



An
Coimisiún
Pleanála

Inspector's Report ACP-322914-25

Development	Two houses with all associated works.
Location	398 Nutgrove Avenue, Churchtown, Dublin 14, D14TP82
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0309/WEB
Applicant	Fearghal Kelleher
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Fearghal Kelleher
Observer(s)	(1) Elizabeth Dunne (2) Siroos Soofizadeh
Date of Site Inspection	1 st September 2025
Inspector	Yolande McMahon

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1.0 Site Location and Description

- 1.1. The application site is located within an established residential area in Churchtown, Dublin 14 known as Nutgrove Avenue, which is accessed from Braemor Road (R112). Within the immediate area are rows of terraced housing on either side of the road, while on the opposite side of the road is the Church of the Good Shephard and a small infill apartment development. To the west of the site fronting onto Nutgrove Avenue is a linear public open space area.
- 1.2. The application site is located on the southern side of Nutgrove Avenue. To the north of the site is the main Nutgrove Avenue, to the west is a cul-de-sac, also known as Nutgrove Avenue; to the east and south are 2 -storey terraced dwellings. To the immediate south of the site is No. 396 Nutgrove Avenue, an end of terrace 2-storey dwelling with a single storey side extension.
- 1.3. The application site comprises of an irregular shaped corner site with a stated area of 0.050 hectares. There is an existing 2-storey end of terrace dwelling (No. 398) on site with a hipped roof profile and a stated floor area of 90 sq m. There is a large side garden to the west of the site which is defined by a low wall and mature hedging. A vehicular access and separate pedestrian access are located along the northern boundary of the site, with access directly onto the main Nutgrove Avenue. On-site car parking is available for one car. To the south of the site is the private open space to serve No. 398.

2.0 Proposed Development

- 2.1. It is proposed to retain the existing dwelling on site and create a new vehicular access to serve this dwelling. The remainder of the site is to be sub-divided for an additional two dwellings, which will comprise of the following:
 - Two no. three bedroom, two storey houses with pitched roofs and rear dormers and associated site works, with a stated total floor area of 146 sq m per dwelling.

- House Type 1 is located to the east of No. 398 with frontage and vehicular access onto the main Nutgrove Avenue. One car parking space is proposed to the front of the dwelling.
- House Type 2 is located to the west of House type 1 and to the north of No. 396. It has been designed to front onto the cul-sac with a side gable addressing the main Nutgrove Avenue, a vehicular access to the cul-de-sac and one car parking space.
- A total of three vehicular entrances are proposed to serve the existing and new dwellings, including a revised vehicular entrance to serve No. 398.
- Private open space of a minimum of 60 sq m to serve each dwelling.
- Surface water runoff will discharge to proposed rainwater planters and will infiltrate to the proposed permeable paving.

3.0 Planning Authority Decision

3.1. Decision

Dún Laoghaire Rathdown County Council refused planning permission for the proposed development for one reason which reads as follows:

1. *The Planning Authority considers that the proposal for two dwellings in a prominent corner site, by virtue of its design, layout and relationship with adjoining dwellings would be visually incongruous within the existing streetscape, would have an adverse impact on the residential amenity of adjacent properties and in turn, does not accord with anticipated outcomes of a number of criteria, set out under sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the County Development Plan 2022-2028.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report is summarised as follows:

- Principle of the development not established, having regard to compliance with relevant policies relating to Infill/Side Garden dwellings.
- Proposal would disrupt the continuity of the established building lines of the terraced dwellings along this part of Nutgrove Avenue.
- The higher roof ridge height and dormer structures proposed is considered to contribute negatively to the bulk and massing and visual harmony along Nutgrove Avenue.
- Concerns raised regarding the relationship of the proposed dwellings to the adjoining dwelling to the south (i.e. No. 396 Nutgrove Avenue) and potential adverse impacts on residential amenity of adjacent properties.
- Potential overlooking impacts to No. 396, notwithstanding the proposed mitigation measures to address same.
- Concerns in relation to the proximity of House type 2 to the party boundary with No. 396 and potential overbearing impacts.

3.2.2. **Other Technical Reports**

Transportation Planning – no objection subject to conditions including all proposed front boundary treatments, including gates and piers to be a maximum of 1.1m in height and the relocation of a public lighting pole in the vicinity of the proposed vehicular entrance for House Type 2; two additional standard conditions proposed.

Drainage Planning – no objection subject to standard conditions relating to surface water runoff and Sustainable Urban Drainage Systems (SuDS).

Environmental Enforcement/Waste Management – proposal can be undertaken in accordance with standard methods of construction and the inclusion of conditions relating to noise management, a Construction Environmental Management Plan (CEMP) and a Public Liaison Plan.

3.3. **Prescribed Bodies**

Environmental Health Office – this office had no comment to make on the proposed development.

3.4. Third Party Observations

Three third party observations were made to the planning authority on the application. The issues raised are summarised under the following headings:

Traffic and Car Parking

- Existing parking within the area is considered to be limited, with the proposed development considered to exacerbate traffic safety for existing residents due to insufficient car parking proposed which does not meet the development plan standards.

Residential amenity/development plan standards.

- Overlooking, overshadowing, overbearing, loss of natural light to adjoining neighbours.
- Visual impact on existing streetscape.
- Development plan standards for private open space not adhered to.
- Construction phase impacts such as noise.
- Impact on property values.
- CDP policy 12.3.7.5 Corner/Side Garden sites is relevant.

4.0 Planning History

D25A/0255/WEB for two houses with all associated works – Invalid

ABP 322877-25 for two houses with all associated works - invalid due to fees under Section 127 (1)(f).

Within the immediate area, the following applications were noted:

Reg. Ref. ABP-307470-20/D20A/0150 - On the opposite side of the road (north), planning permission was granted for the demolition of an existing 2 storey house and the construction of 4 no. three storey four-bedroom houses.

Reg. Ref. D18A/0101: No 356 Nutgrove Avenue – (to west of site) Permission granted for the demolition of an existing single storey side extension of the existing house, the development of a new two storey, three-bedroom house to the side of the

existing house, the removal of the existing vehicular entrance and driveway for both the existing house and proposed house, the provision of 2 no. parking spaces to the front of the existing house, 2 no. parking spaces to the front of the new house and associated site works.

5.0 Policy Context

5.1. Project Ireland 2040 – National Planning Framework – First Revision

National Planning Objective 22 provides that *“In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.”*

National Policy Objective 43 seeks to *“prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”*.

National Policy Objective 45 seeks *“to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building heights and more compact forms of development.”*

5.2. Section 28 Ministerial Guidance

- 5.2.1. The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (January 2024) set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance in relation to the growth priorities for settlements, residential density, urban design and placemaking and introduce development standards for housing.
- 5.2.2. This document sets out four Specific Planning Policy Requirements (SPPR) which take precedence over any contradictory standards in Development Plans.

- 5.2.3. SPPR 1 – Separation Distances. A separation distance of at least 16 metres shall be maintained between opposing above-ground floor windows serving habitable rooms at the rear or side of houses.
- 5.2.4. SPPR 2 – Minimum Private Open Space Standards for Houses. A minimum of 40 sqm for a 3-bedroom house is required. The private open space must form part of the curtilage of the house and be designed to provide a high standard of external open amenity space in one or more usable areas.
- 5.2.5. SPPR 3 – Car Parking. A maximum rate of 1.5 spaces per dwelling in accessible locations such as this one.
- 5.2.6. SPPR 4 – Cycle Parking and Storage. This sets minimum quantitative and qualitative standards for cycle parking.

5.3. **Local Policy**

5.3.1. Dún Laoghaire-Rathdown County Development Plan 2022-2028 (CDP)

The Dún Laoghaire-Rathdown (DLR) County Development Plan 2022-2028 came into effect on 21st April 2022, and is the relevant plan.

The site is located within zoning objective A of the CDP, which seeks *‘to provide residential development and improve residential amenity while protecting the existing residential amenities’*. Residential is permitted in principle within this zoning, subject to compliance with all relevant policies and standards of the CDP relating to residential development.

- 5.3.2. Chapter 4: Neighbourhood – People, Homes and Place – sets out policy objectives for residential development, community development and placemaking to deliver sustainable and liveable communities and neighbourhoods. Section 4.3 sets out policies and objectives for the delivery of compact housing growth that is in alignment with the NPF and the RSES. Relevant policy objectives set out in Chapter 4 include:

5.3.3. Policy Objective PHP18: Residential Density

It is a Policy Objective to:

- *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites*

having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

- *Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

5.3.4. Policy Objective PHP19: Existing Housing Stock – Adaptation

It is a policy objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas in the County through small-scale infill development having due regard to the amenities of existing established residential neighbourhoods.

5.3.5. Policy Objective PHP20: Protection of Existing Residential Amenity.

It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.3.6. Policy Objective PHP42: Building Design & Height

It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

5.3.7. Chapter 12 of the CDP provides detailed guidance on development management standards.

5.3.8. Section 12.3.1 Quality Design – It is a Policy Objective to promote high quality design and layout in all new development.

5.3.9. Section 12.3.1.1 Design Criteria - The objective is to achieve high standards of design and layout to create liveable neighbourhoods.

5.3.10. Section 12.3.7.5. Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling (s) in existing

built up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- *Impact on the amenities of neighbouring residents.*
- *Accommodation standards for occupiers.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed, where appropriate.*
- *Car parking for existing and proposed dwellings provided on site.*
- *Side/gable and rear access/maintenance space.*
- *Adequate usable private open space for existing and proposed dwellings provided.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.*

5.3.11. Section 12.3.7.7. refers to Infill. The Plan states that infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units.

5.3.12. Section 12.3.7.1 (iv) refers to dormer extensions to roofs – these will be considered with regard to impacts on existing character and form, and the privacy of adjacent

properties. The design, dimensions and bulk of any roof proposal relative to the overall size of the dwelling and gardens will be the overriding considerations.

- 5.3.13. Section 12.4 Transport provides standards with regard to car parking, cycle parking and vehicular entrances and Section 12.4.8.1 includes:

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

- 5.3.14. Section 12.8 Open Space and Recreation sets out standards for private open space for houses. All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building.

- 5.3.15. Section 12.8.7.1 provides guidance on Separation distances

In general a minimum standard of 22 metres separation distance between directly opposing rear first floor windows applies. Where sufficient alternative private open space (e.g. to the side) is available, separation distance for new developments may be reduced, provided the privacy and protection of adjoining residential amenities is maintained. Private open space should not be unduly overshadowed and where a proposed development overshadows or overlooks existing/future development adjoining a site, minimum separation distances to boundaries should be increased.

- 5.3.16. Section 12.8.7.2 sets out standards in relation to suitable boundary treatments which should be provided both around the side and between proposed dwellings. Boundary treatments located to the rear of dwellings should be capable of providing adequate privacy between properties. Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

5.4. **Natural Heritage Designations**

- South Dublin Bay SAC 000210 – 4.58 kilometres
- Wicklow Mountains SAC 002122 – 6.41 kilometres

- South Dublin Bay and River Tolka Estuary SPA 004024 – 4.58 kilometres
- South Dublin Bay pNHA 000210 – 4.58 kilometres
- Fitzsimon's Wood pNHA 001753 – 3.12 kilometres

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the 1st party appeal are summarised below:

- The proposed development is not visually incongruent with the existing streetscape as the existing corner site is a large site in a prominent location and should be subject to having a unique design.
- The appellant notes that all the existing adjacent houses were constructed around the 1950s by Dublin Corporation and consist of (small) three bed mid/end of terrace houses with no space within the roof space for an attic conversion.
- The slight increase in height of the proposed compared to existing houses should not be an issue due to the precedent for grants of permission on several corner sites/infill sites (Reg. References D06A/1221, D18A/0376/E, D20A/0025 are provided).
- Overlooking issues can be dealt with through the mitigation measures proposed such as obscure glazing to the dormer windows or slanted windows.
- The houses would not be overbearing on the existing surrounding houses as they are situated to the north of the existing house at no. 396 and to the east of no. 398.

6.2. Planning Authority Response

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

6.3. Observations

Two valid observations were received, one from the adjoining neighbour to the south at No. 396 Nutgrove Avenue and one from No. 386 Nutgrove Avenue (located within the cul-de-sac). The issues raised are summarised below:

- Significant concerns regarding safety, privacy and quality of life of existing residents;
- Proposed dwellings considered visually intrusive, out of keeping with surrounding houses;
- Overbearing with regard to height and design;
- Loss of natural light to rear garden;
- Overlooking issues;
- Safety concerns regarding traffic and access, poor visibility and impact on existing parking;
- Limited existing parking within the area;
- Construction phase impacts;
- Impact on property values;
- Poorly designed proposal;
- Overshadowing;
- Does not meet the qualitative development plan standards.
- Established building line encroached;
- Does not conform to policy in relation to side gable walls.
- Lack of appropriate boundary treatments.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the first party appeal and the observations 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 are as follows:

- Principle and Design
- Impact on amenities of adjoining dwellings.
- Residential amenity of future occupants
- Traffic and car parking
- Other matters

7.2. Principle and Design

- 7.2.1. The site contains the zoning objective A, with residential permitted in principle within this zoning. There are specific development plan policies with regard to residential infill which I will address in more detail below.
- 7.2.2. I note that the application site is a large prominent corner site which is located within an established residential area. There is an established front building line created by the row of terraced dwellings (Nos. 396-440) to the east, while the building line to the south of the site is staggered. The proposed dwellings break these established buildings lines resulting in a negative impact on the visual coherence of the streetscape.
- 7.2.3. In relation to site boundaries, I note that House type 2 is set back c. 3 metres from both the northern and western boundaries of the site, a maximum of 1.4 metres from the southern boundary, however part of the gable wall is set right up to this boundary.
- 7.2.4. Some observations consider the proposal to be visually obtrusive and out of keeping with the surrounding dwellings. CDP guidance provided in Section 12.3.7.7 indicates that new infill development should respect the height and massing of existing residential units and have a level of visual harmony, including external finishes and colours.
- 7.2.5. I note that the predominant house type surrounding the site is 2-storey terraced dwellings, while the proposed development comprises of two large, detached dwellings. While I do not have an issue with a detached dwelling on the site, when

viewed in the context of the existing dwellings in the area, I have concerns with the design and layout of the proposed dwellings on this prominent corner site.

- 7.2.6. I refer to the precedent examples given by the appellant in support of the increased height of the proposed dwellings. I do not have an issue with the slightly higher ridge height proposed for the dwellings, however when taken in the context of the overall size, design and inclusion of large rear dormer structures, the overall appearance of the proposed dwellings will be visually dominant. I also note that the dormer structures do not comply with policy set out in Section 12.3.7.1 (iv) of the CDP and will appear visually dominant on the proposed dwellings.
- 7.2.7. I consider the positioning of both dwellings set forward of the established building lines, their proximity to site boundaries and proposed design features result in a development that would appear visually obtrusive and out of character within the immediate area. While greater variation in design, including a modern design response may be allowed on larger corner sites, I do not consider the proposal to fall into this category; it is not a unique design response or sympathetic to the existing site context. I consider that the proposed dwellings, in relation to their design and layout have been imposed on the site, with little regard to the existing site context.
- 7.2.8. While I consider that the site is capable of accommodating infill development, the proposal does not represent a sensitive design solution on this prominent corner site and as such the principle of the proposed development has not been established.

7.3. Impact on amenities of adjoining dwellings

- 7.3.1. Concerns were raised in relation to overlooking and privacy on adjoining dwellings, in particular the impact on No. 396, the house to the south of the application site. In order to address overlooking issues from House Type 1, a number of design solutions are proposed including angling a bedroom window at first floor level, and obscure glazing on the dormer window. The appellant considers these mitigation measures to be sufficient to address any potential overlooking concerns.
- 7.3.2. House Type 1 is positioned between 1.88 – 7.77m from the southern boundary with No.396. Due to the orientation of No.396, I note that there are no directly opposing rear first floor windows, as such direct overlooking will not occur. However, I consider

that indirect overlooking and loss of privacy will occur, particularly to the rear garden of No. 396 due to the proximity of the proposed dwellings. The mitigation measure to angle the bedroom window at first floor level will address overlooking issues to a certain extent.

- 7.3.3. Given the position of the site, to the north of No. 396, I do not consider that any increase in overshadowing would be so significant as to warrant a reason for refusal on this basis.
- 7.3.4. In relation to potential overbearing impact, the proposed dwellings are positioned very close to the party boundaries with No. 396 - House Type 1 is positioned a minimum of 1.88 metres (maximum 7.77m) from the rear boundary with No.396, while House Type 2 is located between 0m – 1.47m distance from the side party boundary with No. 396. I consider the proximity of the proposed dwellings to No. 396 will result in an undue overbearing impact on the residential amenity of this dwelling.
- 7.3.5. In conclusion I consider that the proposed development, by reason of its proximity to site boundaries would seriously injure the residential amenity of No. 396 and this warrants a refusal on this basis.

7.4. Residential amenity of future occupants

- 7.4.1. The private open space is stated as 60 sq m for House type 1 and 63.7 sq m for House type 2. While SPPR2 allows a minimum of 40 sqm for a 3-bedroom house, a high standard of usable open space is required. Due to the irregular shape of the proposed open space areas and the narrow width (2-3 metres at certain points), I do not consider that the proposed dwellings would provide a high-quality usable amenity space to serve future occupants.
- 7.4.2. Due to the position of House type 2 on site, the rear elevation of this house will be located approx. 4 metres from a blank side gable wall of House type 1. This is not considered to be a sufficient separation distance, and in my opinion, will give rise to a substandard level of amenity for the future occupants of House type 2.
- 7.4.3. In conclusion I consider that the proposed development will compromise the level of residential amenity for future occupants by reason of insufficient usable amenity space, and the proximity of the rear elevation of House type 2 to the side gable wall of

House type 1 will result in a substandard level of amenity for the future occupants of House type 2.

- 7.4.4. The proposed development would seriously injure the amenities of the future occupants, and a refusal is warranted on this basis.

7.5. Traffic and Car Parking

- 7.5.1. I note the concerns raised in relation to car parking provision and the impact on existing parking within the area. It was noted during my site visit that most dwellings had space for one car within the curtilage of the dwelling. Space for additional parking was available within the cul-de-sac, with on-street parking also observed.
- 7.5.2. I refer to SPPR 3 of the Sustainable Residential Development guidelines which requires a maximum rate of 1.5 car parking spaces per dwelling in accessible locations such as this one. One (1) on-site parking space is proposed to serve each dwelling. I note that the DLR transportation planning report had no concerns with regard to the level of car parking proposed. Having regard to the proximity of the site to public transport (nearest bus stop c. 44 metres on the main Nutgrove Avenue), and to the policies set out in the NPF and the Transport Strategy for the Greater Dublin Area 2022-2042, I consider the provision of one car parking space to serve each dwelling to be acceptable.
- 7.5.3. Concerns were also raised in relation to the proposed entrances and the impact on safety and visibility. I have reviewed the DLR transportation planning report which assessed the vehicular entrances and sight visibility. The proposed vehicular entrance (for House type 1) is a minimum of 10m from the main carriageway of Nutgrove Avenue. A number of additional measures are recommended by condition by the transportation department to improve public safety and visibility. These measures include that all front boundary treatments be constructed to a maximum of 1.1m in height, all vehicular entrances to be a maximum of 3.5m in width and the reallocation of a public lighting pole beside the proposed vehicular entrance of house type 2. I am satisfied that these measures will ensure compliance with Section 12.4.8.1 of the CDP *Vehicular Entrances and Hardstanding Areas – General Specifications* and will ensure traffic safety is addressed sufficiently.

7.6. Other Matters

- 7.6.1. Discrepancies in drawings – I note the submitted floor plans (Drawing No. 23-175-003) do not correspond to the proposed elevation drawings (Drawing Nos. 23-175-004, 005) - windows are proposed on the northern elevation of House type 2, but are not shown on the corresponding floor plans.
- 7.6.2. One observer considers that the proposal does not conform to policy in relation to side gable walls. Section 12.3.7.5 of the CDP states that side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided. In relation to House type 2, the side gable wall faces onto the main Nutgrove Avenue rather than directly onto the corner, as such I consider the policy in relation to side gable walls has been complied with.
- 7.6.3. Lack of appropriate boundary treatments – While I note that details of boundary treatments were not submitted as part of the original planning application, I do not consider that this issue alone would warrant a refusal.
- 7.6.4. Property values - I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.0 EIA Screening

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

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements of S.177U of the Planning and Development Act 2000, as amended. The subject site is located within an established urban area, c. 4.58 km to the west of the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024). The proposed development comprises the construction of two dwellings and all associated works. Surface water runoff will discharge to proposed rainwater planters and will infiltrate to the proposed permeable paving.
- 9.1.2. No further nature conservation concerns were raised in the planning appeal.
- 9.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature of the works.
 - The location of the development in a serviced urban area so that any surface water runoff will be managed via the proposed rainwater planters and permeable paving within the site.
 - The distance from the nearest European site and the lack of connections.
- 9.1.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.
- 9.1.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000, as amended) is not required.
- 9.1.6. Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

10.0 Water Framework Directive

- 10.1.1. The surface waterbody Dodder_050 (IE_EA 09D010900) is approximately 747 metres west of the subject site (Moderate water body status) and the groundwater body is Dublin (IE_EA_G_008) (Good water body status).
- 10.1.2. The subject site is located on zoned land within an established residential area in Churchtown, Dublin 14. The proposed development comprises the provision of two detached dwellings and all associated site works. No water deterioration concerns were raised in the planning appeal.
- 10.1.3. I have assessed the proposed development seeking permission 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 water and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.1.4. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development.
 - Location-distance from nearest water bodies and/or lack of hydrological connections.
- 10.1.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. I recommend that planning permission be refused for the reasons and considerations set out below:

12.0 Reasons and Considerations

Having regard to zoning objective A which seeks '*to provide residential development and improve residential amenity while protecting the existing residential amenities*', and to the parameters set out in Section 12.3.7.5 Corner/Side Garden Sites and Section 12.3.7.7 Infill of the Dún Laoghaire Rathdown County Development Plan 2022-2028, it is considered that the proposed development, by virtue of its position set forward of the established building lines, the proximity to site boundaries and proposed design features would represent an overbearing form of development which would be visually obtrusive and out of character with the existing pattern of development in the area. The proposed development would provide a poor standard of residential amenity for future occupants, would seriously injure the amenities of adjoining dwellings and would therefore, be contrary to the proper planning and sustainable development of the area.

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

Yolande Mc Mahon
Planning Inspector

1st October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322914-25
Proposed Development Summary	Two houses and all associated works
Development Address	398 Nutgrove Avenue, Churchtown, Dublin 14, D14TP82
	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, 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	N/A

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	N/A
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 Infrastructure Projects (b) (i) Construction of more than 500 dwelling units.

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322914-25
Proposed Development Summary	Two houses and all associated works
Development Address	398 Nutgrove Avenue, Churchtown, Dublin 14, D14TP82
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).	Construction of two detached dwellings on a corner site. The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
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 subject site is located in a built-up urban area and comprises a brownfield site. The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effects on other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary,	The size of the proposed development is notably below the mandatory thresholds in respect of Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There are no likely significant effects on the environment

intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
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)