.5.3. The Local Authority Transport Planning report recommended that parking provision for the three new dwellings is reduced to one space each, as they regard the site to be located in a 'City Urban Neighbourhood' location, having regard to the categories set out in the Sustainable and Compact Settlements Guidelines 2024, with good access to public transport. The Planner's report agrees, though identifies a need for visitor parking in addition and this is reflected in Condition 6 of the Local Authority decision.
- 8.5.4. I note that the site is located in Parking Zone 2 and a standard of 2no. spaces applies for 3bed dwellings, unless a deviation is justified having regard to Section 12.4.5.2 of the Development Plan. The appeal site is

located within 100m (1minute walking distance) of bus stops on Mounttown Road Upper with peak hour service frequency of c. 5/6 minutes. The site is within 10minutes walking distance of car sharing facilities and a range of services including retail, leisure, education and health services. Having regard to the criteria set out in Section 12.4.5.2, I consider that a reduction from the parking standard would be justified in this case. I would agree with the Local Authority Transport Planning report assertion that the site would fall within the City-Urban Neighbourhoods category of Table 3.1 of the Sustainable and Compact Settlements Guidelines 2024 and, therefore, having regard to SPPR3 of the Guidelines, 1 parking space per dwelling would be appropriate. I note however that the Local Authority Planner's report classified the site as an 'accessible location', for which SPPR3 sets a maximum rate of 1.5 spaces per dwelling. I note that there is no requirement under the Development Plan for visitor parking for new houses in Parking Zone 2 and that the SPPR3 standard includes provision for visitor parking. Therefore, provision of dedicated visitor parking as part of the scheme is not required.

- 8.5.5. In terms of cycle parking, Section 12.4.6 of the Development Plan states that provision should accord with the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018). It is also stated that standards should be exceeded in Parking Zones 1 & 2. The standard for 3bed houses is 1 long stay parking space per unit (minimum of 2 spaces) and 1 short stay space per 5no. units (minimum of 2 spaces). The proposed dwellings are arranged as a terrace and although Unit 1C does have external access to the rear garden, it would be of limited width. There would be sufficient space in the front garden areas to provide sheltered, secure cycle parking, particularly given the reduced car parking space required. Cycle parking provision in line with the Council's standards can be secured by condition.

#### Procedural issues

- 8.5.6. As noted above, on the day of my site visit, I observed that works had begun on site. The previously existing garage attached to No1. Mounttown Park has been demolished. The description of development for this application

includes the proposed “demolition of the existing garage”. As the garage has been demolished, the description of development is incorrect and the proposed development to which the application relates cannot be implemented. In my view, this is a key issue as the proposal before the Commission differs materially from the description of development submitted for permission. The Board is, therefore, precluded from granting permission for the proposed development.

- 8.5.7. I also observed that works of extension were being undertaken to the existing dwelling. In my professional opinion, there is a possibility that the applicant may require planning permission for these works, however full details of the extent and nature of the works are not available. I note that there is no record of planning permission for the works in the site history. In any case, the matter of enforcement falls under the jurisdiction of the planning authority.

## **9.0 AA Screening**

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

## **10.0 Water Framework Directive Screening**

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

any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

11.1. I recommend that planning permission is refused.

## **12.0 Reasons and Considerations**

1. Based on site observations and review of the documentation on file, it appears to the Commission that the description of development before the Commission differs materially from the description of development submitted for permission because the garage has already been demolished. The proposed development to which the application relates cannot therefore be implemented. The Commission is, therefore, precluded from granting permission for the proposed development.

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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Suzanne White  
Planning Inspector

1st September 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322640-25
<b>Proposed Development Summary</b>	Demolition of garage and construction of three houses with associated works.
<b>Development Address</b>	1 Mounttown Park, Mounttown, Glenageary, Dublin
	<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>	State the Class here
<input checked="" 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>Class 10(b)(i) Infrastructure projects. Threshold: construction of more than 500 dwelling units.</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:** Suzanne White      **Date:** 01/09/2025

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322640-25
<b>Proposed Development Summary</b>	Demolition of garage and construction of three houses with associated works.
<b>Development Address</b>	1 Mounttown Park, Mounttown, Glenageary, Dublin

<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>	<p>The development proposed is the demolition of an existing garage attached to a dwellinghouse and the construction of a terrace of 3no. two-storey dwelling houses together with access road, car parking, drainage, landscaping and associated works within the side garden of the existing dwellinghouse.</p> <p>The standalone development has a modest footprint and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>	<p>The development is situated in a densely populated urban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLRCDP.</p>
<b>Types and characteristics of potential impacts</b>	<p>Having regard to the modest nature of the proposed development, its location relative to 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.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

**Inspector:** Suzanne White

**Date:** 01/09/2025