



An
Coimisiún
Pleanála

Inspector's Report

ABP 322777 25

Development

1. Demolition of detached domestic garage to rear, and 2. construction of a 2-storey detached dwelling to rear with new vehicular access and pedestrian access 3. Modification to existing house rear garden perimeter incl. relocation of garden wall, and 4. all related works.

Location

20 Monastery Crescent, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0270W

Applicant(s)

Gerard Mac Cormac

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Dearbhla O'Reilly & Other

Observer(s)

None.

Date of Site Inspection

5th September 2025.

Inspector

Aisling Dineen

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The development is located in Monastery Crescent, an established residential area located off Castle View Road, in Clondalkin, in the functional area of South Dublin County Council.
- 1.2. The appeal site forms part of the existing rear garden of No 20 Monastery Crescent. The garden runs parallel to Monastery Crescent Road, which is an internal access road, which is a cul-de-sac. The area is a mature residential area, which has grass margins and mature tree's interspersed throughout.
- 1.3. The site is relatively flat and proposes access to the west, which would mean that the orientation of the proposed dwelling would follow the pattern and building line of development to the north along Monastery Road. The main dwelling of the parent site faces south.
- 1.4. The pattern of development in the area consists of mostly two-storey semi-detached and terraced dwellings, with open front gardens and attendant parking spaces.

2.0 Proposed Development

- 2.1. It is proposed to demolish a detached domestic garage to the rear of the dwelling at No 20 Monastery Crescent. A two-storey dwelling with a stated area of 89 square metres is proposed. Ground floor living accommodation and two first floor bedrooms and a bathroom is proposed. Private open space is proposed to be provided at the rear and to the south side of the dwelling.
- 2.2. Permission is also sought to seek modification of existing house rear garden perimeter and relocation of garden wall in addition to all site development works.

3.0 Planning Authority Decision

3.1. Decision

- 4.0 The planning authority made a decision to grant planning permission on the 20/05/2025, subject to conditions, which were of a generic nature. Conditions of note are listed under para 4.1.1.

The Chief Executive's decision reflects the planner's report.

- 4.1.1. Condition No's 3,4, 5 and 11 have been raised under the appeal submission.

Condition No 3.

Protection of Street Trees in Grass Margins:

The applicant, owner or developer shall ensure the protection of the existing street trees located in the grass verge to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle, or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree e protection areas indicated on plan. NCBH11 Objective 3.

Reason: In the interests of tree protection and the protection of green infrastructure in grass margins.

Condition No 4

Public Realm - Landscape/Boundary Plans: Prior to the commencement of development, the applicant, owner or developer shall submit a fully detailed landscape plan, which includes all proposed boundary treatments and hard and soft landscaping, levels, sections and elevations, lighting, Suds design, street tree provision and existing green infrastructure assets on site. Plans shall include

underground services, proposed lighting, or other features likely to impact on the delivery of the landscape plan.

Reason: In the interests of orderly development and the proper planning and sustainable development.

Condition No 5

Water Services: (a) Prior to the commencement of development, the applicant, owner or developer shall submit a drawing showing surface water drain/sewer depths relative to existing watermains to the Water Services department of SDCC for written agreement, to clarify the depth of surface water sewer relative to watermain where it passes. The depth of watermain and surface water sewer is required. (b) The applicant, owner or developer shall provide additional SuDS (Sustainable Drainage Systems) measure on site, as per South Dublin County Council (SDCC) SuDS Guide and Householders Guide, which is available on line at SDCC Sustainable Drainage Systems. (c) The applicant, owner or developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development. (d) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works. (e) Surface water generated by the development hereby permitted shall be attenuated by way of above-ground SuDs systems. If above-ground SuDs systems are not feasible, surface water may be infiltrated within the site by means of a soakaway that is certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance. If this is not feasible, this must be demonstrated alternative proposals shall be agreed in writing and same implemented thereafter. (f) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

Reason: In the interests of sustainable drainage and orderly development.

Condition No 11

Construction Traffic Management Plan (Roads)

Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the Planning Authority (Roads). (a) The TMP shall incorporate details The details shall also include details of the construction site entrance, site hoarding, site compound, staff parking, pedestrian access, wheel washing, road sweeping and public road remediation measures as well as details of the road network to be used by construction traffic. (b) Should the development include oversized loads, the details should also detail of the haul routes for same and proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.

REASON: In the interest of sustainable transport and safety.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planners report finds the proposed development to be acceptable in principle with regard to the location of the site, the zoning of land, residential amenity and traffic safety. The report recommended that Additional Information (AI) be requested with respect of the Water Services Report and the Uisce Éireann report, in relation to proposed foul sewer and surface water connections.

Following receipt of Additional Information, the SDCC Water Services Department recommended that Clarification of Additional Information be sought.

The main points submitted under the response to the Clarification of Additional Information request are as follows:

- The applicant is aware of foul and service water pipes within the boundaries and adjacent to the public footpath. Should permission be granted the applicant would appoint a civil engineer to liaise with Uisce Éireann and Water Services Drainage Dept., however, the applicant would continue to 'explore a direct connection to the public drainage system as the primary option'.

- Revised drawings show revised drainage layout that provides that the surface water drain no longer crosses the proposed foul water drain.
- The foul water pipe is revised to a 225 mm diameter.
- A new manhole is introduced to reduce the length of pipework without access for maintenance. The longest distance between manholes would be 23 metres. The proposed gradient for foul water pipes is revised to be greater than 1:150 gradient.

The Clarification of Additional Information reply was referred to SDCC Water Services Dept which had no objections subject to conditions. However, this department sought clarity of the depth of surface water sewer and watermain 'where it passes', prior to the commencement of development.

4.2.2. Other Technical Reports

Roads Department Report

No objections subject to conditions

- The vehicular access points shall be limited to a width of 3.5 metres
- Footpath and kerb shall be dished and widened and dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

Environmental Health

No objections subject to conditions

Water Services Report

No objection subject to conditions (16th May 2025)

The applicant shall:

- Clarify the depth of surface water sewer relative to watermain where it passes. The depth of watermain and surface water sewer is required and submit a drawing showing the surface water drain/sewer depths relative to watermain to water services SDCC prior to the commencement of development.

- Provide SuDS (Sustainable Urban Drainage Systems) as per South Dublin County Council (SDCC) SuDS Guide and Householder Guide available on line at SDCC Sustainable Drainage Systems.

4.3. Prescribed Bodies

Uisce Éireann

Water (No Objection)

Where required prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

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

Foul (Further Information Required)

Submit a drawing to show where proposed foul drain will connect to public foul sewer network. Alternatively submit a Confirmation Letter of Feasibility from Irish Water for proposed development.

4.4. Third Party Observations

None.

5.0 Planning History

No recent history on the subject site.

6.0 Policy Context

6.1. South Dublin County Development Plan 2022 - 2028

The appeal site is zoned 'RES' whereby the land use zoning objective is 'to protect and/or improve residential amenity' in accordance with the provisions of the South Dublin County Development Plan, 2022 – 2028.

Section 6.8 'Residential Consolidation in Urban Areas'

Section 6.8.1 'Infill, Backland, Subdivision and Corner Sites' of the Plan advocates sustainable intensification to secure the ongoing viability of facilities, services and amenities and to meet the future housing needs of the County.

Section 6.8.1 advises that standards in relation to residential consolidation are set out under Chapter 12: Implementation and Monitoring of this Plan and have been framed by the policies and objectives set out below:

The relevant policies and objectives of Section 6.8.1 include the following;

- Policy H13: Residential Consolidation promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.
- H13 Objective 1: To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.
- H13 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

The following provisions in Chapter 12 (Implementation and Monitoring) are relevant to the appeal.

Section 12.6.8 Residential Consolidation 'Corner / Side Garden Sites' refers to the following considerations (in summary)

- Site sufficient size to accommodate an additional dwelling(s).
- Dual frontage required.
- Design to respect front building line and roof profile of neighbouring house.
- Architectural language of the proposal to be consistent with the character of the area.

- Relaxation of private open space standards considered where proposal meets other standards and provides good quality private open space.
- Good quality private open space and usable space will only be considered.
- Narrow strips of private open space will not be considered.

6.2. **Natural Heritage Designations**

The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and is a significant distance from any designated site.

6.3. **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 application on file is not signed as per Section 34 of the Planning Act and Section 22 of the Planning and Development Regulations is therefore invalid.
- The online application form is not signed or dated and there are issues with the planning authority on-line application process are identified
- Guidance is referred to, which indicates that valid log in details will satisfy the signature requirements in cases where the planning authority has consented to receipt of same as per Section 22 (3) of the Planning and Development Regulations.
- The online provider put the wrong terms in the wrong place with the statutory declarations with the general terms and conditions and no sign-up

declarations were positively ticked as acknowledged under the sign-up terms and conditions. Any unsigned on-line statement requires the express consent of the planning authority.

- The application is invalid in law and is not signed or dated.
- There is no construction management plan submitted therefore the planning authority could not make an informed decision regarding the extent of any mitigation measures. Additional information was not sought on this point.
- It is not possible for the observer to determine the effect of noise and traffic congestion. The area is a mature residential area and the site is on a narrow Cul-de- Sac, which could act as a choke point and any obstruction could trap residents without access/egress to their homes. There is no detail submitted regarding access for heavy machinery to/from the site.
- The area is subject of on street parking and access is already difficult.
- There is an unacceptable risk to health and safety owing to access problems.
- Uisce Éireann sought further information and the detail was not provided. Under Condition No 5, the planning authority sought to use conditions as mechanisms to raise information and further information, which is inappropriate use of conditions.
- The proposed dwelling will overlook the rear garden of No 21 Monastery Crescent. The distance from the side of the proposed dwelling to the objectors' living room is 9 metres, which infringes on peace and privacy enjoyed for decades.
- The proposed dwelling will have no privacy owing to its orientation relative to surrounding properties.
- The footprint of the development represents overdevelopment and reduces open space available. Clarity is sought by conditions on these issues under conditions numbers 3 and 4, relating to street trees/grass margins and public realm.
- There is inadequate parking provision and the NTA's National Transport Strategy (2016 – 2042) applies standards based on the level of public

transport accessibility. The site is a 10-minute walk to a bus and 30 minutes to Luas. The proposal includes a drive way for 1 vehicle, however parking additional vehicles on the road on a bend would be a significant safety risk.

- There is adequate supply of housing in SDCC. The development is not required and is overdevelopment.
- The proposed scale, bulk and mass and overbearing nature would constitute significant over development of the site, which is a rear garden. It would adversely affect the amenities of the neighbouring properties and would have an adverse impact on the existing building and streetscape.

7.2. Applicant Response

- Online planning applications were introduced over a decade ago. There is no fatal error within the online planning system.
- The appeal documentation was submitted unsigned.
- The site access road has a width of 5 metres. It was used for the construction of a dwelling at 24A Monastery Crescent. The SDCC Roads Department has no objection.
- The applicant has no objection to submitting a Construction Management Plan prior to the commencement of development.
- The surface water drainage issue raised by the appellant is refers to an attempt by the applicant to fix drainage issues, that have arisen from the construction of a dormer window on the appellants property, to the rear of No 21 Monastery Road.
- Connections to foul and surface water sewers are clearly indicated with the clarification of Additional Information (Drawing no 20MC-PD03A).
- To prevent over-looking the south façade does not include windows and the east façade is a single storey.
- The proposed dwelling is on ground level is 400-500 mm lower than the appellants dwelling and the distance between the proposed dwelling and the appellants dwelling is 12 metres and not 9 metres as stated on the appeal.

- Recent removal of ivy and briars were damaging the health of the hedgerow. It is growing again now. The applicant is happy to work with the appellant regarding thicker boundary planting.
- The private open space for the existing and proposed properties, exceed the minimum requirements in SDCC Development Plan. There is 61 sq. m. provided in the proposed dwelling and the development plan requires 55 sq. m. for a two-bedroom dwelling (Table 12.20 SDCC Development Plan 2022 - 2028). There is 64 sq. m. private open space provided for the existing dwelling over the development plans requirement of 60 sq. m.
- The proposed dwelling was designed to prevent overlooking and overshadowing and the front façade reflects the architectural style of No 19 Monastery Crescent ensuring visual continuity along the streetscape.
- The proposed dwelling is a small 1.5 storey detached house. It is smaller than the new dwelling, 220 metres from the site, at No 36 Castle View Road (Planning Reference No SD23B/0129).

7.3. Planning Authority Response

- The planning authority confirms its decision.
- The issues raised in the appeal have been covered in the Chief Executive Order.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Visual & Residential Amenity
- Traffic Safety
- Services
- Other Issues

8.1. Principle of development

8.2. The proposal is to demolish a single storey mono-pitch domestic garage roof and to construct a 2-bedroom residential dwelling on the subject site. The site is in a 'RES' residentially zoned area, which has the objective 'To protect and/or improve residential amenity'. It is considered that the proposal complies with development plan policy, subject to an assessment of relevant planning criteria.

8.3. Visual and Residential Amenity

8.4. H13 Objective 3 of the County Development Plan 2022 -2088 encourages the development of corner or wide garden sites within the curtilage of existing houses in established residential areas.

8.5. I am satisfied that the proposal for development of an elongated garden, which runs along the side of the access road, falls under guidance contained in Section 12.6.8 Residential Consolidation 'Corner / Side Garden Sites'.. Therefore, I will assess the proposal, as follows, under the criteria cited within the plan and as referenced under para 6.1 above.

- *In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent*

dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;

- 8.6. The appellant submits that the proposal in terms of scale, bulk, mass and overbearing nature would constitute significant over development of the site.
- 8.7. The planning authority asserts that the site of stated area of 0.058 Ha is of sufficient size to accommodate an additional dwelling and is in accordance with minimum standards in the development plan.
- 8.8. Having assessed the proposal, it is considered that the proposed dwelling of 89 sq. m. is acceptable relative to the size of the site. Other details relating to amenity will be discussed hereunder.

- *The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*

- 8.9. The proposal follows the form of development on the adjacent site to the north and addresses Monastery Crescent Road to the west. The building line of the proposed dwelling is in line with No.19 Monastery Court, the adjacent dwelling to the north. The proposed roof profile is in conformity to No 19. The overall scale and bulk of the proposal is very much in conformity to the scale form and design of other nearby dwellings. Overall, with regard to the size/scale of the proposed dwelling, I am satisfied it would not have an overbearing impact.

- *The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings*

- 8.10. Further to para 8.9 above, I consider that the architectural language of the proposal to be consistent with the pattern of development and character of the area.

- *A relaxation in the quantum of private open space may be considered on a case by-case basis whereby a reduction of up to a maximum of 10% is*

allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality.

- 8.11. Section 12.6.7 'Residential Standards' of the CDP offers guidance in relation to minimum private open space provision and minimum house size. In relation to private open space provision the CDP recommends a minimum area of 55 sq. metres for a two-bed house and recommends a minimum floor area of 80 sq. metres for a two-bed house.
- 8.12. The proposed dwelling is stated to have a floor area of 89 sq. m. and the proposed private open space amounts to 61 sq.m. This private open space figure meets the required standards in the CDP and is also above the Section 28 Guidelines Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), which requires a minimum of 30 sq. m. for a two - bedroom dwelling. I concur with the planning authority in that the quality of the private open space to the side of the proposed dwelling is acceptable. It is also noted that the orientation of the usable private open space to the south of the proposed dwelling adds to the quality of the space.
- 8.13. While the private open space of the existing dwelling at No 20 Monastery Crescent would be reduced to 64 sq. m., it would continue to meet the stated minimum requirements.
- 8.14. I am satisfied that the private open space provision and quality of same, for the proposed and existing dwelling, to be satisfactory as it meets or exceeds the prescribed minimum thresholds and is acceptable in terms of quality.
- 8.15. Regarding the local context, there are no direct back-to-back development issues. There are two first floor windows proposed. One window opening is on the rear elevation (east) which is proposed to serve the bathroom. This window would have frosted glass and would have a board height of 1.6 metres. I consider that this is satisfactory and should also be a required condition, in the event that the Commission is mindful of a favourable decision. There is also a narrow first floor window on the north elevation, which serves a circulation area. Considering the fact that there is an established first floor window immediately opposite, on the south elevation of the adjacent dwelling No 19 Monastery Crescent, it is considered that

this window should also be of frosted/obscure glass, in the interest of residential amenity.

- 8.16. Stated negative impacts on the sitting room at No 21 Monastery Crescent due to overlooking are cited. However, there is no proposed first floor window on the south elevation of the proposed dwelling. I consider that details regarding the enhancement of boundary hedgerow, at ground floor level, can be addressed by way of condition of permission, should be Commission be mindful of granting permission.
- 8.17. It is not considered that there would be overshadowing of any adjacent property to any significant degree. While there may be slight overshadowing of the rear garden of No 20 Monastery Crescent, this would only occur in late evenings and owing to the orientation of the proposed dwelling this would not be considered to have significant negative impacts in terms of residential amenity.
- 8.18. Table 12.26 of the SDCC Development sets out parking requirement of parking provision in Zone 1 as 2 spaces. The plan states that the number of spaces provided for any particular development 'should not exceed the maximum provision'. It also states that the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to the proximity of the site to public transport and the quality of the transport service it provides *inter alia*. The appellant argues that the parking space provided is insufficient and that the dwelling is a 10-minute walk to the nearest bus service and a 30-minute walk to Luas. I am satisfied that one parking space is sufficient to meet the needs of the proposed dwelling, given the location of the dwelling relative to public transport and various policies that support multi-modal sustainable travel options.
- 8.19. Traffic Safety
- 8.20. The appellant argues that area is subject of on street parking and states that access is already difficult. The appellant also contends that there is an unacceptable risk to health and safety owing to access problems and that no Construction Management Plan was submitted and it is therefore suggested that this issue ought to have been raised by way of further information.
- 8.21. Having inspected the site and area, it was noted that there was a considerable presence of on street parking in the area of the site. However, it was noted that sight distances were achievable at the entrance point to the site. Furthermore, at no point

at the time of inspection was there any significant threat to public safety issues observed with regard to traffic issues/management. It is noted that traffic speeds in the area are low given that the development is on a cul-de-sac. This point is noted by the Roads report.

- 8.22. The Roads Department of SDCC has no objection to the proposal subject to conditions, which are of a generic nature. The Roads Department report did refer that *'No visibility drawing has been submitted but there is adequate visibility for the 30 kmph road'*.
- 8.23. Having inspected the site and reviewed the documentation on file, I am satisfied that the proposed development does not reasonably appear to represent a threat to public safety by reason of traffic hazard.
- 8.24. The appellant also raises issue with the fact that a Construction Management Plan was required under Condition No 11 of the decision to grant permission and contends that this issue should have been addressed under the assessment. The submission also suggests that there will be a large amount of demolition waste/heavy machinery, created by the development and that this is an improper use of conditions.
- 8.25. I am of the viewpoint that the proposal is not for a large-scale housing development, rather for demolition of a small single storey domestic garage and the construction of 1 No dwelling house. Having regard to the nature and scale of demolition works on site, which are considered to be modest, in addition to the proposal to construct 1 no dwelling, I do not consider that it was essential to have a Construction Management Plan on file at the time of the decision. It is a generally acceptable planning practice to impose conditions requiring such details to be submitted prior to the commencement of development. Therefore, in the event that the Commission is mindful of a favourable decision, I would recommend that a construction traffic management condition be applied.
- 8.26. Services
- 8.27. The appellant considers that Uisce Éireann sought further information and the detail was not provided and therefore it is argued that under Condition No 5, the planning authority sought to use conditions as mechanisms to raise information and further information, which it is stated is and inappropriate use of conditions.

8.28. The Irish Water Uisce Éireann report dated 20th February 2025 stated no objections subject to conditions and also requested one point of information to be requested by way of additional information. This point stated the following:

Submit a drawing to show where proposed foul drain will connect to public Foul Sewer network. Alternatively submit a Confirmation Letter of Feasibility from Irish Water for Proposed development.

8.29. The request for Additional Information (AI) by the planning authority, required two items;

Item 1 requested revised plans and particulars: showing 'Where the proposed foul drain will connect to the public Foul Sewer network, or alternatively, a Confirmation Letter of Feasibility from Uisce Éireann for the proposed development. Revised plans and particulars shall show all existing and planned water service infrastructure'.

Item 2 required clarity regarding whether access to lands outside of the ownership of the applicant was required.

8.30. The planning authority upon receipt of the additional information response decided to request 'Clarification of Additional Information' regarding *Item 1* only.

8.31. The 'Clarification of Additional Information' request related to foul and water sewer pipes/infrastructure. In summary, this AI request required the following:

(a) There is a proposed surface water drain crossing a proposed foul drain east of the subject development. The applicant is therefore requested to submit a drawing in plan and cross-sectional view showing the invert level of proposed surface water drain and invert level of proposed foul drain where both pipes cross each other east of development, in addition to a drawing to show in a cross-sectional view what separation distance, if any, exists between the proposed surface water drain and proposed foul drain east of development. The applicant is advised that the proposed surface water pipe shall be constructed at suitable invert levels to allow connection to public surface water network system.

(b) Separately, the proposed foul drain/sewer on public road is insufficient in size at 150mm diameter. Such a foul sewer on a public road, if constructed, should be 225mm diameter. In addition, the proposed length of drain/sewer on public road should have a suitable number of manhole/s at a suitable distance between the

proposed dwelling and proposed connection to the public sewer. Particulars submitted did not include a cross-sectional view showing what separation distance there is between the proposed foul drain/sewer and proposed surface water sewer or existing watermains where foul drain is shown to cross over or under same.

- 8.32. In response to the Clarification to the Additional Information (A.I.) request, part (b), appropriate drawings which demonstrated the 225 mm diameter foul sewer on public road were submitted along with locations for manholes to access same.
- 8.33. With regard to part (a) of the Clarification of AI request, the response indicated that the applicant was aware of the private pipework within the site and along the boundary of the subject property, but that this pipework had been in situ for twenty years and there were no public records available regarding same.
- 8.34. The agent for the applicant submitted that at design stage, a Civil Engineer would be appointed to liaise with the Drainage Department, Uisce Éireann, and Water Services to assess the feasibility of connecting to these private drainage pipes and to carry out CCTV surveys.
- 8.35. It is considered reasonable that where there are no public records available that information would be recorded at design stage, once the relevant experts are appointed.
- 8.36. The response to the Clarification for AI also stated that a revised drawing was submitted which demonstrated that *'the proposed foul water drain has been designed to avoid crossing the existing water main located within the public footpath. On this basis, we trust that a section drawing will not be required to demonstrate that there is no conflict at different levels between: (i) the proposed surface water and foul water drains, and (ii) the proposed foul water drain and the existing water main'*.
- 8.37. Having assessed all of the details submitted under the application, I am satisfied that the planning authority had the necessary information at hand in order to make a decision in favour of the proposed development, subject to conditions.
- 8.38. In the event that the Commission is mindful of a favourable decision I consider that a condition, that the developer shall enter into water and wastewater connection agreements with Uisce Éireann, be applied and also that cross sections of the pipework be submitted, prior to the commencement of development.

8.39. Other Issues

8.40. Grass Margin/Tree Retention

8.41. The appellant asserts that the proposal constitutes over development of the site and that issues relating to street trees, grass margins and public realm have been addressed by conditions number 3 and 4, which should have been subject to assessment. I note the appellants concerns. However, it is widely accepted standard planning practice to apply planning conditions regarding the issues of protection of trees and public realm/boundary treatment. I am of the viewpoint that the planning authority's imposition of Condition Number 3 and 4 is fair and reasonable and I recommend that these conditions should be applied, should the Commission be mindful of a favourable decision.

8.42. Validation

8.43. The appellant has raised the issue that the planning application has no signature thereon. The appellant asserts that incorrect boxes regarding declarations, were ticked at the time that the online planning application was submitted. The appellant also asserts that there is a fatal error in the validation of this application form.

8.44. I note that the application form, as per the regulations states that "Where an application is made in electronic form with the consent of the Planning Authority under article 22(3) of the Principal Regulations valid login credentials will replace the need for a signature and satisfy the declaration."

8.45. The appellant refers to appeal reference number PL10.322480, which also raised the issue of electronic applications and validation. This appeal has now been decided. It is noted that the inspector under this appeal report states that it is not the role of the Commission to question the validity of the application. I would concur with this viewpoint and I would consider that it is not the role of the Commission to go behind the electronic application lodgement system and that it is not clear that there is a basis to invalidate or refuse permission on this basis.

8.46. It is considered that the planning authority is the appropriate validation authority and has validated this application in accordance with prescribed regulations.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of a two-storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site and within an established residential area.
- 9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions

11.0 Reasons and Considerations

Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the South Dublin County Development Plan 2022 - 2028, as well as national guidance including Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024; it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would

not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 9th December 2024, as amended by drawings and particulars as received by the Planning Authority on the 14th March 2025 and on the 24th April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The glazing on the windows at first floor northern and eastern elevations shall incorporate frosted or obscure glazing. Reason: In the interest of protecting the residential amenities of adjoining residential properties.
3.	Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning authority for such works and services. Any damage to the footpath and restoration works in relation to the grass verge shall be at the applicants' expense. Reason: In the interest of traffic safety and visual amenity

4.	Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and to ensure a proper standard of development.
5.	The developer shall enter into water and wastewater connection agreements with Uisce Éireann. Plans including cross sections of water and foul pipes shall be submitted to the planning authority, prior to the commencement of development. Reason: In the interest of public health
6.	External finishes in relation to the proposed development shall be submitted to and agreed with the planning authority prior to the commencement works on the site. Reason: In the interest of visual and residential amenity.
7.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Reason: In the interests of visual and residential amenity.
8.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity
9.	Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide

	details of intended construction practice for the development, including a traffic management plan, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. Reason: In the interest of public safety and amenity.
10.	The applicant, owner or developer shall ensure the protection of the existing street trees located in the grass verge to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle, or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan NCBH11 Objective 3. Reason: In the interests of tree protection and the protection of green infrastructure in grass margins.
11.	A detailed landscaping plan including boundary treatment and boundary hedge enhancement proposals, shall be submitted and agreed by the planning authority, prior to the commencement of development. Reason: In the interest of visual and residential amenity.
12.	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.
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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.

Aisling Dineen
Planning Inspector
10 September 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	322777-25
Proposed Development Summary	1. Demolition of detached domestic garage to rear, and 2. construction of a 2-storey detached dwelling to rear with new vehicular access and pedestrian access 3. Modification to existing house rear garden perimeter incl. relocation of garden wall, and 4. all related works.
Development Address	20 Monastery Crescent, Clondalkin, Dublin 22.
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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ 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
☒ ☐ 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</u>, 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Part 2, Class 10(b)(i) and (iv). Threshold: Construction of more than 500 dwelling units and urban development which would involve an area greater than 10 hectares in the case of other [outside a business district] parts of a built-up area. One house in suburban area.
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 ☐	
☒ No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	322777-25
Proposed Development Summary	1. Demolition of detached domestic garage to rear, and 2. construction of a 2-storey detached dwelling to rear with new vehicular access and pedestrian access 3. Modification to existing house rear garden perimeter incl. relocation of garden wall, and 4. all related works.
Development Address	20 Monastery Crescent, Clondalkin, Dublin 22.
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).	The development has a modest footprint, comes forward as a standalone project, it does require demolition works, but such works are considered to be modest, it does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in a built-up urban area on zoned and serviced land. Development would be acceptable in land use terms and there would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.
Types and characteristics of potential impacts	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects,

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Inspector: _____ Date: _____