



An
Coimisiún
Pleanála

Inspector's Report ABP-322710-25

Development	Retention of previously granted dwelling reg. ref D16A/0732, D22A/0095 and D24A/0115. retention of light wells, removal of retaining wall and the provision of new window. The site is within an architectural conservation area.
Location	Convista, Abbey Hill, Military Road, Killiney, Dublin, A96R5CC (ACA)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0230/WEB
Applicant(s)	Rory O'Shaughnessy.
Type of Application	Permission and Retention
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Rory O'Shaughnessy Dr. Kieran O'Driscoll and Others
Observer(s)	None

Date of Site Inspection

01/09/2025

Inspector

Carol Smyth

1.0 Site Location and Description

- 1.1. The 0.7 ha site is located in Killiney, Co. Dublin, approximately 225 metres southwest of Killiney Dart Station, and to the north of Military Road. The site comprises a recently constructed two-storey, flat roofed, detached dwelling, accessed from a shared cul-de-sac off Military Road. The seafront is situated circa 200 metres to the east while Killiney monastic site is situated approximately 50 metres to the north.
- 1.2. The site is at the northern end of a shared private cul de sac laneway running north from Military Road. The laneway serves 4 other properties. Abbeylands East, is sited to the west of the subject site and has a vehicular entrance with sliding gate opposite the appeal site. At the southern end of the site there is a pedestrian access leading eastwards connecting the cul-de-sac with Marino Avenue East.
- 1.3. The site is situated in an Architectural Conservation Area (ACA) as characterised by a prevalence of large historic detached and terraced dwellings on large plots with landscaped gardens. The dwellings on all adjoining land, with the exception of the parent property to the north from which the site was subdivided, are all protected structures. This includes dwellings to the northeast, east, south and west.
- 1.4. The site slopes downwards to the south and east towards the seafront. The western boundary wall is stepped reflecting the slope of the site, rendered white and capped. There is a wide vehicular access. Some soft landscaping has been planted but is yet to mature and fully establish.

2.0 Proposed Development

- 2.1. Permission to retain and complete the previously granted dwelling reg. ref. D16A/0732, D22A/0095 and D24A/0115 as follows:
 - (a) The retention is sought for existing eastern & western façade light wells. The provision of the light wells reduces the overall total floor area by 7.5sqm providing a total floor area for the house of 192sqm.
 - (b) Planning permission is sought for the

- i. reduction of the ground level and removal of the existing retaining wall on the western side of the building, to open the light well out into a courtyard.
- ii. the provision of a new window from Bedroom 1 into the new proposed courtyard, together with
- iii. internal layout adjustments relocating Bedroom 2 and reducing it from a double to single bedroom.

3.0 Planning Authority Decision

3.1. Decision

A notification of decision to Grant Permission and Retention Permission was issued by Dun Laoghaire-Rathdown County Council (PA) on the 14th May 2025 subject to 5 no. conditions. The following condition was attached to the PA grant of permission and retention permission relates to the first party appeal:

3. The eastern elevation window serving the stairwell shall be permanently fitted with opaque glazing within six months of this grant of planning permission.

REASON: In the interest of residential amenity.

3.2. Planning Authority Reports

The Planners report recommendation is consistent with the notification decision issued.

The report notes that the principle of development had already been assessed and established with the grant of the parent permission (Reg. Ref. D16A/0732). The alterations proposed and to be retained were all considered acceptable in terms of future occupants' residential amenity as well as impacts on adjoining properties.

Other Technical Reports

- Drainage Report:
No objection subject to conditions
- Transportation Report:
No objection subject to conditions

3.3. Prescribed Bodies

None received

3.4. Third Party Observations

One submission was received on behalf of 6 no. neighbouring properties.

The issues raised in relation to the planning application also form the third party grounds of appeal and are addressed below in Section 7.

4.0 Planning History

The following recent relevant planning history relates to the appeal site:

- ACP Ref. 322365-25, DLRDCC Reg. Ref. D25A/0128/WEB

Refuse retention permission for capped and rendered front (south) garden boundary walls.

Reasons for refusal related to the restricted visibility and endangerment of public safety arising from restricted visibility and the material contravention of conditions attached to ABP-06D248079 (D16A/0732); ABP06D.313426 (D22A/0095); and ABP-319775 (D24A/0015) all of which relate to development on the site

- ACP Ref. 319755-24, DLRDCC Reg. Ref. D24A/0115

Split decision issued

Permission granted for:

- (a) Retention of 2.5 sqm single storey porch to the main entrance and reduction of floor area at the upper floor (west side) by 1.5 m to provide a rooflight to the lower ground en-suite. Provision of an additional 2.5 sqm area to the lower level bedroom and en-suite, and relocation of entrance steps by 1.5 m to the south
- (b) 1m x 1.5m canopy to front door and minor relocation of vehicular entrance piers and stepped landscaping feature to facilitate screen planting
- (c) New window to the upper floor on the west side.

Permission refused for alteration of bedroom windows and provision of recessed window arrangement providing lower floor lightwells including windows to the east and west side.

The reason for refusal related to the residential amenity afforded to the development with respect to floor width and adequate daylight.

- ACP Ref. PL06D.313426-22, DLRDCC Reg. Ref. D22A/0095

Permission granted for amendments to previously granted dwelling Reg. Ref. D16A/0732 as follows:

- (a) 8.6 sqm two storey extension to the rear (north) and
- (b) 3.9 sqm two storey extension to the side (west) increasing the total floor area of the house by 12.5sqm,
- (c) the addition of an 8sqm balcony to the front (south) at first floor level

- DLRDCC Reg. Ref. D16A/0732/E

Extension of duration granted to extend the appropriate period of ACP Ref. PL06D.248079 and Reg. Ref. D16A/0732

- ACP Ref. PL06D.248079, DLRDCC Reg. Ref. D16A/0732

Permission granted for construction of a new partial two-storey, flat roof, detached 3-bedroom, split-level, 187sqm dwelling with public drainage connections, all within the garden with new vehicular access to Military Road together with works to boundary wall to existing house, all boundary treatments, landscaping and ancillary works.

5.0 Policy Context

5.1. National Guidance

5.1.1. Sustainable Residential Development and Compact Settlement Guidelines (2024)

The Compact Settlement Guidelines set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and

opposing windows in habitable rooms. Guidance is also provided in relation to daylight.

5.1.2. Quality Housing for Sustainable Communities, DoEHLG 2007

Quality Housing for Sustainable Communities is a best practice handbook for identifying good quality residential amenity to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended. The guidelines are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity.

5.2. **Development Plan**

5.2.1. The site is governed by the policy and objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective.

5.2.2. The site is situated within Killiney Architectural Conservation Area (ACA). Policy Objective HER 13 of the Development Plan seeks to protect the character and special interest of the ACA ensuring high quality and sensitive design is permitted which is sensitive to the scale of surrounding development.

5.2.3. The site is located approximately 45 metres to the south of Killiney monastic site (DU No. 026-013001 - 013008) on the Sites and Monuments Record. The site is partially located within the zone of archaeological constraint for the Monument. Policy Objectives HER1 and HER2 of the Development Plan seek the protection of archaeological heritage, sites, National Monuments (and their settings) which have been identified in the Record of Monuments and Places and the preservation of Archaeological material in situ.

5.2.4. In addition, the site is surrounded by several Protected Structures. Objective HER 8, Part viii states that it is policy to protect structures included on the

RPS from any works that would negatively impact their special character and appearance.

5.2.5. The site is also located within the boundary of Specific Local Objective 130 which seeks *'To ensure that development within this objective area does not (i) have a significant negative impact on the environmental sensitivities in the area including those identified in the SEA Environmental Report, and/or (ii) does not significantly detract from the character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements.'*

5.2.6. Section 12.3.7.1 of the Development Plan provides development standards for extensions and alterations to dwellings. It provides design guidance and requires design to uphold the residential amenity of existing dwellings and to be proportionate to the parent dwelling.

5.3. Natural Heritage Designations

The site is situated approximately 370 metres to the northwest of the Dalkey Coastal Zone and Killiney Hill proposed NHA. It is also located circa 1.6 km to the west of Rockabill to Dalkey Island SAC and circa 2.5 km southwest of Dalkey Islands SPA & proposed NHA.

5.4. EIA Screening

See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

There are first and third party appeals against the Planning Authorities decision to grant permission.

6.1.1. Appeal 1 – First party

The grounds of appeal relate to Condition 3 of the grant of permission issued under DLRDCC Reg. Ref. D25A/0230/WEB.

Condition No. 3 requires that:

The eastern elevation window serving the stairwell shall be permanently fitted with opaque glazing within six months of this grant of planning permission.

Reason: *In the interest of residential amenity.*

The Appellant requests that the condition relating to opaque glazing be removed and states that:

- The window was previously granted permission under DLRDCCD16A/0732 and was closer to the mutual boundary to the east.
- The window is to a stairwell and the closest floor is setback 2.2 metres from the internal window edge and leaves an effective setback of 4.3 metres from the vantage point to the mutual eastern boundary.
- Hedgerow is now re-established and is currently approximately 1.5 metres high along the mutual boundary.
- Given the sloped nature of the site ample seclusion is afforded to the adjacent property.

6.1.2. Appeal 2 - 1 no. Third Party

The appeal is on behalf of 6 no. Killiney residents as follows:

- Dr. Kieran O'Driscoll and Emma Shinton, Lothlorien, Military Road – adjoining property to the south.
- Liz and Wally Pierce, Winterslow, Marino Avenue East – adjoining property to the east.
- Ian Bowring, Rose Cottage, Marino Avenue East.
- Paul Fenelon, Ard Einin, Marino Avenue East.
- Rose and Seana Kevany, Roseneath, Marino Avenue East.
- Bill and Carol Emmott, Killeen, Marino Avenue East.

The following provides a summary of the grounds of appeal:

- The planning application does not address the scale, character and prominence of the existing dwelling which has not been constructed in compliance with any planning permissions, and which results in overlooking and overshadowing of neighbouring property.
- There are inconsistencies between the submitted Architectural Impact Statement and the development as constructed.
- The development represents non-compliance with the conservation and built heritage policies and objectives in the Development Plan and there remains many outstanding planning issues on the site.
- There have been a number of amendments to the development including substituting a lower terrace for light wells, changing the size and number of windows in key locations, particularly those in close proximity to the eastern boundary, the addition of windows to the western boundary and the changing of windows from obscured glazing to clear glazing.
- The entire development as constructed does not correlate with the Architectural Impact Statement or the approved planning drawings and is therefore unauthorised in terms of height scale and impact on neighbouring properties.
- The application should have been invalidated as there is a lack of boundary distances indicated and inaccuracies in the levels shown on the submitted planning drawings.
- It is unclear if Condition No. 3 of the parent permission ACP Ref: PL06D.248079, DLLRDCC D25A/0732 which relates to boundary planting and screening can be satisfied with the proposed new retaining walls along the mutual boundary with Abbeylands East.
- There is an ongoing boundary dispute with the owners of Abbeylands East and the appeal site.
- Due to amendments to the development, there is direct overlooking to the neighbouring property and an inability to effectively screen the development as required under the grant of permission issued under ACP Ref: PL06D.248079, DLRDCC Reg. Ref. D16A/0732.

- The application has been submitted to address a split decision from An Coimisiún Pleanála in respect of ACP Ref: 319755-24, DLRDCC Reg. Ref. D24A/0115 and does not address the previous reason for refusal in particular Sections 12.3.1 and 12.3.4.2 of the Development Plan.
- Information regarding adequate daylight to the lower ground floor bedrooms has not been submitted.
- It is unclear if the lower ground floor windows will receive adequate daylight given the height of the boundary wall to the west.
- The width of bedrooms has been reduced to provide single bedrooms, and the revised lower ground floor layout would be compromised.

6.2. Applicant Response

None on file

6.3. Planning Authority Response

The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

6.4. Observations

None on file

6.5. Further Responses

A third party response to the first party grounds of appeals was received. The concerns raised have been summarised as follows:

- The applicant has failed to comply with condition no. 3 of the parent permission granted under ACP Ref: PL06D.248079, DLRDCC Reg. Ref: D16A/0732 which required a comprehensive landscape plan and the retention and augmentation of established boundary vegetation on the site.
- The only enforceable way to prevent overlooking to 'Winterslow' to the east of the development is to condition that the 3 no. windows on the eastern elevation serving the stairwell shall be permanently fitted with opaque glazing within 6 months of any grant of permission.

7.0 Assessment

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

- Site Planning History
- Residential Amenity of Occupants of the Dwelling
- Impacts on Adjoining Residential Amenity
- Impacts on the Character of the ACA
- Other Considerations

7.1. Site Planning History

This site has an established planning history. The parent permission for the dwelling was granted on appeal on the 21st August 2017 under ACP Ref: PL 06D.248079, DLRDCC Reg. Ref. 16A/0732. Condition No. 1 of the grant of permission requires that the development be carried out and completed in accordance with the plans and particulars lodged with the application and Condition No. 3 of the grant of permission relates to landscaping and requires the retention and augmentation of the established boundary vegetation.

On the 14th February 2023 permission was granted on appeal under ACP Ref. PL06D.313426, DLRDCC Reg. Ref. D22A/0095 for amendments to the parent permission. Amendments included the construction of extensions to the rear (north) and side (west) and the addition of a balcony to the front (south) increasing the floor area of the permitted dwelling by 12.5sqm.

On 12th February 2025 a split decision was issued on appeal under ACP Ref: 319755-24, DLRDCC Reg. Ref. D24A/0115. Permission was granted for a 2.5 sqm porch, the reduction in floor area of the dwelling by 1.5 sqm, the provision of an additional 2.5sqm of floor area at lower ground floor level, the relocation of entrance steps, entrance canopy, stepped landscaping feature and the relocation of vehicular entrance piers. Condition No. 3 requires a landscaping scheme to be submitted to

the planning authority with 3 months of the ACP Order. Permission was refused for alterations to bedroom windows and the provision of a recessed window arrangement providing lower ground floor level light wells, including windows to the east and west. The reason for refusal related to diminished internal residential amenity with respect to floor area and daylight.

Most recently, retention permission was refused on appeal under ACP Ref. PL06D322365, DLRDCC Reg. Ref. D25A/0128/WEB on the 25th July 2025 for alterations to the front boundary wall for reasons of restricted visibility and endangerment of public safety and the material contravention of previous conditions.

In the grounds of appeal, third party appellants raise concerns regarding the overall scale, character and prominence of the subject dwelling, its impact on the character of the ACA and neighbouring protected structures. The grounds of appeal also refer to the number of amendments to the development and alleged unauthorised development on the site including inter alia alterations in site levels and the subsequent increased height of the structure. The third party also raises concerns regarding the non-compliance with planning conditions such as the removal of existing trees and hedgerow along the mutual eastern boundary and non-compliance with Condition No. 3 of the parent permission which required the retention and augmentation of the same.

The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective. The site is also located within an Architectural Conservation Area (ACA).

I note that the principle for the development for this dwelling has been established under ACP Ref. PL06D.248079, DLRDCC Reg. Ref. 16A/0732. The impacts of the dwelling in terms of overall scale, character and prominence on adjoining Protected Structures and the ACA were considered in determining the appropriateness of the dwelling under the parent permission, the alterations of which form part of the proposed development have been discussed further, below in Section 8.3.

In terms of issues raised in the grounds of appeal relating to non-compliance with previous permissions and the conditions attached to previous permissions, I highlight that An Coimisiún Pleanála does not have an enforcement function and therefore

does not have a mechanism to address allegedly previous unauthorised development on the site. Enforcement and enforcement of conditions is a matter for the Local Planning Authority.

7.2. Residential Amenity of Occupants of the Dwelling

The permitted layout granted on appeal under the parent permission (ACP Ref. PL06D.248079, DLRDCC Reg. Ref. D16A/0732) provided Bedrooms No's 1 and 2 on the lower ground floor plan with full height glazed patio doors opening onto an external lower ground floor terrace to the west of the site. I note that the external lower ground floor terrace to the west of the site was not constructed and that the as built ground level to the west of the site is above the internal lower ground floor level.

As part of a split decision issued on appeal under ACP Ref: 319755-24, DLRDCC 24A/0115 retention permission was refused for alterations to bedroom windows and the provision of a recessed window arrangement providing lower floor ground light wells, to the east and west, for reasons relating to diminished internal residential amenity with respect to floor area and daylight.

To address the previous reason for refusal for the retention of the as built layout, which resulted in both bedrooms being lit solely by light wells, the applicant now seeks permission to amend the internal layout of the lower ground floor and proposes to remove an existing permitted retaining wall to the west of the site to form an external courtyard.

The new amended layout relocates the as built Bedroom No. 2 to the west of the lower ground floor plan and the circulation corridor to the east of the plan. The retention of the as built recessed windows and light wells to the east and west of the dwelling is also sought. As a result of the amended layout, Bedroom No. 2 is specified as a single bedroom. An additional west facing window is also proposed to the lower ground floor plan to Bedroom No. 1.

The proposed courtyard is positioned adjacent to the west facing lightwell and the excavation works to form the courtyard will result in the creation of a two-storey recessed window arrangement on the west facing elevation. It is now proposed that both Bedroom No's 1 and 2 will open onto the proposed external lower ground floor courtyard.

It is proposed to link the courtyard externally to the site entrance and driveway via a set of external steps. The proposed retaining wall to the courtyard along the northern and western mutual boundaries is indicated as being approximately 4 metres in height on the submitted sectional drawings. A raised planter is proposed to align with the proposed retaining wall. I also note existing mature vegetation at the adjacent Abbeylands East development along the mutual boundary.

The third party appeal submission contends that the removal of the existing permitted retaining wall to the west of the appeal site and the altering of site levels to form an external courtyard area at lower ground floor level will impact the ability to plant and screen the mutual boundaries with Abbeylands East as required under Condition 3 of the parent permission ACP Ref: PL06D.248079, DLLRDCC D25A/0732.

Having regard to the extent and scale of the proposed works to the retaining wall and lowering of the site levels to the west of the dwelling, I consider that the proposed development would integrate well with the existing permitted development on this site. I am also satisfied that the proposed raised planter at lower ground floor courtyard level is of a sufficient scale to allow for the planting of vegetation to screen the proposed retaining wall.

I consider that the proposed removal of the existing retaining wall and the reduction of the ground level on the western side of the building to provide a courtyard is in accordance with Development Plan policy for such works, including Specific Local Objective 130 which seeks to ensure that development within this objective area does not significantly visually detract from the character of the area. I am satisfied in this regard.

I acknowledge the third party appeal submission which contends that the proposed amendments to the layout of the lower ground floor fails to provide sufficient residential amenity to Bedroom No's 1 and 2 in terms of daylight and space provision.

Sections 12.3.1 (Quality Design) and 12.3.4.2 (Habitable Rooms) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and national guidelines 'Sustainable Residential Development and Compact Settlement Guidelines (2024)' and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for

Delivering Homes and Sustainable Communities (2007)' provides policy and guidance in relation to floor area, space requirements and daylight.

The table below provides an assessment of the floor area and space requirements for Bedrooms No's 1 and 2 in terms of the guidance set out in Quality Housing for Sustainable Communities, DoEHLG 2007.

Room Type	Target space requirements		Proposed space requirements	
	Area	Minimum Width	Area	Minimum Width
Bedroom No. 1 - Double Bedroom	11.4sqm	2.8 metres	c.22 sqm	2.741 metres
Bedroom No. 2 - Single Bedroom	7.1sqm	2.1 metres	c.8.2 sqm	2.657 metres

I note that Bedroom No. 1 falls marginally short of the recommended minimum target space requirement in terms of width. However, on balance given the generous overall floor area afforded to Bedroom No. 1, I am satisfied that the revised layout for Bedroom No's 1 and 2 will provide adequate residential amenity in terms of floor area and space requirements and are in accordance with Development Plan policy for such works.

In terms of issues relating to daylight, I note that the proposed relocated Bedroom No. 2 is lit by a full height, west facing glazed screen 2.1 metres in width and 2.63 metres in height which forms part of the as built recessed window/light well to be retained. Bedroom No. 1 is lit by a full height south facing window 0.85 metres wide by 2.63 metres high which also forms part of the as built recessed window/light well to be retained. An additional 1 metre wide by 2.63 metres high west facing window is also proposed for Bedroom No.1. The proposed revised layout indicates that the windows to Bedroom No's 1 and 2 will open onto the proposed external lower ground floor courtyard area.

In terms of daylight performance, I refer the Commission to 'The Sustainable and Compact Settlements, Guidelines for Planning Authorities 2024' which allows for a reduction in daylight performance, balanced against the design quality of the scheme, measures proposed to optimise daylight, site constraints, and the requirements of wider planning goals such as density objectives.

I consider that the removal of the as permitted retaining wall to the west of the site to form an external courtyard at lower ground floor level in the vicinity of the glazing to Bedrooms No's 1 and 2 will maximise daylight provision to the bedroom windows.

Having regard to the site constraints, the proposed amended layout and the additional lower ground floor window, the provision of the external courtyard and the overall design quality of the development, I am satisfied that the daylight provision to the bedrooms is acceptable in this instance. I am satisfied that both bedrooms will achieve an acceptable standard in terms of space provision and daylight for habitable rooms and are in accordance with Development Plan policy for such works, including Specific Local Objective 130. I am satisfied in this regard.

7.3. Impacts on adjoining residential amenity

Under the parent permission ACP Ref. PL06D.248079, DLRDCC Reg. Ref. D16A/0732, a clear glazed window was permitted to the stairwell which aligned with the eastern elevation of the dwelling.

The split decision that was issued on appeal under ACP Ref: 319755-24, DLRDCC Reg. Ref. D24A/0115, as previously noted retention permission was refused for the lightwells and recessed windows to the east and west of the dwelling for reason of internal residential amenity. In the decision the Board noted some additional requirements in terms of the recommendation to fit opaque glazing to the eastern elevation window but considered the condition not warranted having regard to the permitted similarly sized window in closer proximity to the mutual boundary.

To regularise the development, the current proposal seeks retention permission for recessed windows and lightwells. The Planning Authority attached a condition to the grant of permission and retention permission requiring the opaquing of the stairwell window. First party grounds of the appeal relate to the removal of Condition No. 3 (as follows) from the grant of permission.

3. The eastern elevation window serving the stairwell shall be permanently fitted with opaque glazing within six months of this grant of planning permission.

Reason: In the interest of residential amenity.

The first party contends that a similar window was previously permitted with clear glazing under the parent permission ACP Ref. PL06D.248079, DLRDCC Reg. Ref.

D16A/0732 and that window was closer to the mutual boundary with the property to the east. The first party also contends that the as built window is recessed and that given the window is to a stairwell, the closest floor is setback 2.2 metres from the internal window edge. The first party also states that the hedgerow along the mutual eastern boundary is now re-established and is currently approximately 1.5 metres high and further notes that given the sloped nature of the site ample seclusion is afforded to the adjacent property.

The third party response to the grounds of the first party appeal contend that the applicant has failed to comply with Condition No. 3 of the parent permission granted under ACP Ref: PL06D.248079, DLRDCC Reg. Ref: D16A/0732 which required a comprehensive landscape plan and the retention and augmentation of established boundary vegetation on the site. The third party further states that the only enforceable way to prevent overlooking to the 'Winterslow' property to the east of the development, is to condition that all 3 no. windows of the recessed window on the eastern elevation serving the stairwell be permanently fitted with opaque glazing.

I note that the previously permitted window granted under the parent permission ACP Ref: PL06D.248079, DLRDCC Reg. Ref. D16A/0732 was of a similar scale to the recessed window to be retained. The previously permitted window aligned with the eastern elevation of the dwelling and was positioned circa 1.1 metres from the mutual boundary to the east. Additional drawings of the window arrangement on the eastern elevation were submitted by the first party in support of the grounds of appeal. The submitted drawings indicate that the upper ground floor stairwell window is positioned c.2.1 metres from the mutual boundary of the adjoining property to the east 'Winterslow'. The drawings indicate that the as built recessed window proposed, is setback further from the building line than the previously permitted window arrangement under the parent permission.

Given the differences in site levels, the position of the window and the setback from the eastern mutual boundary, I consider that the proposal would not unduly overlook adjacent property. Furthermore, given the width and scale of the side windows which also form part of the east facing recessed window and the subsequent restricted nature of the angle of vision, I am satisfied that no overlooking issues of adjoining property will occur.

In terms of the third party response to the first party grounds of appeal in relation to compliance with Condition No. 3 of the parent permission (ACP Ref: PL06D.248079, DLRDCC Reg. Ref. D16A/0732) in relation to the landscaping, I further note that an additional compliance condition regarding submission of landscaping scheme for the written approval of the planning authority was attached to the grant of permission for ACP Ref. PL06D319755/24, DLRDCCReg. Ref. D24A/0115. I note that a submission in relation to Condition No.3 of the permission was deemed in compliance with the condition by the planning authority on the 15th July 2025. On balance I consider that sufficient boundary screening has been planted to prevent overlooking of adjoining property.

I also note concerns raised in the third party grounds of appeal regarding the overlooking and overshadowing of the development on adjoining property. I consider the proposed development and development to be retained to be minor in nature. I note that there are no opposing windows first floor windows. Given the minor extent of the development and separation distances to adjoining property I do not consider that the development would overshadow or unduly overlook adjoining property.

Having regard to the extent, scale and position of the recessed and light well windows to be retained, and the existing boundary planting, I consider that the windows integrate well with the existing permitted development on this site, would not unduly overlook adjoining property and are in accordance with Development Plan policy for such works. I am satisfied in this regard.

On balance, I do not consider that Condition No. 3 which required the obscuring of the stairwell window is warranted. I am satisfied that the removal of Condition No.3 from any grant of permission will not cause any overlooking impacts or have a negative impact on the residential amenity of the residents of the properties to the east.

7.4. Impacts on the Character of the Area

I acknowledge third party concerns regarding the inconsistencies between the submitted Architectural Impact Statement and the development as constructed and the impacts on the conservation and built heritage policies and objectives in the Development Plan.

The third party contend that the entire development as constructed does not correlate with the Architectural Impact Statement or the approved planning drawings and is therefore unauthorised in terms of height scale and impact on neighbouring properties.

As previously noted, the principle of the dwelling has been established under the parent permission. In terms of issues raised in the grounds of appeal relating to non-compliance with previous permissions and conditions attached to previous permissions, as noted above An Coimisiún Pleanála do not have the authority to enforce allegedly previous unauthorised development on the site.

The third party grounds of appeal include a critique by Hannay Architecture of the SSA Architectural Impact Assessment (AIA). I note that the AIA has not been updated since the parent permission, notwithstanding given the minor nature of the alterations to the dwelling as a result of the proposed development and works to be retained, I do not consider that an updated AIA is warranted in this instance.

I consider the proposed development and development to be retained to be minor in nature. Having regard to the minor scale of the development, which is not visible from the front of the dwelling, I consider that the proposed development and works to be retained would have no greater impact on the Architectural Conservation Area nor on the adjoining protected structures than that previously permitted. I am satisfied that the alterations to the dwelling will not have a significant negative visual impact on the character of the ACA and surrounding Protected Structures and is therefore in accordance with Development Plan policy and objectives including Specific Local Objective 130 which seeks to ensure that development within this objective area does not significantly visually detract from the character of the area and HER13 which seeks to protect ACA's and ensure appropriate development.

7.5. Other Considerations

Third party grounds of appeal refer to the validity of the application as distances to site boundaries have not been indicated on the planning application drawings.

I note that the submitted Site Location Map and Site Layout Map indicate distances to the northern, western and southern mutual boundaries of the appeal site. The distance to the eastern mutual boundary of the site has not been indicated on the application drawings.

Apart from the replacement of the as permitted stairwell window with a recessed window and light well, to be retained, I note that the building line of the dwelling along the eastern elevation has not deviated from that granted under the parent permission.

I further note that the application was validated by the Planning Authority and that additional drawings of the east facing recessed and light well window, which indicates separation distances to the mutual eastern boundary, have been submitted in conjunction with the first party appeal material.

I am therefore satisfied that sufficient information has been submitted to allow for the assessment of the impacts of the proposal on neighbouring properties.

Third party ground of appeal relating to boundary encroachment and consent to works on mutual boundaries and the installation of CCTV cameras are civil matters and are outside the remit of An Coimisiún Pleanála.

8.0 AA Screening

The proposed development comprises alterations and retention of works to a domestic dwelling in an established suburban area. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, small scale and location of the project, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

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. Appropriate Assessment, therefore, is not required.

9.0 Water Framework Directive

The subject site is located in an established residential area which adjoins the Southwestern Irish Sea – Killiney Bay IE_EA_100_0000 and Kill of the Grange

Stream IE_EA_10K020200. The subject site is located c. 214 metres to the west of Killiney Bay and c. 705 metres north of the Kill of the Grange Stream.

The proposed development comprises the retention and alterations of an existing dwelling.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed retention and alterations of the dwelling including the removal of a retaining wall and the partial lowering of the site level to form a courtyard to the west of the site 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 small scale and nature 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.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend permission and retention permission be GRANTED subject to conditions.

11.0 Reasons and Considerations

Having regard to the land use zoning objective 'A' for the site, and Development Plan policy, including Specific Local Objective 130, HER 13 (Architectural Conservation Areas) and Sections 12.3.1 (Quality Design) and 12.3.4.2 (Habitable Rooms) and national guidelines 'Sustainable Residential Development and Compact Settlement

Guidelines (2024)' and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes and Sustainable Communities (2007) and the design, layout and minor scale of the proposed development and works to be retained, I consider that, subject to compliance with conditions below, that the proposed development would not seriously injure the internal residential amenities or adjoining residential amenity of property in the vicinity or negatively impact the character of the Architectural Conservation Area or adjoining Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p>Reason: To clarify the plans and particulars for which permission is granted.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of ACP Ref. PL06D.248079 DLRDCC Reg. Ref. D16A/0732, ACP Ref. PL06D.313426, DLRDCCD22A/0095, and ACP Ref. PL06D.319755, DLRRCCD24A/0115 unless the conditions set out hereunder specify otherwise.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
3.	<p>All proposed external finishes, shall harmonise in material, colour and texture with the existing dwelling on site.</p> <p>Reason: In the interest of visual amenity.</p>

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.

Carol Smyth

Planning Inspector

05/09/2025

Form 1 - EIA Pre-Screening

Case Reference	322710-25
Proposed Development Summary	Permission to retain and complete the previously granted dwelling reg. ref. D16A/0732, D22A/0095 and D24A/0115 as follows: (a) The retention of the existing eastern & western façade light wells. The provision of the light wells will reduce the overall total floor area by 7.5sqm providing a new total floor area for the house of 192sqm. (b) the proposed reduction of the ground level and removal of the exiting retaining wall on the western side of the building, to open the light well out into a courtyard. (c) the provision of a new window from Bedroom 1 into the new proposed courtyard, together with internal layout adjustments relocating Bedroom 2 and reducing it from a double to single bedroom. The site is within an architectural conservation area.
Development Address	Convista (formerly referred to as Rosscahill), Abbey Hill, Military Road, Killiney, Co. Dublin, A96 R5CC.
	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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input checked="" type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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

Inspector: _____ Date: _____