



An
Coimisiún
Pleanála

Inspector's Report ACP-323158-25

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| Development | Construction of 3 dwellings and associated site works. |
| Location | 16 Saint Fintans Villas, Deansgrange, Blackrock, Dublin, A94RT93 |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D25A/0361/WEB |
| Applicant(s) | Kota Construction Ltd. |
| Type of Application | Planning Permission. |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Kota Construction Ltd. |
| Observer(s) | Simon Larkin and Imelda Fegan Nicholas Fegan Joan MacAllister Jackie Kelly Michael Kelly |

Date of Site Inspection

10th October 2025

Inspector

Carol Smyth

1.0 Site Location and Description

- 1.1. The appeal site is located within St. Fintan's Villas, Deansgrange, in an established residential area within the administrative boundary of Dun Laoghaire Rathdown County Council. St. Fintan's Villas forms a horseshoe layout to the east of Deansgrange Road.
- 1.2. The appeal site has a stated area of 0.088 ha. and is situated to the rear of No. 16 St. Fintan's Villas, a two-storey dwelling recently constructed on the southside of the street. The subject site comprises a backland area with access from the street along the side of No. 16 St Fintan's Villas.
- 1.3. The surrounding area is characterised by early local authority type housing in terraced and semi-detached formats with large rear gardens. Infill and backland development has occurred in the vicinity the site. There is a total of 8 no. detached and semi-detached backland houses constructed in the rear gardens of No's 12,14,15 and 17 St. Fintan's Terrace directly opposite the site. A single storey detached dwelling has also been constructed in the side garden of No.13 St. Fintan's Villas directly to the west of the site and a part 2 storey part single storey house in the side garden of No. 18 St. Fintan's Villas directly to the east of the site.

2.0 Proposed Development

- 2.1. Construction of a mews terrace of 3 no. 2 storey, 3-bedroom dwellings (120 sqm), and all associated site works, to rear of No. 16 Saint Fintan's Villas, Deansgrange, Blackrock.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire-Rathdown County Council issued a notification of decision to refuse Permission on the 30th June 2025, due to the overdevelopment of the site, substandard levels of amenity to future residents, impacts on the character of the area, adverse impacts on adjoining residential amenity and traffic safety issues. The reason for refusal is as follows:

1. Having regard to the overall scheme proposal including siting, massing, design and layout, it is considered that the proposed development represents the overdevelopment of the site and constitutes a visually incongruous and discordant form of infill/ backland development imposed on the subject site which fails to respond to the character, scale and form of the surrounding development, which if permitted would adversely impact on the existing levels of residential amenity afforded to the established dwellings. The proposed development would offer substandard levels of amenity to future residents due to concerns relating to the proposed fenestration, safety reasons in respect of access and inadequate public open space. Therefore, the proposed development does not accord with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 regarding Additional Accommodation in Existing Built-up Areas, namely Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill. Furthermore, the proposed development would, if permitted, would set an undesirable precedent for similar inappropriate development in the area and is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

The Planners Report indicated that the principle of the development was considered acceptable but raised concerns regarding the scale, layout and overall quality of the scheme. The development was considered to represent overdevelopment of the site, negatively impacting upon the character of the area and adjoining residential amenity and contrary to Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill. Furthermore, concerns were raised regarding the quality of residential amenity for future occupants in terms of access to daylight and outlook due to the use of obscured glazing to first-floor bedroom windows. In addition, concerns were raised in relation to the provision of public open space, car parking standards and bin storage.

3.2.2. Other Technical Reports

- Transportation Planning

Requested further information in relation to fire tender access, cycle parking, and the vehicular entrance.

- Drainage Planning

The Drainage section raised no objection to the development subject to conditions in relation to surface water runoff and sustainable urban drainage.

- EHO

Requested further information in relation to the submission of a Construction Environmental Management Plan and a Resource and Waste Management Plan.

3.3. **Prescribed Bodies**

3.3.1. Úisce Éireann

No objection was raised regarding the development subject to conditions in relation to a connection agreement.

3.4. **Third Party Observations**

In total ten submissions were received in relation to the planning application.

The issues raised in relation to the planning application also form third party observations and are addressed below in Sections 6 and 7.

4.0 **Planning History**

DLRDCC Reg. Ref: D23A/0487

Planning permission GRANTED for the demolition of existing bungalow, with granny flat (89sqm), and construction of two storey, 4-bedroom dwelling (142sqm), with new vehicular entrance and all associated site works.

DLRDCC Reg. Ref: D07A/1226

Planning permission GRANTED for a single storey dwelling to the rear. This permission was not up taken.

4.1. **Relevant Adjoining Planning History**

DLRDCC Reg. Ref: D23B/0318

18A, Saint Fintan's Villas to the east of the subject site.

Planning permission GRANTED for alterations and extensions.

DLRDCC Reg. Ref: D22A/0864

49 Saint Fintan's Park to the south of the subject site

Planning permission GRANTED for alterations and extensions.

DLRDCC Reg. Ref: D08A/0518

A site to the side of, 13, St. Fintan's Villas to the west of the subject site

Planning Permission GRANTED for a single storey dwelling.

5.0 Policy Context

5.1. National Planning Policy and Guidance

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

Referred to hereafter as the Compact Settlement Guidelines, sets out a context to create higher density settlements to underpin sustainable development principles. This document sets out four Specific Planning Policy Requirements (SPPR) which take precedence over any contradictory standards in Development Plans.

SPPR 1 – Separation Distances. This sets out that a separation distance of at least 16 metres shall be maintained between opposing above-ground windows serving habitable rooms.

SPPR 2 – Minimum Private Open Space Standards for Houses. This sets a minimum of 30 sqm for a 2-bedroom house, and a minimum of 40 sqm for a 3-bedroom house.

SPPR 3 – Car Parking. This sets a maximum rate of 1. spaces per dwelling in locations such as this one.

SPPR 4 – Cycle Parking and Storage. This sets minimum quantitative and qualitative standards for cycle parking

5.1.2. **Quality Housing for Sustainable Communities, DoEHLG 2007**

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

5.2. **Development Plan**

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

5.2.2. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

5.2.3. 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.*

5.2.4. 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.*

5.2.5. 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.

5.2.6. 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)*

5.2.7. Chapter 12 gives detailed guidance on Development Management.

Section 12.3.4.2 refers to standards set out in *Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007), and *Site Layout Planning for Daylight and Sunlight, A guide to good practice* (Building Research Establishment Report, 2011).

Section 12.3.7 deals with additional accommodation in built-up areas. Section 12.3.7.6 Backland Development sets out detailed standards for backland development as follows:

- *Generally, be single storey in height to avoid overlooking.*
- *Appropriate scale relative to the existing dwelling and of high quality of design.*
- *Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.*
- *A wider entrance may be required to a backland development to or from a narrow laneway. Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two bedroom units, or 60 sq.m. plus for three/ four or more bedroom units.*

- *Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.*
- *Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.*
- *A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.*

5.2.8. Section 12.3.7.7 Infill sets out that new infill development shall respect the height and massing of existing residential units.

5.2.9. Section 12.4 Transport sets standards for car and cycle parking and access.

5.2.10. Section 12.8 Open Space and Recreation sets standards for open space and separation distances.

5.3. **Natural Heritage Designations**

The site is situated approximately 1.5 km to the southwest of South Dublin Bay proposed NHA, South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

5.4. **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix A 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse permission under DLRDCC Reg. Ref. D25A/0361/WEB for a mews terrace of 3 no. 2 storey 3-bedroomed dwellings to the rear of No. 16 St Fintan's Villas, Deansgrange. The following provides a summary of the grounds of appeal:

- An Coimisiún Pleanála should dismiss the grounds for refusal and permit the proposal as originally submitted to Dun Laoghaire Rathdown Council under Reg. Ref. DLRDCC Reg. Ref. D25A0361/WEB.
- Should An Coimisiún Pleanála have concerns with the issues raised by the Planning Authority and the reason for refusal, then the First Party requests that the submitted modified proposal be considered.
- There is already precedent for infill and backland development in the area, in particular directly opposite the site.
- Residential development is permitted under the 'A' land use zoning objective. The proposed density is appropriate and the proposal does not represent overdevelopment of the site.
- The proposal is consistent with the character, scale and form of the area and integrates well with the urban context.
- The front bedroom windows have clear side panels to the bay windows and therefore benefit from good quality natural light and outlook.
- The revised proposal includes bin storage for dwelling no. 2 to address the concerns raised by the Planning Authority.
- The site plan and forecourt space has been redesigned to provide a privacy strip to the front of the proposed houses.
- The development accords with the residential standards for 3 bedroom houses as set out in Quality Housing for Sustainable Communities (2007).
- Private open space conforms with the Compact Settlement Guidelines (2024).

- The separation distances accord with the Compact Settlement Guidelines and the proposal does not negatively impact upon adjoining residential amenity in terms of overlooking.
- The number of car parking spaces have been reduced and cycle parking increased providing safe access and egress.
- The revised proposal includes a small element of public open space. The applicant is willing to accept a condition requiring a financial contribution in lieu of public open space for the shortfall.
- The revised proposal has increased the amount of permeable paving, all rear gardens soft landscaping and raingardens. The development therefore incorporates SUDs
- The modified proposal addresses the concerns raised by the Transportation Division in relation to fire tender, cycle parking and vehicular access.
- A Preliminary Construction Environmental Management Plan and a Resource and Waste Management Plan has been submitted in conjunction with the grounds of appeal to address the concerns raised by the EHO.
- The first party is happy to accept Uisce Éireann's condition should ACP be mindful to grant permission.

6.2. Planning Authority Response

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

6.3. Observations

- 6.3.1. In total 5 no. third party observations (incl. photographs) were received from residents in the vicinity of the site.
- 6.3.2. The issues raised are summarised as follows:
 - The proposal represents overdevelopment of the site.
 - The proposed development is contrary to the Dun Laoghaire Rathdown County Development Plan 2022-2028.

- Concerns regarding the density.
- Details regarding plot ratio, site coverage and rear private open space has not been provided and the applicant has not demonstrated compliance with development plan standards.
- Regard should not be had to the modified proposal as submitted to ACP and the proposal should be refused.
- There are no backland developed sites on the south side of the street and the proposal is therefore not in keeping with the character of the area.
- The proposal will overlook the existing houses on Saint Fintan's Park and Saint Fintan's Villas.
- The proposal will directly overlook and overshadow the rear garden of No.13A Saint Fintan's Villas.
- No. 13 Saint Fintan's Villas will be overlooked.
- The development will place additional strain on drainage systems in the area.
- The development will add to the pressure for on-street car parking in the locality.
- Concerns regarding access for emergency vehicles.
- Concerns regarding the traffic safety and the narrowness of the existing street.
- Inadequate open space has been provided.
- Separation distances between the proposed and existing development has not been indicated on the submitted drawings and the width of the driveway has not been indicated.

6.4. Further Responses

None on file.

7.0 Assessment

Having examined the applications details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the

local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Overdevelopment of the Site
- Impact on the Character of the Area
- Impact on Neighbouring Residential Amenity
- Residential Amenity of Future Occupants
- Public Open Space
- Access, Car and Cycle Parking
- Other Matters – Drainage and Environmental Waste Management.

The First Party appeal against the Planning Authority's decision to refuse permission, requests that An Coimisiún Pleanála review the proposal as submitted to the Planning Authority, under DLRDCC Reg. Ref. D25A/0361/WEB, in the first instance. The First Party contends that the proposal complies with the policy and objectives of the Development Plan. The First Party has also submitted a modified design proposal to be considered by An Coimisiún Pleanála, should the Commission consider the original planning application proposal to be unacceptable. I will therefore assess both proposals in the sections below.

7.1. Overdevelopment of the Site

7.1.1. The subject development is situated on a backland site with an overall area of 0.088 ha located to the rear of a recently constructed 2 storey detached dwelling at No. 16 Saint Fintan's Villas granted under DLDRCC Reg. Ref. D23A/0487.

7.1.2. The scheme as submitted to the Planning Authority comprises a terrace of 3 no. 2 storey 3-bedroom houses each with a floor area of 119 sqm with private open space provided to the rear. The terrace of dwellings has gable ended pitched roofs and has an overall height of 7.64 metres. In terms of façade articulation, the dwellings comprise first floor projecting box bay windows on the front façade. The dwellings front directly onto a communal forecourt area which is predominately hard landscaped, comprising 6 no. carparking spaces and 4 no. cycle parking spaces. Access to the proposed development from the street is via a driveway approximately

5.1 metres in width between No. 16 and No. 18A Saint Fintan's Villas. A 1.8 metre high fairfaced concrete wall and capping is proposed to the boundaries of the site.

- 7.1.3. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting existing residential amenities. Residential development is permitted in principle under this zoning objective. The Planning Authority considered that while the principle of the development was acceptable, the scale, layout and overall quality of the scheme was unacceptable, representing overdevelopment of the site and issued a decision to refuse the proposal.
- 7.1.4. The First Party contends that the proposed density is appropriate, and that the proposal does not represent overdevelopment of the site. The First Party grounds of appeal include a modified scheme, should the Commission consider the original planning application proposal to be unacceptable. The modified scheme reduces the height of the proposed dwellings and amends the scheme in terms of façade articulation and materiality. Alterations are also proposed to the forecourt area in terms of hard landscaping and soft landscaping, car parking and cycle parking spaces and bin storage. I note that no changes are proposed to the footprint, floor area, internal layout or position of the proposed dwellings on the site.
- 7.1.5. Third party observations raise concerns regarding the overdevelopment of the site. In addition, third party observations query the plot ratio and site coverage of the proposed development. Tools such as plot ratio and site coverage can be used as part of a suite of measures including density to ensure appropriately scaled development. I note that the Development Plan does not provide development standards in relation to plot ratio or site coverage. Notwithstanding, I calculate that the proposed plot ratio is 0.40 and the site coverage is 20%. I consider the proposed plot ratio and site coverage to be low. Notwithstanding, having regard to the pattern of development in the area, which generally comprises two storey detached and semi-detached dwellings on large plots, I consider the proposed plot ratio and site coverage to be acceptable in this instance.
- 7.1.6. The Compact Settlement Guidelines (2024) defines the site 'Suburban/Urban Extension' which seeks residential densities in the range of 40-80 dph. The Guidelines also state that while location has a significant bearing on appropriate

density, it is also necessary to have regard to the prevailing urban context. The Development Plan provides for a minimum default density of 35 dph across its administrative area (excluding lands on *zoning Objectives 'GB', 'G' and 'B'*). The Plan further notes that this density may not be appropriate in all instances but should be applied particularly in relation to 'greenfield' sites or larger 'A' zoned areas. I note that the density for the proposed development of 3 no. houses on the 0.088 ha site is 34 dph.

- 7.1.7. Having regard to the urban morphology of the area, I consider that the proposed density is acceptable, and I am therefore satisfied that the proposal does not represent the overdevelopment of the site.

7.2. Impact on the Character of the Area

- 7.2.1. Third Party observations raise concerns regarding the impact of the proposal on the character of the area given its backland nature. The First Party contends that the proposal is consistent with the character, scale and form of the area and that the modified proposal integrates well with the urban context.
- 7.3. There are 8 no. detached and semi-detached backland houses constructed in the rear gardens of No's 12,14,15 and 17 St. Fintan's Villa's directly opposite the site. Additionally, a single storey detached dwelling has also been built in the side garden of No.13 St. Fintan's Villas located to the west of the site and a 2-storey house with a large single storey extension has been constructed in the side garden of No. 18 St. Fintan's Villas situated to the east of the site. Having regard to the additional dwellings built in the surrounding gardens I am satisfied that the proposal would not negatively impact the character of the area in terms of its backland nature.
- 7.3.1. The Planning Authority considered that the proposal would be visible from the streetscape as it is 400mm higher than No. 16 St Fintan's Villas to the front of the site and significantly higher than the adjoining single storey house, No. 13A St Fintan's Villas to the west of the site. The Planning Authority considered that the proposal failed to respond to the character of the area in terms of scale, form and design and would therefore appear visually incongruous.
- 7.3.2. Given the setback from the public realm and the urban grain of the existing houses to the front of the subject site, I do not consider that the proposal would be overly prominent or visually obtrusive when viewed from the public realm. Notwithstanding,

I have concerns regarding the scale, proportion and articulation of the facades of the scheme as submitted to the Planning Authority in terms of integration with the surrounding context.

7.3.3. The modified scheme reduces the overall height of the proposed terrace from 7.64 metres to 6.63 metres by lowering the roof structure. Box dormers are proposed on the front and rear elevations at first floor level, and the projecting box bay windows on the front façade are omitted. A dark grey raised seam metal roof is now proposed. Metal cladding to match the roof covering is also proposed on the upper section of the front façade.

7.3.4. Section 12.3.7.7 Infill of the Development Plan requires that new infill development respects the height and massing of existing residential units.

7.4. I consider that the reduction in height of the development by circa 1 metre, the revisions to the roof design, façade and box dormer windows, serve to reduce the overall scale and mass of the proposal and improves the overall design quality of the development in terms of façade articulation. Having regard to the reduction in scale and mass and given that the proposal is located behind existing houses and setback circa 33 metres from the street, I do not consider that the development would be significantly visible from the public realm. I am satisfied that the modified proposal, which represents a contemporary design approach to a 2-storey terrace of houses is of a scale, height and design which is appropriate to the suburban location and context. I consider that the modified proposal responds well to the character of the area. I do not consider that the proposal would have a negative visual impact on the character of the area or would appear visually incongruous and is therefore not contrary to Section 12.3.7.7 Infill of the Development Plan.

7.5. Impact on Adjoining Residential Amenity

7.5.1. Third Party observations raise concerns regarding the impact of the proposal in terms of overlooking and overshadowing of the surrounding houses. First Party grounds of appeal contend that the development is sufficiently setback from the surrounding houses, will not overlook adjoining property given the separation distances and will not overshadow or negatively impact upon daylight and sunlight.

7.5.2. The Planning Authority considered that the proposal would have an adverse impact on adjoining residential amenity in terms of overlooking due to poor separation

distances. As no daylight and sunlight study was submitted, the Planning Authority considered that the applicant failed to demonstrate that proposal would not negatively impact on adjoining property.

- 7.5.3. Section 5.3.7 Daylight, of the Compact Settlement Guidelines allows planning authorities to exercise discretion and omit detailed daylight assessments where well-separated low-rise housing poses no undue impact based on the architectural drawings submitted.
- 7.5.4. As noted in my assessment above the modified scheme does not amend the position of the proposed dwellings on the site. I further note that the position of the first-floor windows in the modified scheme is largely the same as that submitted to the Planning Authority. Both schemes propose an element of obscured glazing to the first-floor bedrooms on the front façade to mitigate overlooking. Both schemes indicate all remaining windows at first floor level on the front façade and side elevations (to the stairwells and bathrooms) comprise obscured glazing. The rear facing bedroom windows at first floor level are not obscured. I note that the Planning Authority considered that the obscured glazing to habitable rooms (bedrooms) would negatively impact on the residential amenity of future occupants and was unacceptable.
- 7.5.5. The First Party contends that the side panels of the projecting bay windows which comprise clear glazing would provide good levels of daylight and outlook. I am not satisfied that the side panels, which are approximately 450mm in width, would be sufficient in terms of outlook and aspect from the first-floor bedrooms. I consider that the proposed obscured glazing would result in a substandard level of residential amenity for future occupants.
- 7.5.6. The modified scheme as submitted with the First Party grounds of appeal replaces the first-floor projecting bay windows on the front façade with dormer windows which also comprise obscured glazing. As noted above, I consider the obscured glazing to be unacceptable.
- 7.5.7. The proposed development is situated approximately 32 metres to the north of the existing 2 storey houses on St. Fintan's Park to the south of the site. There are no directly opposing first floor windows. Having regard to the separation distance and

aspect I do not consider that the proposal would unduly overlook or overshadow any properties on St. Fintan's Park.

- 7.5.8. The proposed development is positioned a minimum of 16.33 metres from the opposing first floor windows of the dwelling to the north, No. 16 St Fintan's Villas and 24 metres from a first-floor window to the rear of No. 18A St. Fintan's Villas, to the northeast. The separation distances exceed the relevant standard (the 16 metres distance as set out in SPPR1 of the Compact Settlement Guidelines, rather than the Development Plan standard of 22 metres separation distance referred to in the Planner's Report). I note that No.13A is a single storey dwelling, therefore there are no opposing first floor windows.
- 7.5.9. The rear of 13A and 18A St. Fintan's Villas are positioned at an oblique angle from the proposed development. The First Party has submitted a drawing in conjunction with the modified scheme (Dwg. No. A2505-04 First Floor Plan in Context) which indicates the distances from the first-floor front facing bedroom windows to No's 13A, 16 and 18A St. Fintan's Villas. In addition, section drawings (Dwg. No. A2505-05 Potential Overlooking Sections) has been submitted with the First Party grounds of appeal which indicate lines of sight to the single storey extension to the rear of No. 18A St. Fintan's Villas and to the rear of the single storey house No. 13A St. Fintan's Villas.
- 7.5.10. The distance from the first-floor front facing bedroom window of the proposed Unit No. 3 to the rear building line of the single storey dwelling at No. 13A St. Fintan's Villas, at an oblique angle, is 12 metres and approximately 9 metres to the mutual side boundary wall. The drawings indicate that the distances from the first-floor front facing bedroom window of Unit No. 1 to the rear building line of the single storey extension to the rear of No. 18A St. Fintan's Villas, at an oblique angle, is 15.7 metres and approximately 11 metres to the mutual side boundary wall. In terms of No. 16 St. Fintan's Villas directly to the north of the proposed development, the first-floor front facing bedroom window of Unit No. 2 is positioned 11 metres from the mutual boundary wall and between 16.3 metres and 18.2 metres from the rear elevation of the dwelling.
- 7.5.11. I note that the submitted drawings indicate that the proposed boundary wall is 1.8 metres in height with a 600mm trellis placed on top, a fairfaced finish and capping is

proposed. To increase privacy, should the Commission be mindful to grant permission, I recommend that a condition be attached increasing the height of the boundary wall to 2 metres. The boundary wall should also be rendered on the side facing public areas.

- 7.5.12. Having regard to the submitted drawings, the separation distances, the height of the boundary wall and having visited the site, I am satisfied that the proposed development would not unduly overlook the adjoining property to the north, northeast and northwest and I do not consider that the obscuring of the front facing first floor bedroom windows is necessary. Should the Commission be mindful to grant permission, I recommend that a condition is attached omitting the obscured glazing from the front facing first-floor bedroom windows.
- 7.5.13. In terms of access to daylight and sunlight, I note that the proposed development is positioned to the southeast of No. 13A St. Fintan's Villas and to the southwest of No. 18A St. Fintan's Villas. Having regard to the separation distances, the scale and aspect of the modified proposal, I am satisfied that No's. 13A, 16 and 18A will have good access to daylight and sunlight. I do not consider that the development would negatively impact on the daylight or sunlight of surrounding properties.
- 7.5.14. Overall, in terms of impacts on the adjoining residential amenity, I am satisfied that any impacts are in line with what might be expected in an established residential area such as this. I am satisfied with the proximity to boundaries proposed and I consider that the modified scheme as submitted in conjunction with the First Party Appeal would not unduly overlook or overshadow adjoining properties and would not seriously injure the amenities of property in the vicinity of the site.

7.6. Residential Amenity of Future Occupants

- 7.6.1. As noted in my assessment above, the modified scheme does not alter the internal layout of the dwellings. The internal space provision of the proposed dwelling was not raised as a matter for concern by the Planning Authority and I consider that the modified proposal would accord with the recommended floor area and internal space provision as set out in Quality Housing for Sustainable Communities (2007).
- 7.6.2. Third party objections raise concerns regarding the provision of rear private open space for the proposed dwellings. In addition, the Planning Authority considered that the depth of the proposed rear gardens was insufficient and would be contrary to

Section 12.3.7.6 Backland Development of the Plan. First Party grounds of appeal contend that the proposal accords with the provisions of the Compact Settlement Guidelines in terms of private rear open space.

- 7.6.3. I note that Section 12.3.7.6 Backland Development allows for a relaxation of rear garden length once sufficient open space has been provided and where it has been demonstrated that the proposal will not negatively impact upon adjoining residential amenity.
- 7.6.4. Having regard to my assessment above, the proposed development will not negatively impact upon adjoining residential amenity. In terms of the provision of private rear amenity space, both the proposal as submitted to the Planning Authority and the modified scheme as submitted with the First Party grounds of appeal provides rear gardens which range between 61sqm and 109sqm. SPPR 2 of the Compact Settlement Guidelines requires a minimum of 40 sqm of rear private open space for a 3-bedroom house and the Development Plan standard which requires a minimum of 60sqm for 3 bedroom units.
- 7.6.5. I consider that the proposed development exceeds the minimum requirement of private rear open space in terms of quantum and is therefore accords with the provisions of Section 12.3.7.6 Backland Development of the Development Plan. Furthermore, having regard to the aspect of the proposal, I am satisfied that the area of rear private open space would have good access to sunlight. Overall, I consider that the proposed layout is acceptable in terms of quantity and quality of private open space.
- 7.6.6. The Planning Authority also raised concerns regarding the extent of hard surfacing and the lack of setback from the front of the dwellings to the forecourt area which would result in a substandard access and egress arrangement to each of the dwellings.
- 7.6.7. To address the Planning Authorities concerns, the First Party has amended the design and layout of the forecourt space to include a greater area of soft landscaping. In addition, a footpath approximately 1 metre wide and a planting area which serves as a privacy strip has been positioned to the front of each of the dwellings.

- 7.6.8. I am satisfied that the revised landscaping proposal addresses the concerns raised by the Planning Authority in relation to the provision of soft landscaping. The modified proposal provides a clear setback and delineation between the proposed houses and the communal forecourt area. Should the Commission be mindful to grant permission a condition should be attached requiring that a landscaping scheme to be implemented prior to the occupation of the development.
- 7.6.9. In addition, the lack of bin storage for the proposed middle unit, Unit No. 2, was highlighted by the Planning Authority. To address the Planning Authorities concerns, the modified scheme includes a bin store for the exclusive use of Unit No. 2 which I consider to be acceptable.
- 7.6.10. Overall, I am satisfied that the modified design is acceptable and will provide future occupants with good levels of residential amenity.

7.7. Public Open Space

- 7.7.1. The Planning Authority considered that the proposal failed to provide 15% public open space as required by Section 12.8.3.1 of the Development Plan. The Planners Report further considered that 10% of the overall site area (0.088ha) to be reasonable. Third party observations also raise concerns regarding the provision of open space.
- 7.7.2. The First Party grounds of appeal refer to existing public open spaces in the vicinity of the subject site. In addition, the First Party states that the modified scheme includes a small element of public open space. The First Party further states that the applicant is willing to accept a condition requiring a financial contribution in lieu of public open space for the shortfall.
- 7.7.3. Notwithstanding, I note that the First Party has not indicated the quantum of public open space or communal open space provided in the modified scheme. Having regard to the size of the site, I am not satisfied that the redesigned forecourt area of the modified scheme (see Dwg. No. A2505-02 Plans, Sections and Elevations), which largely serves to provide car parking, cycle parking, bin storage and vehicular access, with left-over areas of soft landscaping, provides useable public or communal open space. Having regard to the size of the site, I do not consider that it is feasible to provide a meaningful area of public or communal open space for the development. Furthermore, I note the areas of public open space in the vicinity of

the site, as set out in the First Party grounds of appeal, such as the park along St. Fintan's Villas, within a 4-minute walk of the site. Section 12.8.3.1 Open Space Quantity for Residential Development, of the Development Plan allows for a contribution in lieu of public open space for sites less than 0.25ha. Having regard to the site area at 0.088 ha. should the Commission be mindful to grant permission, I recommend that a condition is attached requiring a development contribution in lieu of public open space.

7.8. Access and Car Parking

- 7.8.1. Third Party observations raise concerns regarding on-street car parking and access for emergency vehicles. The Planning Authority's Transportation Planning report, raised concerns regarding fire tender access and sought further information to demonstrate that the development are in accordance with the requirements of Table 5.1 and Section 5.4.2 Provision of Vehicle Access of the Plan which requires that fire brigade appliances should be able to get within 45 metres of the principle entrance of a dwelling. The Transportation Planning report also raised concerns regarding the provision of cycle parking for the middle unit, Unit No.2, and the provision of visitor cycle parking to serve the development. The Transportation Planning report also required roadway marking along the access road to serve the development, and a STOP line with associated signage to the rear of the existing footpath on St. Fintan's Villas. The report sought to address the concerns raised by way of a further information request.
- 7.8.2. In addition, the Planning Authority raised concerns regarding the level of car parking proposed. In this regard I note that a total of 6 no. car parking spaces were proposed in the scheme submitted to the Planning Authority.
- 7.8.3. The First Party contends that the modified scheme submitted in conjunction with the grounds of appeal addresses the concerns raised by the Planning Authority. The site plan and forecourt space has been redesigned to comply with the requirements of the Transportation Planning report, and the number of car parking spaces has been reduced.
- 7.8.4. Under SPPR 3 Car Parking of the Compact Settlement Guidelines a maximum rate of 1 space per dwelling is specified for the site. The amended scheme provides a total 3 no. car parking spaces which accords with the provisions of the Guidelines.

- 7.8.5. In terms of cycle parking, SPPR 4 of the Compact Settlement Guidelines requires a minimum standard of 1 space per bedroom. I note that Unit No. 2 comprises 3 no. bedrooms and therefore has a requirement for 3 no. cycle parking spaces. I note that the remaining houses have side access to their rear gardens for cycle parking. The modified scheme provides a total of no. 6 no. cycle parking spaces which therefore includes 3 no. visitor spaces.
- 7.8.6. I am satisfied that the modified scheme provides an appropriate level of car parking and cycle parking which accords with SPPR 3 and SPRR 4 of the Compact Settlement Guidelines. Given the provision of car parking on site I do not consider that the proposed development would negatively impact upon on-street car parking in the vicinity of the site.
- 7.8.7. The First Party grounds of appeal refer to the position of a fire hydrant on the submitted Site Layout Plan. In this regard I note that none of the submitted drawings indicate the location of a fire hydrant. Notwithstanding, the First Party grounds of appeal also comprise commentary from MJP Fire Safety Consultants, attached to Appendix D of the First Party Appeal document, which confirms that a fire tender can drive in a 20 metre dead-end distance, and from that point, the principle entrances to the dwellings are well within a 45 metre distance, as required under Table 5.1 and Section 5.4.2 Provision of Vehicle Access of the Development Plan.
- 7.8.8. In addition, the site layout plan of the modified scheme, indicates that the access road comprises road markings and a STOP line to the rear of the existing footpath on St. Fintan's Villas. I am satisfied that the modified proposal addresses the concerns raised by the Planning Authority in relation to access, car parking, cycle parking and fire tender access. Should the Commission be mindful to grant permission, I recommend that a compliance condition should be attached requiring access arrangements as per the requirements of the Transportation Planning Division.

7.9. Other Matters

7.9.1. Drainage

- 7.9.2. Third Party observations raise concerns regarding the impact of the development on the existing drainage systems. First Party grounds of appeal state that Uisce

Éireann raised no objection to the development subject to conditions which they are willing to accept should a grant of permission be forthcoming.

- 7.9.3. I note that the submission from Uisce Éireann outlines observations in relation to a connection agreement with a condition recommended. I further note that the Planning Authority's Drainage Planning report raises no objection to the development subject to standard conditions relating to surface water runoff and SUDs.
- 7.9.4. I am satisfied that the development can therefore be carried out without undue impacts on the existing foul and surface water drainage system in the area subject to conditions. Should the Commission be mindful to grant permission, I recommend that the condition as outlined in the Uisce Éireann report be attached.
- 7.9.5. Environmental/Waste Management
- 7.9.6. The First Party grounds of appeal note that the Environmental/Waste Management Section of the Local Authority recommended further information requiring the submission of a Construction Environmental Management Plan and A Resource and Waste Management Plan.
- 7.9.7. The First Party has submitted a Preliminary Construction, Environmental and Waste Management Plan in conjunction with the grounds of the appeal. The document sets out methodologies to reduce any adverse impacts from the construction and demolition phases on the environment and public health, in order to prevent nuisance or adverse health effects in relation to waste and dust management, excessive noise pollution, the general welfare of staff and the surrounding area. The First Party further states that the Preliminary Construction, Environmental and Waste Management Plan will form the basis on which to progress a detailed Construction Management Plan as the project develops through detailed design and tendering stages.
- 7.9.8. I am satisfied with the scope and contents of the submitted Preliminary Construction, Environmental and Waste Management Plan. Should the Commission be mindful to grant permission, I recommend that a compliance condition be attached requiring the submission of a Construction, Environmental and Waste Management Plan for the written approval of the Planning Authority.

8.0 AA Screening

- 8.1. The proposed development comprises a terrace of 3 no. houses on a small backland site of 0.088ha in an established suburban area. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, small scale and location of the project, and taking account of the screening determination of the Planning Authority, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 8.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

9.0 Water Framework Directive

- 9.1. The subject site is located in an established residential area which adjoins the Southwestern Irish Sea – Dublin Bay IE_EA_090_0000 and Brewery Stream IE_EA_09B130400. The subject site is located c. 1.5 km to the southwest of Dublin Bay and c. 163 metres east of Brewery Stream.
- 9.2. The proposed development comprises 3 no. terraced houses.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the small scale and nature and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 9.5. Conclusion

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

10.0 Recommendation

I recommend permission be GRANTED subject to conditions.

11.0 Reasons and Considerations

11.1. Having regard to the land use zoning objective 'A' for the site, and Development Plan policy, including Section 12.3.7.6 Backland Development, Section 12.3.7.7 Infill and 'Sustainable and Compact Settlement Guidelines for Planning Authorities (2024)' and the design, aspect, location and scale of the proposed development, I consider that subject to compliance with conditions below, that the modified development as submitted with the First Party grounds of appeal would not seriously injure the adjoining residential amenity of property in the vicinity, would provide a good level of residential amenity for future occupants and would not negatively impact upon the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the revised plans and particulars lodged with the first party appeal, on the 28 day of July 2025, specifically Drawing No's A2505-01, A2505-02, A2505-03, A2505-04, A2505-05, A2505-06 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 |
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| | <p>carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p> |
| 3. | <p>The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.</p> <p>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</p> |

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| | <p>agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p> |
| 4. | <p>The obscured glazing to the first-floor bedrooms windows on the front façade shall be omitted in entirety.</p> <p>Reason: In the interest of the residential amenity of future occupants.</p> |
| 5. | <p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p> |
| 6. | <p>(a) Screen walls indicated on drawing no. A2505-02 shall be two metres in height above ground level and shall be suitably capped and rendered on the side facing public areas in a finish that matches the external finish of the dwelling(s)</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 7. | <p>(a) The internal road network serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 8. | <p>Landscaping for the development shall be completed in accordance with the revised plans and particulars lodged with the first party appeal, on the</p> |

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| | <p>28 day of July 2025. All works shall be completed prior to the occupation of the development.</p> <p>Reason: In the interest of residential amenity.</p> |
| 9. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p> |
| 10. | <p>Construction hours for the proposed demolition and construction shall be in accordance with the following:</p> <ul style="list-style-type: none"> • No works shall take place on site outside the hours of 08.00 and 18.00 Monday to Friday, and 08.00 to 13.00 Saturday, or on Sundays or public holidays, unless otherwise agreed in writing with the planning authority. <p>Reason: In the interest of the protection of residential amenity.</p> |
| 11. | <p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area</p> |
| 12. | <p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p> |
| 13. | <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning</p> |

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| | <p>authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p> |
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Carol Smyth
Planning Inspector
28th October 2025

Appendix A

Form 1 - EIA Pre-Screening

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| Case Reference | |
| Proposed Development Summary | Construction of 3 dwellings and associated site works. |
| Development Address | 16 Saint Fintans Villas, Deansgrange, Blackrock, Dublin, A94RT93 |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road | |

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| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p> | <p>State the Class and state the relevant threshold</p> |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p> | <p>Class 10(b)(i) Construction of more than 500 dwelling units. The proposed development of 3 no. dwelling units is sub-threshold. See Preliminary Examination (Form 2).</p> |

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| <p>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)?</p> | |
| <p>Yes <input type="checkbox"/></p> | <p>Screening Determination required (Complete Form 3)</p> |
| <p>No <input checked="" type="checkbox"/></p> | <p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p> |

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

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| Case Reference | ABP-323158-25 |
| Proposed Development Summary | Construction of 3 dwelling units and associated site works. |
| Development Address | 16 Saint Fintans Villas, Deansgrange, Blackrock, Dublin, A94RT93 |
| 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 3 no. dwelling units, and all associated site works. The size of the development is not exceptional. The development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants. |
| 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 location is a suburban environment, in a built-up area. The development would not have the potential to significantly impact on an ecologically sensitive site or location. |
| 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). | There are no real likelihood of significant effects on the environment. |
| Conclusion | |
| Likelihood of Significant Effects | EIA is not required. |

Inspector: _____ **Date:** _____