



An
Coimisiún
Pleanála

Inspector's Report

ACP-323056-25

Development

Two houses and revisions to car parking arrangements with associated and ancillary site development works.

Location

Site adjacent to/adjoining No. 1 & No. 54, The Village, Bettyglen, Dublin 5

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEB2048/24

Applicant(s)

Peter Small

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First / Third Party

Appellant(s)

Peter Small

Observer(s)

Basil Kelly

Bernie Carmody

Candi Stanford & Gary Belcher

Carmel Coen

Caroline Rayner

Eileen McCarthy
Frances Reid
Greg Talbot
Jean O'Connell
Longform Architects c/o Kirk
McCormack
Katie Timmins
Liz Leonard & Mairead Byrne
Margaret Farren
Mary O' Leary
Maura O' Dowd
Michael Hanratty
Olga Antonova
Paul Noone
Rebecca O'Laoire
Sabine Coste
Susan Hawkins
Valerie French
Zach Salveta

Date of Site Inspection

12/09/26.

Inspector

Donal Farrelly

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2: Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is located between no's. 1 and 54 The Village, Bettyglen, Dublin 5. Surrounding land uses are predominantly residential. The Court development is located immediately south of the appeal site. Jameson House is located circa 40m to the west of the appeal site. St. Annes Park is located approximately 290m southwest of the appeal site with Bull Island located approximately 890m to the southeast.
- 1.2. The site backs onto an ecological embankment corridor which separates the existing and proposed residential development from James Larkin Road which is located to the southeast of the appeal site. A boundary wall separates the site from the adjacent Court development to the southeast.
- 1.3. The site is located at the end of a cul de sac in The Village housing estate which comprises two storey terraced units with mansard style roofs. The site comprises an area of green space which is located between the end of terrace no's 1 and 54. An existing car parking area is located to the front of the appeal site. There is an existing rear access gate which serves unit no. 1, with access to this from the footpath which terminates at the car parking area. There are a number of mature trees and vegetation present on the appeal site.

2.0 Proposed Development

- 2.1. The proposed design submitted to the Planning Authority includes the construction of 2 no. semi detached dwellings. These units are oriented in a northwest/southeast direction and located adjacent to no. 54 The Village. Rear private garden spaces are to be provided for both units. The design was amended by way of further information to reduce the size of the proposed units and for a redesigned car parking layout. The analysis within this report is of the design submitted by way of further information.
- 2.2. The proposed 4 bedroom three storey dwellings are 8.85m in height with a pitched roof and contain front and rear roof flat roof dormers. A first floor rear terrace is also proposed for each unit.
- 2.3. 5 no. existing visitor car parking spaces will be removed. 4 no. visitor car parking spaces are proposed to be relocated to the northeast of the appeal site, with 3

spaces located to the front of the proposed units, one being for a visitor parking space.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by Decision Order dated 20/06/2025 for the following reason.

1. It is considered that the development would contravene the terms and conditions of the parent planning permissions for the overall residential estate, (planning register reference number 4442/80 and 3548/81), under which the land the subject of this application was set out as an area of open space to serve the overall estate. It is considered that a grant of planning permission in this instance would erode the open space amenities enjoyed by this established residential estate, would result in the loss of native trees/hedgerow species which would therefore reduce local habitat, reduce the overall tree canopy of this suburban area and remove their local screening function, and would set an undesirable precedent for similar type developments in this mature estate. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of the Planner dated 26/05/2026 recommends a refusal of permission. This refusal is based the development contravening the conditions of the parent permission and eroding an open space area resulting in the loss of trees and hedgerow.

Further information was requested to confirm the following. The status of the site and if it is public open space, details regarding land ownership and title, submission of a tree and hedgerow survey, details regarding badger setts, submission of an Ecological Assessment, a reduced housing design due to scale, further details regarding surface water drainage, and further details regarding car parking.

3.2.2. Other Technical Reports

- Drainage. Clarification of further information requested
- Transportation. No objection subject to conditions.
- Parks. Clarification of further information requested.

3.3. Prescribed Bodies

None

3.4. Third party observations to the Planning Authority

A number of third party submissions were received by the Planning Authority. The concerns and issues raised are similar to those contained within the appeal submissions and are summarised in section 7.1 below.

4.0 Planning History

Planning reference no. 3548/81. Amendment to plans of planning reference no. 4442/80.

Condition 11. The area of ground originally shown as sites 55-60 inclusive shall be reserved exclusively for use as public open space and shall be levelled, seeded and landscaped to the satisfaction of the Planning Authority’.

Reason: To comply with condition no.02 of the grant of permission dated 3rd July 1981 under Plan no. 4442/80.

Planning reference no. 4442/80. Permission granted for 31 three storey and 50 two storey houses and development work for road access from Watermill Road at Bettyglen House, James Larkin Road, Raheny, Dublin 5

Condition 2. The proposed houses numbered 55 to 60 inclusive shall be omitted from the development and the adjoining service road shall be shortened accordingly. The land thus released shall be designated open space and shall be levelled, seeded and landscaped to the satisfaction of the planning authority.

Reason: To achieve satisfactory form of development and in the interests of visual and residential amenities.

Condition 09. Houses nos. 55 -60 to be omitted from the development and the adjoining service road to be shortened, accordingly to the satisfaction of the Engineering Department Roads Section. Amended drawings to be submitted to the Planning Department and written agreement obtained prior to commencement of development.

Reason: To provide for a density with adjoin residential development.

The development shall be considered as an integral element in gross density calculations and open space requirements in relation to future development proposals for the remainder of the Bettyglen Estate. [This condition was outlined in the planning report submitted to the Planning Authority by way of further information, but it does not confirm the condition number.]

Other relevant sites

Planning reference no. **PL29N.108730. 2091/98**. Corner site adjoining No. 61 & No.82 The Village, Bettyglen, Raheny, Dublin 5. 3 no dormer bungalows. Permission refused on 11/02/99.

Planning reference no. **2918/07** – Demolition of side extension and erection of a single storey dwelling attached to end of terrace along with some modifications of the site boundary. Permission granted 29/08/07.

5.0 Policy Context

5.1 Development Plan

The appeal site is located on Z1 zoned lands 'Sustainable Residential Neighbourhoods' as per the Dublin City Council Development Plan 2022-2028 (Development Plan). 'Residential' is permitted in principle on Z1 zoned lands. The adjacent open space corridor to the southeast of the appeal site is zoned Z9 Amenity / Open Space Lands / Green Network.

I consider the following objectives and policies of the Dublin City Development Plan 2022-2028 (Development Plan) to be most relevant to this appeal.

Policy QHSN6 Urban Consolidation. To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Design. To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Objective QHSNO4 Densification of Suburbs. To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN22 Adaptable and Flexible Housing. To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.

Policy QHSN37 Houses and Apartments. To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

S15.13.3. The planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements.

S15.5.2 Infill Development. Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

S15.6.1 Green Infrastructure. To support the green infrastructure network, any proposed development for sites which adjoin either core areas or any buffering parks and open spaces shall include an assessment of impacts on biodiversity and make provision for enhancement of ecological features.

Policy GI14 Ecological/Wildlife Corridors. To maintain and strengthen the integrity of the city's ecological corridors and stepping stones which enable species to move through the city, by increasing their connectivity

Policy GI40 Tree Planting- General. To require appropriate and long-term tree and native hedgerow planting in the planning of new development, urban spaces, streets, roads and infrastructure projects

Policy GI41 Protect Existing Trees as Part of New Development. To protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.

Appendix 5 Transport and Mobility outlines that development should demonstrate safe vehicular access and egress, and outlines details regarding car parking.

5.2 National/Regional Plans/Policies

National Planning Framework (First Revision).

National Policy Objective 45. 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 height and more compact forms of development.

Regional Spatial and Economic Strategy 2019-2031 (Eastern and Midland Regional Assembly)

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of

Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.3 National Guidance

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. 2024.

Quality Housing for Sustainable Communities 2007.

5.4 Natural Heritage Designations

The appeal site is located circa 350m northwest of North Bull Island SPA (004006) and circa 550m northwest of North Dublin Bay SAC (00206).

Proposed Natural Heritage Areas

The appeal site is located circa 350m northwest of North Dublin Bay (00206).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been submitted by Downey planning consultants on behalf of the appellant. This is summarised as follows.

- The site was conditioned to be public open space as per Condition 9 of the parent permission. The space was not taken in charge even though the rest of

the Village development has been. The overall open space provision in Bettyglen exceeds 10% and Condition 9 outlines that all open space should be calculated holistically.

- Part of the open space area has already been built on including The Court duplex units to the west. This open space is shown on the approved plans of the parent permission. The open space also extended to the northwest between no's. 61 and 82 The Village. The Court planning file was not available from the Planning Authority archives. Units of the Court development encroach onto the open space land associated with Condition 9.
- ABP granted the construction of 3 no. houses on land between 61 and 82 The Village (ABP **PL29N.108730**) This was part of the open space covered by Condition 9. The planning authority outlined that Condition 9 took a holistic approach regarding open space across the Bettyglen development. The area on the left hand side when entering from Windmill Road was intended for open space but apartments are constructed here.
- It is clear from previous decisions that Development is prioritised over low value open space lands by the planning authority and ABP.
- The appeal site is of low quality, is not taken in charge, is privately owned, and is small at 245m2 excluding the existing parking areas. It does not have a managed boundary and does not provide recreational or social value.
- The site is not being maintained by the planning authority, and it is privately owned by the appellant. It has not been taken in charge. The site is located at the end of a cul de sac. The gable end of houses are located on both sides with no passive surveillance, or permeability to adjoining lands.
- The site is 245m2 excluding the existing parking areas which is below the size required by the planning authority to be considered useful public open space. There are a number of public open spaces that serve the development including St. Annes Park and Bull Island, and the promenade along James Larkin Road. There is also a large open space area on the right hand side when entering Bettyglen off Windmill Road.

- Revised plans have been submitted as part of the appeal. This includes changes to the layout to retain more trees on site with an updated Tree Protection Plan with increased tree planting.
- Proposed development is consistent with the Development Plan and does not materially contravene the Development Plan.
- A solid wall separates the site from The Court development, and a fence separates it from the embankment to James Larkin Road. There are no distinct housing patterns or design standards in Bettyglen.
- A small section of open space lands towards the southern boundary, which forms an embankment along James Larkin Road, is not part of the development. There are several pocket sized parks surrounding the site. The surrounding environment is well connected to the existing open space network.
- The design was changed by way of further information to remove the attic balcony, and reduce the number of parking spaces to 7. The design is for two no. 4 bedrooms houses.
- The development constitutes infill development within an urban area.
- The appellant does not dispute that the area was conditioned to be open space, but this was over 40 years ago. The area was not landscaped.
- The parks department report under **ABP PL29/5/88641 2437/91** outlined reluctance to take in charge an open space area between 61 and 82 The Village due to it being too small, the risk of antisocial behaviour, cost to maintain it, and its useability.
- The subject site is zoned Z1 Sustainable Residential Neighbourhoods. Other areas of open space within the Bettyglen development are zoned Z9. To insist that open space be retained as such would conflict with the land use zoning.
- The appellant can seek to amend a planning condition through the planning process considering the changes over times.
- 10-15% public open space is required for the Bettyglen development (7.2ha). The quantum of open space is circa 24% (1.7ha) of the overall site area. The

wooded area to the southeastern side of the entrance was taken in charge but is fenced off. Other smaller areas of open space are available to residents.

- A revised site layout plan and Tree Protection Plan have been prepared regarding tree loss. The revised plan includes tree retention and additional planting to the front of the proposed houses to mitigate against tree removal.
- An updated Ecological Impact Assessment is submitted to outline biodiversity in the area. The appeal site would not be suited to much biodiversity, with this being more present within the embankment to the south. There are no protected species, and the construction of 2 no. houses will not give rise to any long term ecological impacts.
- The revised design submitted at further information reduces the scale of the houses and removes balconies to ensure there is no overlooking of adjoining properties. The revised design includes taken in charge details.
- A financial contribution in lieu of public open space is deemed appropriate in this instance.

- Ecological Impact Assessment

The relevant details of the ecological impact assessment are summarised as follows.

- The appeal site is located 33m and 13m from the North Dublin Bay SAC and North Bull Island SPA. The site comprises a mixture of native, invasive and ornamental garden trees that have been left unmanaged and are not considered to be of any conservation significance. The vegetative embankment to the south is of local ecological significance for various species. There are no protected or rare or threatened plant species on site.
- A survey was undertaken in March 2025 with a follow up survey in July 2025. The survey area comprises the appeal site and a section of the embankment area to the south. No active badger setts were recorded in the overall survey area, with 4 no. disused setts present. Badger activity was noted within the survey area but not within the appeal site. No badger setts were noted within 30m of the appeal site. The collapsed/disused setts and trails are identified in Figure 17 and Appendix 2.

- No trees of bat roosting potential, bat roosts, or the presence of bats were recorded on site. Trees of potential bat roosting potential were noted outside the appeal site within the embankment area to the south.
- No nesting birds were observed within the appeal site. Vegetation onsite would provide suitable nesting for local species.
- No species of conservation importance were noted within the site boundaries having regard to the National Biodiversity Data Centre's online viewer.
- Vegetation along the southeastern boundary of the appeal site would be retained.
- The embankment to the south provides a buffer to the SAC and SPA located further to the south. There are no direct hydrological connections to the European sites.
- No protected flora was noted on site.
- Mitigation measures are required to ensure there are no impacts to mammals or the biodiversity corridor from the construction work or finished dwellings. Standard construction and operational controls are required. No cumulative impacts are foreseen.
- There will be a long term low adverse, local, residual impact on the ecology of the area and locality overall.
- Appendix 2 outlines the methodology used in undertaking the site survey and confirms that mammal surveys comply with CIEEM guidelines. Surveys were undertaken as far south as possible due to the thick vegetation. Surveys were carried out within the mammal survey season. The flora survey was completed outside the survey season.
- Appendix 2 includes details on the mitigation measures regarding the site and pre construction assessment of badger setts, and badger protection measures.

7.2. Planning Authority Response

Letter received dated 11/08/25 to uphold the reason for refusal. Includes conditions required in the event that ACP approve the application.

7.3. Observations

A number of letters were received which includes maps, images and photographs. The issues are summarised as follows.

- Reduction in easily accessible green spaces. Existing greenspace already reduced over last 20 years from other developments. Preserving green space is essential to prevent the area from becoming overbuilt. Reducing open space to 0.13 hectares contradicts DCC policies promoting healthy communities.
- A large amount of the open space is fenced off. The current provision of open space to residents is 5% which will fall to 3% if development is permitted.
- The appeal site is used by children and other residents and for community events. Surrounding houses have no front gardens and the appeal site is valuable space.
- Destruction of ecology and the green corridor.
- Houses are not social or aimed at first time buyers.
- Net loss to the community.
- Overlooks the protected area and buffer zone of Bull Island.
- Impact on species from the construction process and construction activity and vehicles.
- The ecological report does not state if observations were made between November and March for badger sites. July is outside the optimal survey season for badgers and bats. The badger survey states that there are no setts within 30m of the proposed development. No remote monitoring was put in place. The embankment area was not surveyed due to vegetation and could only be viewed at a distance. Bats were also found to be foraging in the area.

- Contravenes condition attached to the parent permission. Applicant is not seeking to amend condition but to build on the land.
- Concerns regarding how the land was sold and dispute over permission to sell land.
- Land does not need to be zoned open space to be considered open space.
- Appeal site provides break in the adjacent buildings. It contains trees and provides an environment for animals and flora and fauna. There is no evidence of anti-social behaviour. Passive surveillance is provided from surrounding houses.
- Since the land was bought it is unclear the entitlement of residents to maintain the space. Residents wish to continue to maintain the space.
- A number of trees will be removed or 83% of the current trees. The removal would reduce the local habitat and remove local vegetative screening.
- Construction would destroy an area of known badger activity and other animals including bats. The appeal ecological report confirms the existence of 3 badger setts which are claimed to be abandoned.
- The Raheny biodiversity action plan outlines the importance of biodiversity in the area. This is a document produced by Dr. Mary Tubridy, in collaboration with the Raheny Tidy Village Group and Community Foundation Ireland.
- The façade of the development is not in keeping with other properties. The properties are 2m higher than existing houses and contain balconies which are not present on the other properties. The increased building height poses risks to breeding birds in the SPA.
- The original concerns were with regard to overlooking, overbearing, size and scale. Reduction in height and removal of balconies does not overcome this.
- Danger of erosion of embankment from tree removal.
- Impact on area during construction.
- Financial contributions reference the previous development plan.
- Lack of designated play area in the locality.

- Concerns regarding traffic on the existing sewerage system and future surface water run off from the site.
- Concerns regarding access and parking on the site layout plan. Concerns on side access to the two no. existing end of terrace dwellings.

7.4. Further Responses

None

8.0 Assessment

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

- Principle of development
- Open space provision
- Parking and access
- Design and layout
- Ecology, biodiversity, and trees
- Other matters

8.2. Principle of development

8.3. The appellant proposes the construction of 2 no. semidetached units on an area of green space which is located at the end of a residential cul de sac. The site is zoned Z1 as per the Development Plan in which residential development is permitted in principle. I consider the site represents an infill opportunity in an existing residential area.

8.4. I note the Planning Authority reason for refusal in that the development will contravene the conditions of the parent permission for the overall residential estate (planning reference no's. 4442/80 and 3548/81) under which the area was

designated as open space. The development would also result in the erosion of residential amenities, screening, and local habitat as a result of the loss of trees and hedgerows.

- 8.5. I consider the first party planning appeal to represent a new planning application, and I do not consider it to constitute the removal of a planning condition attached to the extant permission which is over 40 years old. I am satisfied that the planning submission can be assessed against the relevant policies and objectives of the current Development Plan and 2024 Guidelines.
- 8.6. I therefore consider that the principle of development is permitted in principle submitted to an assessment of the design and layout.
- 8.7. **Open space provision**
- 8.8. I note that the first party appellant argues that the appeal site is currently in private ownership, is not taken in charge by the planning authority, is too small to be of any recreational value, and is not zoned as Z9 open space land.
- 8.9. The first party appellant also outlines that the parent permission 4442/80 and 3548/81 outlined the overall provision of open space in the area, with elements of this open space having since been developed for housing. The appellant also references a section of the parks report of another site located between no's 67-82 The Village in which the parks department outlined no interest regarding taken in charge of the space due to its small size. The site was subsequently development for housing.
- 8.10. I note Policy and Objective 5.1 - Public Open Space of the 2024 Compact Settlement Guidelines which outlines a minimum provision of 10-15% public open space in new residential developments. I note that the guidelines outline that the 10% minimum should take into account existing open space provision in the area. I consider this policy to be more appropriate for a new residential development as opposed to an infill housing development within an existing residential area.
- 8.11. The third party submissions received outline that the existing open space is utilised by the local community for a variety of reasons and that the community seek to continue to manage the space if permitted. The details of the submissions regarding

the open space provision are that the current dedication is 5% which will reduce to 3% as a result of the loss of the appeal site to development.

- 8.12. I note the details of the planner's report which outlines that the appeal site appears to have been dedicated as open space and references Condition no. 11 of planning reference no. 3543/81 and Condition no. 9 of planning reference no. 4442/80. The report of the Parks, Biodiversity and Landscape Services section also outlines that the appeal site is designated open space under the original grant of permission and that the space creates a local open space area
- 8.13. I note the Development Plan land use zoning objective identifies the appeal site as being zoned Z1 (Sustainable Residential Neighbourhoods) with the biodiversity corridor adjacent to the site being zoned Z9 (Amenity/Open Space Lands/Green Network). Figure 1 of the appeal submission outlines a number of open space areas in the proximity of the appeal site. The majority of the sites outlined in Figure 1 are zoned Z9 as per the Development Plan. The area identified as 'The Village' is also zoned Z1 but this is a different open space area to the appeal site.
- 8.14. Figure 4 of the appeal submission from 1990 planning reference no 2091/98 identifies the open space within the area which has been taken in charge. I note that this drawing does not include the Court development and does not include the appeal site as open space. I note the appellant outlines that the archive file of The Court development is not available from the Planning Authority.
- 8.15. The appellant has calculated the overall Bettyglen area as being 7.2ha and open space provision as being circa 1.7 hectares which excludes the appeal site. This 1.7 ha includes the wooded embankment area to the south. The appellant argues that although this wooded area is fenced off it was originally taken in charge by the Planning Authority and is part of the open space dedication and calculation for the area. In considering this the appellant outlines that the open space dedication is circa 24% of the overall site area. They also outline that the appeal site is located in close proximity to the following high quality green spaces at St Anne's Park, North Bull Island and Foxfield Park.
- 8.16. I acknowledge the issues raised by the third party submission with respect to the development of the open space for housing. I note the argument put forward by the first party appellant regarding the historic dedication of open space, the proximity of

open space in the area, and the land use zoning. I also note the position of the Planning Authority in that they consider this to be open space dedicated with the original planning permission.

- 8.17. Having regard to the above I consider that the land use zoning identifies the site as Z1 and therefore residential development is permitted in principle. It would appear from the historic planning details that the overall open space that was taken in charge did not include the appeal site, and this is further evident regarding the fact that the space is in private ownership.
- 8.18. I note that there are conflicting opinions on the dedication of the appeal site as open space associated with the original planning permission, and the overall open space calculation for the area. I acknowledge that the space is currently used as open space. However, I consider that the current planning application is not seeking an amendment of the conditions of the original permission (4442/80 and 3548/81) but is for a new planning application for the construction of 2 no. dwellings. I have considered the original permission as part of the assessment of the current application, and I am of the opinion that the green space is not taken in charge and is zoned for residential development.
- 8.19. I recommend to the Commission that planning permission be granted as although the appeal site is currently an open space area it is not taken in charge, is not zoned Z9 open space and is small which limits its useability. I am also of the opinion that there are high quality parks located in close proximity of the appeal site and that useable open space is adequately provided within these parks. In my opinion the appeal site constitutes an infill residential site.
- 8.20. **Parking and access**
- 8.21. There are currently 5 no. visitor car parking spaces located adjacent to the green space. The proposed development includes the removal of these spaces and relocation of 4 no. spaces to the northwest of the appeal site, and the provision of 3 no. spaces to the front of the proposed units, one of these spaces will be a visitor space. 1 no. car parking space will be allocated for each proposed dwelling.
- 8.22. I note the third party submissions received that express concern about the removal of car parking spaces and maintaining access to existing properties. The existing rear access to no. 1 The Village is by way of a footpath which connects to the rear

boundary wall access door. The proposed site layout plan shows that the proposed car parking layout does not obstruct this access. The site layout plan also identifies the side access for no. 54.

- 8.23. I note the report issued by the Transportation Planning Division in response to the further information submitted. This report outlines no objection subject to conditions including the following. That the visitor spaces are clearly demarcated and that works comply with taken in charge standards.
- 8.24. I note that the appeal site is located within Zone 2 of Map J *Existing and Future Strategic Transport and Parking Areas* of the Development Plan. Appendix 5 of the Development Plan outlines a maximum provision of 1 no. parking space for residential dwellings within zone 2. I am therefore satisfied that the provision of car parking for the proposed dwellings is in accordance with Policy SMT27 and Table 2 of Appendix 5 of the Development Plan.
- 8.25. I am satisfied that the proposed layout enables the existing accesses to be maintained for no's 1 and 54 The Village. I am also satisfied that the car parking provision ensures that there is no net loss in the number of visitor parking spaces and I consider that 1 no. car parking space for each proposed unit is acceptable in this instance having regard to Policy SMT27 and Table 2 of Appendix 5 of the Development Plan.
- 8.26. **Design and Layout**
- 8.27. The proposed four bedroom units are each 8.85m in height and contain a 12.5m² rear first floor terrace. I note that the floor plans submitted by way of further information do not indicate the correct parking layout to the front of the dwellings. I am satisfied that this can be addressed by a suitable planning condition in the event of a grant of permission.
- 8.28. The front building line of the proposed dwellings aligns with the neighbouring property of no.54 The Village. The proposed units back onto the open space corridor which separates James Larkin Road from The Village development. A high boundary wall separates the appeal site from The Court development located adjacent to and southwest of the appeal site. The proposed units are located between the existing two storey units of The Village (7.04m in height) and the 3 storey buildings of The Court development (10.2m in height).

- 8.29. I note that the existing red brick dwellings in the Village contain mansard style roofs with dormers. The adjacent Court development contains pitched roofs with dormers. The proposed dwellings are of a contemporary design with pitched roofs and front and rear facing flat roof dormers. I note the materials outlined on the plans and elevations drawing submitted to the Planning Authority.
- 8.30. I note the appeal submissions which outline that the scale and design of the proposed development is not appropriate having regard to the existing dwellings. However, I consider that the proposed dwellings although taller than the existing units of The Village represent a reasonable transition between The Village units and The Court development. I consider the contemporary design to be acceptable and the proposed materials to be reflective of a modern and contemporary design approach.
- 8.31. The proposed first floor terraces are located to the rear of the dwellings. I note the timber lath screening proposed for the side elevation treatments of these terraces. However, I do not consider this to be sufficient having regard to the adjacent rear amenity areas of no. 54 and The Court apartments. I consider a 1.8m high obscure glazed screen to be more appropriate to protect the amenities of adjacent properties. I am satisfied that a suitable planning condition can address this in the event of a grant of permission.
- 8.32. I note that the front facing windows of the proposed dwellings are located approximately 18m from the rear boundary wall of no. 1 The Village and approximately 27m from the rear elevation of no. 1. I am satisfied that this setback exceeds the 16m minimum separation distance required under the 2024 Compact Settlement Guidelines and I do not consider that this will impact on the amenities of no. 1 The Village.
- 8.33. The side elevation bathroom and hallway windows will face the gable ends of no. 54 The Village and the Court development. I am satisfied that this glazing can be conditioned to be obscure in the event of a grant of permission.
- 8.34. The rear amenity spaces for the proposed dwellings are 62m² and 63m². The minimum rear amenity area required for a four bedroom house as per the 2024 Compact Settlement Guidelines is 50m². I am therefore satisfied that the proposed design is in accordance with the 2024 Guidelines with respect to rear amenity areas.

- 8.35. Having regard to the above I am satisfied that the proposed layout and design is appropriate for the infill site, that it would not injure the residential amenities of property in the vicinity and would be in accordance with Policy QHSN6, Policy QHSN10, Objective QHSNO4, s15.5.2, and s15.13.3 of the Development Plan.
- 8.36. **Ecology, biodiversity and trees**
- 8.37. I note the ecological impact assessment, site layout drawing, and tree protection and tree removal drawings submitted to ACP. The site layout plan outlines a hedgerow to be planted along the rear boundary of the dwellings, and a new hedge along the northwest boundary of the appeal site. The tree removal plan outlines the trees to be retained, which are located to the rear of the proposed dwellings, and to the northeast of the appeal site. A number of trees will be removed to facilitate the development.
- 8.38. I note the findings of the Arboricultural Report submitted to the Planning Authority which outlines that the trees to be removed are not considered important in terms of the character and appearance of the surrounding area. The report outlines that 1 tree is identified as being of moderate quality (B Category), 18 trees and 4 groups of trees and shrubs are of low quality (C Category), and 1 tree is of poor quality (U Category).
- 8.39. I note the report of the Parks, Biodiversity and Landscape Services section which outlines that there are no proposed mitigation measures regarding the loss of habitat associated with the development. The report outlines that the ecological report (March 2025) should include details of existing wildlife and ecosystems of the site and its relationship with the existing ecological corridor.
- 8.40. I note the appeal submissions regarding the impact of the proposed development on ecology, trees, and mammals. Concerns are also raised regarding the impact on the embankment area to the south and impact on biodiversity of the area. I note that the appeal submissions outline concerns on when the surveys were undertaken. This is clarified within the ecological impact assessment which outlines that mammal surveys were undertaken within the survey season and the flora survey was undertaken outside the survey season. The report also outlines that thick vegetation to the south limited accessibility and that mammal surveys were completed in accordance with CIEEM guidelines.

- 8.41. I note the findings of the updated ecological survey (July 2025) submitted to ACP which outlines that there are no active badger setts or bat roosts on the appeal site, but activities associated with bats and badgers were identified within the green corridor outside the boundaries of the appeal site. The report also notes that no species or vegetation of conservation importance were found within the appeal site, no protected flora was identified, and mitigation measures are recommended to protect against impact to mammals in the area as a result of construction and operation activities.
- 8.42. I am satisfied that appropriate planning conditions can address mitigation measures in the event of a grant of permission. I am also satisfied that the development will not impact on elements of conservation value on the site. Although I note the removal of a number of trees to facilitate development with replanting proposed I am satisfied that the vegetation to be removed is of little conservation value. I am of the opinion that the green corridor to the south is of biodiversity importance however I do not consider development on the appeal site to injure or significantly impact on this corridor considering the orientation and extent of this green space.
- 8.43. I therefore consider the proposed development to be acceptable in terms of ecology and biodiversity and that the proposed tree removal and planting is acceptable and reasonable considering the low ecological value of vegetation currently on site. I am therefore satisfied that the proposed development complies with s15.6.1 Green Infrastructure, Policy GI14, Policy GI40, and Policy GI41 of the Development Plan.
- 8.44. **Other matters**
- 8.45. I note that the third party submissions outline concerns regarding how the land was purchased. I consider that determination of title is not a matter for the Commission. I also draw the Commissions attention to Section 34(13) of the Planning and Development Act which provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.
- 8.46. I note the s97 exemption certificate on file and which was issued on 19/09/24. I am satisfied that the applicant is exempt from the provision of social housing in this instance.

8.47. I note the third party submissions and the first party appeal submission regarding a financial contribution in lieu of public open space. I refer to s15.8.7 of the Development Plan which states 'Financial contributions in lieu of public open space will only be applicable in schemes of 9 or more units'. The development is for 2 no. units therefore a financial contribution is not required in this instance.

9.0 AA Screening

9.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at the site adjoining No's 1 and 54 The Village, Bettyglen, Dublin 5 circa 350m northwest of North Bull Island SPA (004006) and circa 550m northwest of North Dublin Bay SAC (00206)

The permission is for two no. residential dwellings in an existing residential area.

No nature conservation concerns were raised in the planning appeal.

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 works and scale of the development.
- Location and distance from the nearest European site and lack of hydrological connections.

I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.2. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with

relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 10.2. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4

11.0 Recommendation

- 11.1. I recommend to the Commission that planning permission be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to:

- the provisions of the Dublin City Development Plan 2022-2028 including Policy QHSN6, Policy QHSN10, Objective QHSNO4, s15.5.2, and s15.13.3 with respect to appropriate infill residential development and densification;
- the nature, scale, and location of the development on a privately owned infill site which was not taken in charge by the Planning Authority and which is zoned Z1 for which residential development is permitted in principle;
- the measures to ensure appropriate parking provision in accordance with Appendix 5 of the Development Plan;
- the measures to ensure the protection of ecological and biodiversity features in accordance with s15.6.1, Policy GI14, Policy GI40, Policy GI41.

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of residential amenity, and would be acceptable in terms of ecology and biodiversity. Therefore, the development would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The applicant shall submit a revised 'Plans, Elevations and Sections' drawing for the written agreement of the Planning Authority which outlines 3 no. car parking spaces adjacent to the front of the proposed dwellings.

Reason: In the interest of clarity.

3. The proposed first floor rear terrace shall be finished with a 1.8m high obscure glazed balustrade on the southern and northern elevations.

Reason: To protect the residential amenities of adjoining properties

4. The first floor bathroom and staircase windows shall be of obscure glazing and permanently maintained as such.

Reason: To protect the residential amenities of adjoining properties

5. No flat roof shall be used as a balcony or terrace, unless authorised by a prior

grant of planning permission.

Reason: To protect the residential amenities of adjoining properties

6. No additional development shall take place above roof parapet level, including external plant, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area

7. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a detailed surface water drainage proposal and taken in charge details.

Reason: To ensure the satisfactory management of surface water runoff and as a result of the development.

8. The development hereby permitted shall only be occupied as a single dwelling and for no other purpose, without a prior grant of planning permission for a change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

9. The proposed development shall comply with the following requirements of the Planning Authority:

- a) The proposed visitor parking spaces shall be clearly demarcated on the ground with appropriate road markings.

- b) The footpath and kerb to be dished for the new vehicular entrances shall be provided to the requirements of the Planning Authority.

c) All costs incurred by the Planning Authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of pedestrian and traffic safety

10. Mitigation measures outlined within the Ecological Impact Assessment (July 2025) shall be implemented in full including the following.

- a) Site clearance shall be supervised by a qualified ecologist.
- b) No site clearance shall take place beyond the red line site boundary.
- c) A pre-construction assessment of all trees onsite shall be carried out to determine if bats have inhabited on site trees prior to tree felling.
- d) Site clearance works shall take place outside of bird nesting season (March 1st-August 31st)
- e) A badger proof fence shall be placed to the rear of the site to prevent mammals entering the works area.
- f) A pre-construction assessment for badger setts shall be carried out by a qualified ecologist prior to the commencement of site works. Should any active badger setts be present on site or within 30m the Planning Authority and the National Parks and Wildlife Services (NPWS) shall be notified. Works shall not proceed until approved by the NPWS.
- g) A pre-construction assessment for mammals of conservation importance shall be carried out by a qualified ecologist prior to the commencement of site works. Should mammals of conservation importance be present on site or within the adjacent embankment the National Parks and Wildlife Services (NPWS) shall be notified in relation to obtaining the appropriate permissions.

Reason: To protect biodiversity.

11. The developer shall comply with the following requirements of the Planning Authority:

a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.

c) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drainage is not permitted in public areas, or areas intended to be taken in charge.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water runoff and flood risk as a result of the development

12. The naming and numbering of the dwelling unit shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling.

Reason: In the interest of orderly street numbering

13. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with

compelling reasons for the proposed deviation has been submitted and written approval has been issued by the Planning Authority. Any such approval may be subject to conditions pertaining to the particular circumstances being set by the Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

14. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

15. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

16. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Donal Farrelly
Planning Inspector

17/09/26

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP-323056-25
Proposed Development Summary	Construction of 2 no. four bedroom houses. Provision of 9 no. new off street car parking spaces.
Development Address	Site adjoining No's 1 and 54 The Village, Bettyglen, Dublin 5
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	

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.	
☒ 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 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.	Class 10 (b)(i) Construction of more than 500 dwelling units. The proposal is for 2 no dwellings.

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323056-25
Proposed Development Summary	Construction of 2 no. four bedroom houses. Provision of 9 no. new off street car parking spaces.
Development Address	Site adjoining No's 1 and 54 The Village, Bettyglen, Dublin 5
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, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural	The development is removed from sensitive natural habitats and designated sites of identified significance in the Development Plan.

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).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the 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, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant	EIA is not required.

effects on the environment.	
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Inspector: _____ Date: _____