



An
Coimisiún
Pleanála

Inspector's Report

ACP-323473-25

Development

Demolition of the existing dwelling for the construction of 5 storey apartment block comprising of 26no. units and all other associated site works.

Location

A c.0.223ha site comprising the property known as 'Greenan', Golf Lane, Carrickmines, D18 P3C2

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/0449/WEB

Applicant(s)

Ren Shu

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

1. Carrickmines Green Owners Management (CLG); and
2. The Residents of 1-4 The Avenue

Observer(s)

None

Date of Site Inspection

14th November 2025

Inspector

Suzanne White

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1.0 Site Location and Description

- 1.1. The subject site of 0.223ha is located on the southern side of Golf Lane in the Carrickmines area of South Dublin. The site comprises a detached two storey dwelling, 'Greenan', and its curtilage. Ground levels rise from northwest to southeast across the site. The site contains a number of mature trees, generally arranged along its boundaries.
- 1.2. The appeal site is situated in proximity, c. 70m to the east of, the roundabout at the Glenamuck Road South. Junction 15 of the M50, Carrickmines, is situated c.230m to the north. Ballyogan Wood Luas stop is located c.950mm walking distance to the north-west. The L26 bus route (350m distance) serves the area, linking it to Blackrock (via Carrickmines Luas stop) and Kilternan. The Park shopping centre at Carrickmines is located to the west. It contains over thirty retail units and is served by cafes and fast food restaurants.
- 1.3. Golf Lane is a cul de sac which extends for circa 850m. The entrance to Carrickmines Golf Course is located at the end of the lane. It is characterised by a mix of new residential development and low density single housing to the east. The western portion of Golf Lane, part of which is included within the application boundary, is located within the Cherrywood SDZ and is planned to become the Kilternan Link Road under the Planning Scheme for Cherrywood. Lands are reserved along Golf Lane to facilitate a 24m wide corridor to provide for the link road, cycle and pedestrian infrastructure.
- 1.4. The residential scheme Carrickmines Green is situated to the south/southwest of the site. It comprises a mix of apartments and dwellings. The apartment buildings within the scheme are five storeys high. Two apartment buildings within the scheme directly address the roundabout at the Glenamuck Road South, to the west of the application site. The residential scheme Knockree, comprising of 3 storey detached and semi-detached dwellings is located adjacent to the east and northeast. To the north/northwest are two detached dwellings, Waterville and Shanagran. The site of the existing dwelling Waterville has an extant permission for redevelopment to provide a part 6 part 8 storey building of 72no. units. There are no extant permissions relating to Shanagran. A site further to the northeast is the subject of an extant SHD permission for residential development of 482 no. apartments), and

provision of a childcare facility, gym, and local shop on the site of 6no. former dwellings.

- 1.5. It is noted that the applicant is not the owner of the application site. Two letters of consent to make the application have been submitted from the owners: DLR Infrastructure and Climate Change Department and WFW Investment Limited.

2.0 Proposed Development

2.1. Permission is sought for the development consisting of the following;

- Demolition of the existing dwelling (191sq m) and removal of existing trees and hedgerows
- Construction of a part-3 to part-5 storey apartment block (2,372sqm), comprising 26 No. units (13 No. 1 bed, 1no. 2bed 3pers and 12 No. 2 bed 4pers), all with associated balconies/terraces. The facing materials are predominantly buff brick, coloured render and fibre cement cladding. Green living walls are incorporated on 2no. walls to the rear of the block. Timber privacy screens are specified on the podium and balconies. Metal railings enclose the 3rd floor terrace.
- The building would be set back 12m from the existing roadside.
- The development will also include the realignment and modification of the existing vehicular entrance from Golf Lane and provision of a separate pedestrian access, also from Golf Lane. Gates to the vehicular entrance would be set back from Golf Lane.
- 12 No. car parking spaces, including 1no. accessible space, below a single storey podium to the rear.
- 42no. sheltered cycle spaces are provided under the podium and in a separate store to the rear of the site. A further 6no. visitor spaces are provided at the building entrance, covered by a canopy.
- Communal open spaces on the podium (125sqm), a 3rd floor terrace (197sqm) and at ground level comprising a garden area (65sqm) and landscaped embankment (223sqm) to the rear (south) of the site. A 178sqm area of public open space is proposed within the road reservation area.

- 2.2. A new granite stone wall is proposed in front of the apartment building, along the line of the road reservation area. Existing boundary treatments to the south (Carrickmines Green) and northeast (Knockree) are proposed to be retained.
- 2.3. Bin store; boundary treatments; hard and soft landscaping; plant; photovoltaic panels; green living walls; green roofs; gates; lighting; bulk storage areas (24.5sqm) and all other associated site works above and below ground.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority resolved to GRANT permission, subject to twenty nine conditions, by order dated 30th July 2025.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's reports are set out below:

- The site is zoned 'Objective A' – *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*. Residential development is permitted in principle, subject to the development being compatible with the overall policies and objectives for the zone, not having undesirable effects and being consistent with the proper planning and sustainable development of the area.
- Demolition of the existing dwelling was deemed acceptable under the previous application, D24A/0569, therefore the demolition element of the application is accepted in principle. [Note: the Planner's Report for the previous application, D24A/0569/WEB found that demolition of the existing building was acceptable having regard to the building's age, its BER rating of 'F', that it was not a Protected Structure or listed on the NIAH and that it was considered not be of architectural merit].
- The site is to be accessed from Golf Lane, which is to become Kiltiernan Link Road under the Cherrywood SDZ scheme. The red line boundary extends slightly into the road reservation area. Concerns raised by the DAPT and

Transport reports received in relation to potential conflict between the proposed development and the boundary for the Kiltiernan Link Road are proposed to be addressed by condition.

- The development is considered to be infill. The proposed density of c. 117uph is considered acceptable in reference to the Development Plan and Sustainable Residential Development and Compact Settlements Guidelines, noting Objectives PHP18, PHP20, the proximity of the site to public transport including the LUAS (c.1km distance).
- This application falls to be considered under the Apartment Guidelines (July 2023) as the application was submitted before 9th July 2025. The application is acceptable with regard to: unit mix, size, internal storage, external storage, private amenity space, dual aspect, floor-to-ceiling heights, lift and stair cores.
- The 178sqm of public open space proposed would amount to 8% of the site area and would consist of land along the north-western boundary of the site onto Golf Lane. This would fall short of the minimum quantity required and would not be considered to constitute public open space because it would appear to act as a buffer between the front boundary and the road and would be temporary in nature, being set to be impacted by the future road build out. Section 12.8.3.1 recognises that, in certain instances, it may not be possible for all new residential development schemes to contain appropriate provision of public open space within the site. In cases such as the subject application, high-density urban schemes and/or smaller urban infill schemes may provide adequate communal open space but no actual public open space. In these instances, the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000 (as amended) to be paid for any shortfall in provision, which will be used for the provision of improved community and civic infrastructure and/or parks and open spaces in the vicinity of the proposed development for the use of the intended occupiers. The report from Parks Department recommends a financial contribution equivalent to 10% site area. A contribution in lieu of 15% of the site area (0.223ha) is recommended having regard to the limited site size, the future delivery of the KLR and the amount of communal open space proposed.

- Communal open space deemed to be acceptable and has overcome reason 1 of the previous refusal.
- No undue overlooking of neighbouring properties from the proposed podium having regard to the topography, proposed timber screening of 1.8m height, bamboo planting and 1m setback of the bamboo screening & fencing from the podium edge. Given the separation distance and mitigation measures including timber privacy screens and obscure glazing to the 1st and 2nd floor levels, potential overlooking of the rear gardens of Nos. 1-3 Knockree is avoided. The slight shortfall in the separation distance between the proposed development and Beech House as required in the Sustainable Residential Development and Compact Settlements Guidelines 2024 is minor given that windows are not directly opposing and that Beech House has opaque windows on its north-eastern elevation. The design is considered to be generally acceptable in the context of the immediate surrounding environment in terms of visual and residential amenity.
- Notes design changes made to the scheme since the previous application which have addressed the second reason refusal in that case relating to daylight performance for units at the lower levels. Daylight and sunlight impacts for neighbouring properties considered to be acceptable.
- The visual impact of the proposed building deemed acceptable, noting it's stepped height which provides an appropriate transition between the adjoining residential properties and a more distinctive frontage. The setbacks on the north-eastern elevation, northwestern and southeastern elevations reduce the massing and bulk of the building. With regard to building height, the report notes that the height element of the previous application, D24A/0569, was deemed acceptable.
- The majority of trees to be removed would not be considered to be of significant quality and the removal of the trees would be acceptable in this instance.
- Given the nature of the site and the proposed development, the sensitivities of the receiving environment and subject to a condition requiring improvements

in tree retention/replacement, it is not considered necessary to seek further information as recommended by the Biodiversity Officer.

- The site is located within the Zone 2 parking zone. It is considered that a deviation from the CDP parking standards would be acceptable for this scheme as the site and proposal meet a wide range of the criteria set out in Section 12.4.5.2. The provision of a new link between the southeast corner of the site and the existing pathway at Carrickmines Green, as recommended in the Transport Planning report, is not considered to be necessary due to the impractical nature of the steep topography of the southeastern corner of the site.
- It is considered that the issues raised in the Drainage Planning report, relating to maintenance of the green/blue roof, can be dealt with by condition.
- Concurs with the submitted AA Screening Report that the development can be screened out and Stage 2 AA is not required.
- In respect of EIA, considers that there is no real likelihood of significant effects on the environment having regard to the nature and scale of the proposed development.

3.2.2. Other Technical Reports

- Drainage Planning - further information required in respect of: drawings to show how the green roof will be accessed for maintenance; amended calculations in relation to surface water drainage applying; clarification of the extent of the green roof; proposed road construction to be designed to taking-in-charge standards.
- Housing Department – no objection, subject to condition.
- Public Light Section – no objection.
- Building Control: no objection. Notes that details relating to the incorporation of an Owners Management Company will be required in due course.
- Biodiversity Officer – further information required as the application documentation is considered to be inadequate from an ecological perspective.

The Ecological Appraisal submitted is inadequate in terms of scope to support a planning application. The document is identified as being inadequate in terms of surveys undertaken, the description of existing habitats, zone of influence considered, identification of invasive species, potential connectivity to European and Nationally designated sites, lack of impact assessment for construction and operational phases. An Ecological Impact Assessment is required.

- Environmental Enforcement - no objection, subject to conditions.
- Transportation Planning - further information requested in respect of the feasibility of delivering a link through the site between the Kiltiernan Link Road and The Avenue, Carrickmines Green. The application is considered acceptable with regard to the KLR, car parking, cycle parking and traffic impact, subject to conditions.
- Cherrywood Development Agency Project Team – no objection, subject to a condition to ensure that the Local Authority/KLR developer is not responsible for the re-provision of the proposed boundary wall in the event that it must be removed to facilitate the KLR and that no services (other than the connection pipework to the public foul sewer/watermain) or new tree planting are located within the KLR area.
- Parks and Landscape Services: recommends further information is requested, to remove the main public open space area from the KLR area and comments that a financial contribution in lieu of the provision of open space should be sought.

3.2.3. Conditions

- Condition 3 requires that a 1.8m opaque balustrade boundary feature be provided at the communal roof terrace at third floor level.
- Condition 5 required details of proposed external finishes and boundary treatments.
- Conditions 8&9 relates to the interface of the proposed development and the Future Kiltiernan Link Road: requiring that the proposed development does not infringe on the KLR: restricting services within the KLR reservation area;

requiring the final CMP to take account of the road; specifying the nature of landscaping within the reservation area; and requiring details of the front boundary works to be agreed.

- Condition 11 requires a comprehensive Construction Management Plan.
- Condition 17 requires the submission of a detailed CEMP.
- Condition 19 requires the submission of a Public Liaison Plan.
- Condition 21 requires the submission of a Pest Control Plan.
- Condition 29 requires a contribution in lieu of public open space provision.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: no observations, though note that the site is within the Section 49 Contribution Levy scheme for Light Rail.

3.4. Third Party Observations

The Planning Authority received four submissions from neighbouring occupiers in relation to the application. In addition to the points raised in the grounds of appeal (set out in Section 7 below), the following points raised in submissions may be summarised as follows:

- Unacceptable construction impacts, in relation to noise, structural impact, excavation.
- Ownership: the applicant does not appear to have any present or future interest in the lands.
- Parking: lack of parking on site will cause parking spillover locally.
- Daylight and Sunlight assessment: the position of buildings relative to the architect's plans do not seem correctly positioned and to correct scale. Request confirmation if EN17037 has been fully incorporated into the assessment.
- Question the quality of communal open space proposed. Estimate only 59sqm useable space generated on the podium. Likely to be used as a walkway for residents accessing their cars. The communal garden area will not be

accessible to wheelchair users. The Microclimate report relating to the 3rd floor rooftop terrace uses the flat land at Dublin Airport as a guide.

- The railings to the 3rd floor terrace will permit overlooking of neighbouring properties.
- Raise concern over the removal of a large Monterey Cypress tree along Golf lane in advance of the planning submission, which may have been suitable for bats. Note reduction in bat activity since. States that several species of bats were visible over Greenan House in early July. Request further bat surveys be undertaken.
- All trees on the southern boundary proposed for removal, delay in replacement planting providing commensurate screening. Replacement tree species of limited screening value, inadequate in number to compensate for those lost. Proposed Korean privet hedging is non-native. Concern at impact on trees in the Knockree development.
- Access: a maintenance/refuse truck would need to reverse in or reverse out of the site, affecting movements/pedestrians on the proposed Kilternan Link Road.
- Bicycle stand located at front entrance not well located in terms of aesthetics and as a potential security risk.
- Letter of consent to applicant to submit the application is not on official company headed paper and is dated 4th June 2026.

4.0 Planning History

Application site:

D24A/0569/WEB: permission refused for the demolition of the existing part 1 no. to part 2 no. storey dwelling (c. 191 sqm) and the construction of 26 No. apartment units in 1 no. block, 3 - 5 no. storey in height fronting Golf Lane. The realignment and modification of the existing site entrance; a new pedestrian / cyclist entrance; a setback gated entrance; boundary treatment; hard and soft landscaping; and associated site works.

Reasons for refusal:

1. The proposed development would deliver an inadequate provision of communal and public open space by reason of its layout, footprint and design, which would represent overdevelopment of the site. The proposed development would therefore be contrary to Section 12.3.1 Quality Design; Section, 12.8.3.1 Public Open Space; Section 12.8.3.2: Communal Open Space and Section 12.8.5.4 : Roof Gardens and contrary to Policy Objective PHP35: Healthy Placemaking of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

2. A number of living areas in the apartments at the lower levels fail to meet adequate levels of daylight / sunlight, in the absence of satisfactory compensation, and therefore would adversely impact on the residential amenity of future residents by reason of unsatisfactory design, layout and orientation and would fail to meet the criteria of Section 12.3.4.2 Habitable Rooms of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would therefore deliver unsatisfactory levels of amenity and would be contrary to the proper planning and sustainable development of the area.

Nearby sites:

ABP-304641-19 (D18A/1175): Permission granted for the construction of 1 no. apartment block 4-5 storeys above basement with a total of 48 no. dwelling units with vehicular access through Blackberry Hill off Golf Lane and temporary green space alongside Golf Lane.

ABP 310625-21 (D21A/0269): Permission granted (on a site opposite the current application site) for the demolition of approx. 100sqm house and construction of 72 apartment units in 1 no. block of part 8 and part 6 no. storeys over basement to include the upgrading of the site entrance from Golf Lane to the south east of the site, a pedestrian access from Glenamuck Road.

ABP-309026-20: Permission granted for Strategic Housing Development comprising the construction of 482 no. units (all apartments) off golf lane along with ancillary

residential amenities, and provision of a childcare facility, gym, and local shop in 7 no. blocks. The permitted development includes for vehicular, pedestrian, and cycle accesses, together with landscaping along Golf Lane.

5.0 Policy Context

5.1. National Planning Framework

5.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Urban Development and Building Heights' Guidelines for Planning Authorities, 2018
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, 2024
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'), 2009
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023

5.3. Development Plan

Dun Laoghaire Rathdown County Development Plan 2022-2028

Site is subject to Zoning Objective 'A' – To provide residential development and improve residential amenity while protecting the existing residential amenities.

Objective CA6 - to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009).

Objective PHP18 - increase housing supply and promote compact urban growth, including through infill; encourage higher densities, ensuring a balance with protection of existing amenities and established character.

Objective PHP19 – objective to conserve and improve existing housing stock and densify existing built-up areas through small scale infill development having due regard to amenities of existing established residential neighbourhoods.

Objective PHP20 - ensure the residential amenity of existing homes in the Built Up Area is protected where adjacent to higher density or height infill development

Objective PHP27 – ensure a wide variety of housing and apartment types is provided throughout the County

Objective T19 - manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5

Objective OSR4 - to promote public open space standards generally in accordance with overarching Government guidance documents

Policy Objective OSR7: Trees, Woodland and Forestry. It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.

Objective EI6 - to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS)

Objective GIB22: Non-Designated Areas of Biodiversity Importance. It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare

and protected species and appropriate mitigation/ avoidance measures will be implemented.

Objective GIB25: Hedgerows

Objective GIB28: Invasive Species

12.1.2.3 Ecological Impact Assessment. An Ecological Impact Assessment may be required to be submitted with any proposed development should the Planning Authority consider that there is potential to impact upon an environmentally sensitive area such as a wildlife corridor, a site adjoining or adjacent to a proposed National Heritage Area, along the coastline or a river.

Section 12.7.2 A precautionary approach should be taken to all proposals in environmentally sensitive areas and/or to sites that may be in use by, or contain, protected species. An Ecological Risk Assessment may be required in relevant planning applications for both designated and/or non-designated sites (as appropriate) to ensure that the proposed development does not undermine or impact on the conservation objectives of these sites.

Section 12.3.7.7 Infill - In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

Section 12.3.9 Demolition and Replacement Dwellings - The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation). Demolition of an existing house in single

occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Section 12.4.5 Car Parking Standards

Section 12.8.5 Public Open Space - Quality

Section 12.8.5.3 Communal Open Space - Quality

Section 12.8.5.4 Roof Gardens

Section 12.8.7 Private Amenity Space - Quality Standards

Section 12.8.7.1 Separation Distances

Section 12.8.7.2 Boundaries

Section 12.8.8 Financial Contributions in Lieu of Open Space

Section 12.8.11 Existing Trees and Hedgerows

Appendix 5 – Building Height Strategy

Ballyogan and Environs LAP 2019-2025

(extended for a period of 3 years from 13th May 2024)

The site is located in the Carrickmines Quarter (Neighbourhood 16-Old Glenamuck Road) as defined in Figure 1.5 – Quarters and Neighbourhoods.

Proposed linkages identified in Policy BELAP MOV12 – New Linkages, include links from Glenamuck Link Distributor, The Park Carrickmines and Golf Lane (no.s 17-20 & 27 in Table 4.6)

Table 5.4 – Target Residential Densities identifies a target density of 55 uph for the subject site area.

Table 5.5 – Building Heights states in relation to neighbourhood 16 that ‘The M50 corridor gives capacity for higher buildings in this Neighbourhood

Policies BELAP RES3 – Building Height by Neighbourhood, BELAP RES4 – Locations for Higher Buildings and BELAP – Building Height by Scheme, describe the considerations relevant to proposals for taller buildings. The subject site is identified as a suitable location for a “higher building”.

Section 5.3.5 describes policies in relation to housing.

5.4. **Natural Heritage Designations**

The nearest Natura 2000 sites are:

- Knocksink Wood SAC is c.4.6km to the south of the appeal site.
- Ballyman Glen SAC is c.4.8km to the south of the appeal site.
- Wicklow Mountains SAC and Wicklow Mountains SPA are c.6.2km to the south-west of the appeal site.
- South Dublin Bay SAC is c.5.3km to the north-east of the site.
- South Dublin Bay and River Tolka Estuary SPA is 5.16km to the north-east of the site.
- Dalkey Island SPA is c.6.3km to the east of the site.
- Rockabill to Dalkey Island SAC is c.5.8km to the east of the site.
- Bray Head SAC is c. 8.5km to the southeast of the site.

The nearest Natural Heritage and proposed Natural Areas are:

- Dingle Glen pNHA is c. 09km to the south of the site.
- Loughlinstown Wood pNHA is c. 2.8km to the east of the site.
- Fitzsimon's Wood is c. 3.9km to the northwest of the site.

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

Grounds of Appeal

- 7.1. Two third party appeals were submitted. The first appeal was submitted by The Residents of 1-4 The Avenue, Carrickmines Green. These properties directly abound the application site to the south and southeast. The second appeal was submitted by Carrickmines Green Owners Management CLG. Carrickmines Green is the existing estate located to the south of the application site, including Beech House and properties in The Avenue, Carrickmines Green.
- 7.2. The appellant's grounds of appeal are summarised as follows:
- Overdevelopment: the true density is 141 units per hectare on 0.184ha, exceeding the Local Area Plan target of 55 units per hectare and conflicting with zoning objectives. The Development Plan and Ballyogan & Environs LAP 2019-2025 emphasize protecting the character of low-rise, low-density family housing precincts, requiring adequate separation distances, open space, and landscaping. The development conflicts with these policies. The site is generally located within a city urban neighbourhood, for the purposes of the Compact Settlement Guidelines, where residential densities of 50-250 could apply, however the Guidelines provide an exception for very small infill sites and require that the quantum and scale of development can integrate successfully into the receiving environment and considers the impact on the amenities of residential properties in close proximity. The Grounds of Appeal give the view that the site is suburban in character and that the 'suburban extension' category under the Guidelines would be appropriate, giving a density range of 50-60 units per hectare. The site is not located within the Cherrywood SDZ.
 - Destruction of green area: near total removal of vegetation within the site boundary proposed. Removal of trees between the building and front boundary (to address daylight concerns in the previous application) results in a harsh concrete interface with the roadway.

- Ecological impact: the DLR Biodiversity Officer's report identified many and significant failings of the application.
- Visual impact: the proposed structure will be overlooking, overbearing and detract from the enjoyment of residential amenities. It will be a visually discordant, dominant, monolith out of harmony with the existing low rise, low density, precinct of family houses. The reasons for refusal of the previous application, relating to overdevelopment and inadequate daylight for lower-level apartments has not been addressed. See Section 2.3.3 of Appendix 5 of the CDP. The proposed development fails to reflect, and where possible reinforce, the distinctiveness and sense of place of the area and not impinge in any significant way on the character, integrity and scenic value of the area.
- Poor design: maintenance of the green roof and green walls are not possible due to the lack of perimeter or stairwell access. The added podium introduces significant visual and noise impacts, while also eliminating wheelchair/buggy access to the site's only ground-level communal space. It has not been demonstrated how refuse trucks will enter and leave the development in forward gear.
- Construction impact: potential impact of the construction of the proposed development on Carrickmines Green estate, particularly given the proximity of the proposed retaining wall to the existing basement of Beech House apartment building.
- Boundary position and impact: an unexplained 1.1-1.2m gap is shown between the development and neighbouring boundaries. This calls into question the accuracy of distances to opposing buildings indicated in the site plans, landownership and maintenance.
- Parking issues: likely overflow of construction activity and resident parking into adjacent roads and estates. No designated construction set-down area has been identified, likely due to the limited space available on Golf Lane.
- Building height v road width. To align with DMURS guidelines, the building should be between 9 and 13m, instead of the proposed 16.2m. The block is too high for its environment.
- Mix: no 3bed units are proposed, See Policy BELAP RES6 – Housing Mix.

- Intensification of traffic at the access of the site may result in increased traffic hazard and an obstruction to other road users.
- The demolition of the existing dwelling has not been justified, in material contravention of the Development Plan.
- The proposed development would set an undesirable precedent for other similar developments, contributing to the erosion of the distinctive and attractive character of the area and being harmful to the visual and residential amenities of the area.

7.3. Applicant Response

The Applicant's response to the grounds of appeal may be summarised as follows:

Density

- Using the net density calculation provided in Appendix B of the Compact Settlement Guidelines, the proposed 26no. units on a site of 0.197ha net site area results in a net density of 132uph. 0.197ha site area is based on exclusion of the Golf Lane lands (0.026ha) in the ownership of DLR County Council. However, if the Kilternan Link Road is delivered along Golf Lane, a further 0.012ha will be removed from the gross site area. This would reduce the net site area to 0.185ha, potentially increasing the net density to 140uph.
- The subject site is considered to fall within the category of 'City-Urban Neighbourhood' as it is located within a 'High Capacity Public Transport Node or Interchange' area given that it is located within 800m (11 minute walk) of Ballyogan Luas stop and there are 2no. bus stops serving the L27 bus route. The Compact Settlement Guidelines state that densities in the range of 50-250uph shall generally be applied. The net density is within the applicable density range.
- Note the following developments permitted in the immediate environs, which are all high-density:
 - Density of 102uph permitted at the site to the north-east, beyond Blackberry Hill (ABP-304641-19/D18A/1175)
 - Density of 268uph permitted at Golf Lane SHD site (ABP-309026-20)

- Density of 178uph permitted at the site across the road from the subject site (ABP-310625-21/D21A/0269)
- The character of the area is not defined by low-density housing, rather the area has undergone, and continues to experience, urban transition by providing more medium-to-high density developments in response to National, Regional and Local Planning Policy to delivery compact housing in accessible locations. The subject site and its immediate environs are particularly suitable for such scaled developments having regard to their proximity to the nearby employment opportunities, services and facilities, within Carkickmines Park and the high quality and frequent Luas service at the Ballyogan Wood stop.

Daylight and Sunlight

- The Commission is referred to the submitted Daylight Performance Assessment and Daylight Impact Assessment, prepared by GV8 as part of the application. The proposed development will not have a direct negative impact on the level of daylight and sunlight received by surrounding properties.

Height, bulk and visual impact

- Policy BELAP RES4 of the Ballyogan and Environs LAP 2019 (as extended) states that Old Glenamuck Road is considered a suitable location for higher buildings within the BELAP area. The site is located in RES4 and is thus suitable for higher buildings.
- Policy BELAP RES4 requires any application for a scheme that proposes a building in excess of 4no. storeys to be accompanied by an analysis of building height and positioning of buildings, which the applicant has provided as part of their response to the appeal addressing impacts in terms of; the streetscape; adjoining structures and residential amenity; relationship to open spaces and public realm; views and vistas; daylight and sunlight; wind and microclimate; noise; and placemaking and legibility.
- The applicant concludes that, based on their analysis, the development can be easily assimilated into the receiving context without causing any negative visual impacts to the surrounding area or neighbouring properties.

Privacy concerns

- Note that SPPR1 requires a 16 metre separation distance between opposing windows of habitable rooms at the rear and side of dwellings.
- With regard to Nos. 1-3 Knockree, separation distances are 18.2 to 2nd floor level, and 28m at 3rd & 4th floor level and timber privacy screens and opaque glazing are provided at 1st and 2nd floor levels to prevent overlooking of neighbouring gardens. The building is also stepped from 3 to 5 storeys on this side, to reduce potential for overshadowing and reduce the bulk of the building.
- A separation distance of 20.8m is proposed between the southeastern elevation of the proposed apartment building and No. 1 The Avenue. The separation distances to neighbouring dwellings in The Avenue, Carrickmines Green are in accordance with SPPR1 of the Guidelines.
- The separation distance to Beech House would be marginally below the 16m at 15.4m. The Guidelines allows a lesser distance where the opposing windows do not serve habitable rooms or where there are privacy measures in place – there are only opaque windows on the northeastern elevation of Beech House.
- The separation distance between the landscaped podium and the rear gardens of Nos. 1-3 The Avenue is c. 5.8m. The design includes measures to prevent overlooking and overbearance, including: screening on the podium; keeping a similar level between the podium (+87.360) and the rear gardens (+86.500 of No. 3); and proposed boundary planting in the southern extent of the site. It is considered that with these measures in place, that the separation distance is acceptable. The proposed measures will ensure that there will be no adverse impacts in terms of overlooking or overbearance.

7.4. Planning Authority Response

The Planning Authority response refers the Board (Commission) to the previous Planner's Report, noting that the grounds of appeal do not raise any new matter

which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.5. **Observations**

None.

7.6. **Further Responses**

None.

8.0 **Assessment**

Having examined the 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 are as follows:

- Principle of development
- Demolition of existing building
- Density
- Impact on adjoining residential amenity
- Removal of trees and vegetation
- Ecological impact
- Transport, access and parking
- Open space provision
- Other issues

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including residential standards, private amenity space, public lighting and drainage. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan with regard to these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The development of additional housing units is permissible in principle under this zoning, subject to accordance with other objectives of the Development Plan.

8.2. Demolition of existing dwelling

- 8.2.1. The third-party Appellants have raised, within their grounds of appeal, the lack of justification for demolition of the existing dwelling, which they identify as a material contravention of the planning policy for the area.
- 8.2.2. Objective CA6 of the Development Plan 2022-2028 requires the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible, recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction. The supporting text to Objective CA6 provides that, where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority. Reference is made to Section 12.3.9 of the Development Plan, which relates to dwellings specifically, and states that the Planning Authority has a preference for, and will promote, the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. I note that the text does not specify the type of information to be submitted as justification. In the case of proposed replacement with multiple new build units, Section 12.3.9 states that such proposals will not be considered on the grounds of replacement numbers only but will be weighed against other factors. The text does not set out the type of other factors to be taken into account, though it does suggest that a better alternative could include the provision of new structures around the retained dwelling and the retention of characteristic site elements.

- 8.2.3. The applicant has not commented on this matter in their response to the grounds of appeal. The Planning Statement submitted with the application notes that demolition was deemed acceptable by the Planning under the previous application and notes that, due to the dwelling's age and low BER rating of 'F', that significant intervention would be required to bring it up to a modern living standard.
- 8.2.4. The Planner's Report for this application notes that demolition was deemed acceptable under the previous application, D24A/0569, and that the principle of demolition is therefore established.
- 8.2.5. The dwelling was inhabited on the date of my site visit and there is no suggestion in the documentation on file of any structural issues.
- 8.2.6. I note that Objective CA6 seeks the retrofitting and reuse of existing buildings, where possible and that the supporting text identifies that, where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, that demolition may be considered acceptable to the Planning Authority. Having regard to the position of the existing dwelling setback within the site, the extent of windows on the rear and side elevations, the proximity of neighbouring dwellings to the site boundaries, the topography and existing trees on site, I consider that the scope for infill structures around the existing dwelling is limited. I also consider that the density of development proposed is significant. Therefore, I consider that the demolition of the dwelling would be in accordance with Objective CA6.
- 8.2.7. Section 12.3.9 states that the replacement of an existing dwelling with multiple new build units will not be considered on the grounds of replacement numbers only, but will be weighed against other factors. The example of adding infill development around the existing building is mentioned as an alternative but, as I have noted above, I consider that the scope for same is limited. In terms of other relevant factors, the site is identified under Policy BELAP RES4 of the Ballyogan and Environs LAP 2019 (as extended) as being a suitable location for higher buildings within the BELAP area. I also note that the site is located within 950km of high capacity public transport and services and is therefore an accessible location. I also note that the site is located within an area, the character of which is undergoing a shift from generally low-density housing to medium to high density residential

development. I further note that the subject site fronts Golf Lane (planned to be upgraded to form part of the Kiltiernan Link Road) and is situated between existing developments of 3-5 storey buildings, therefore I consider that there is scope for taller/denser development on the site. The proposed development would help to realise other relevant objectives of the Development Plan, particularly PHP 18, PHP19 and PHP27, which seek to increase housing supply, including through infill, encourage higher densities and ensure a wide variety of housing and apartment types is provided throughout the County. I therefore consider that the proposed development would be in accordance with Section 12.3.9 of the Development Plan.

8.2.8. Consequently, I do not consider that the demolition of the existing dwelling as part of the proposed development would constitute a material contravention of Objective CA6 or Section 12.3.9 of the Development Plan.

8.2.9. Overall therefore, I consider that the demolition of the existing dwelling on site is acceptable having regard to the objectives and policies of the Development Plan, having regard to the constraints of the site, to the significant increase in residential density proposed and to the existing and emerging character of the site and surrounding area.

8.3. **Density**

8.3.1. The 3rd parties, in their grounds of appeal, question the accuracy of the density calculations for the proposed development in the application documents and Planner's Report and consider that the density is excessive and an overdevelopment of the site, having regard to the character of the area.

8.3.2. Taking the density calculation first, they state that the lands for the Kiltiernan Link Road should be excluded from the calculation, resulting in a site area of 0.184ha (estimated by the Appellants), rather than the application site area of 0.223ha. This would give a density of 141uph rather than 117uph.

8.3.3. The applicant, in their response to the grounds of appeal, states that the Golf Lane lands in the ownership of DLR amount to 0.026ha, while a further 0.012ha would be removed from the gross site area if the KLR goes ahead as planned. Removing these land parcels from the gross application site area would give densities of

132uph and 140uph, respectively. The applicant maintains that the site falls within the category of 'City-Urban Neighbourhood' in reference to the Compact Settlement Guidelines and, given its proximity to the public transport interchange (Luas + bus) at Ballyogan Wood, the proposed density would fall within the applicable range of 50-250uph set out in the Compact Settlement Guidelines. They note permitted schemes in the vicinity with densities of 102-268uph.

8.3.4. Appendix B of the Guidelines sets out how density should be measured. Table 1 indicates that local streets, as defined by Section 3.2.1 of DMURS, should be included in net site area, while major roads/streets such as arterial streets and link streets should be excluded. In my view, Golf Lane would fall into the category of a local street (providing access within communities) while the proposed Kilternan Link Road would constitute a 'Link street' (providing the links to Arterial streets or between Centres, Neighbourhoods and/or Suburbs), according to the descriptions in DMURS Section 3.2.1. Having regard to the planning history for the area, I note that the extant permissions ABP310625-21 and ABP-309026-20 for multi-unit development on this section of Golf Lane are subject to conditions ensuring that land for the future Kilternan Link Road is reserved for implementation of the road. In addition, the extant permission ABP-304641-19 (as amended) showed lands reserved for the link road within the approved drawings. I therefore consider that the principle of reserving lands for the future link road is established. I also note that the provision of the KLR is identified as a '6 year' proposal (for implementation within the lifetime of the plan) at section 4.2.2 of the BELAP 2019. Having regard to these factors, I consider that it is reasonable to exclude the reserved lands from the net site area for density purposes. Therefore, I consider that density of the proposed development is 140uph.

8.3.5. Turning to the acceptability of the proposed density, the starting point is the Development Plan. Objective PHP18 seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites, having regard to accessibility. The supporting text to this objective, based on the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 (since replaced by the Sustainable Residential Development and Compact Settlements Guidelines 2024) sets a general minimum default density for new residential developments of 35 units per hectare, though this rises to 50uph for

sites within 1km/10minute walking distance of e.g. a Luas line or Core/Quality Bus Corridor. Policy BELAP RES2 of the Local Area Plan sets a target net density for Neighbourhood 16, within which the site is located, of 55 units per hectare.

- 8.3.6. The proposed density of 140uph would be significantly higher than the minimum density set by the Development Plan of 50uph for the site and the target net density of 55uph set by the LAP. I therefore consider that the proposed density, if approved, would be a material contravention of the Development Plan.
- 8.3.7. The Commission is required to have regard also to the residential density ranges set out in the Compact Settlement Guidelines. I note that both the Planner's Report and applicant's submissions place the site within the 'City-Urban Neighbourhood' category, with a consequent density range of 50-250dph applicable. The appellants argue that the site falls within the 'City-Suburban/Urban Extension' category, where a density of 40-80dph generally applies, increased to 150dph in accessible locations.
- 8.3.8. The site is c. 950m (11 min walk) from Ballyogan Wood Luas stop and 2no. bus stops adjacent (via Glenamuck Link Road and Ballyogan Road using existing crossings). Based on the definition set out in Table 3.8 of the Guidelines, the site therefore comes under category (iv) of the City Urban Neighbourhoods category - 'lands around existing or planned high-capacity public transport nodes or interchanges'. I therefore consider that the site falls within the 'City-Urban Neighbourhood' category and a density range of 50-250dph applies, having regard to the Compact Settlement Guidelines.
- 8.3.9. I consider that it is appropriate to apply the Compact Settlement Guidelines given that they have replaced the 'Sustainable Residential Development in Urban Areas' Guidelines 2009 and constitute the latest Ministerial Guidance on density, being more up-to-date than the Development Plan and LAP. The appellant argues that the exception at Section 3.3.6 (c) of the Guidelines should apply, however in my view, given the scale and form of immediately surrounding development, consisting of houses and apartment blocks of 3-5 storeys in height, the proposed development would respond to the scale and form of surrounding development. Consequently, I consider that the proposed density is acceptable, having regard to the Compact Settlement Guidelines.

8.3.10. However, as noted above, I consider that the proposed density, if approved, would constitute a material contravention of the Development Plan. Sections 37(2)(a) and (b) of the Planning and Development Act 2000 are the relevant provisions for the consideration of a material contravention for normal planning appeals.

8.3.11. Section 37 2 (a) of the Act states that:

Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

8.3.12. Section 37 2 (b) applies in cases where the Planning Authority has refused an application on the grounds of material contravention, but the Commission is minded to grant permission. The criteria set out under Section 37 2 (b) are not therefore applicable in this case.

8.3.13. As stated above, the grounds of appeal consider that the proposed density is excessive and an overdevelopment of the site and consequently contrary to the Development Plan.

8.3.14. I have provided an assessment of the density of the proposed scheme above, which I consider is appropriate for the site, having regard to its proximity to an existing high capacity public transport node, and to the scale, form and massing of the proposed development, which I consider relates appropriately to the character of the area and, subject to mitigation described elsewhere in this report, would be acceptable with regard to the amenity of surrounding residential occupiers and the natural environment. Should the Commission agree that the proposal is a material contravention of the Dun Laoghaire Rathdown Development Plan 2022-2028, then I consider a material contravention is justified having regard to The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024, which are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended) to which the Commission must have regard, and which state under Policy and Objective 3.1 that the recommended residential density ranges set out in Section 3.3 of the Guidelines are applied in the consideration of individual planning applications.

8.4. Impact on adjoining residential amenity

- 8.4.1. The third parties identify as a key element of their grounds of appeal, concerns relating to overlooking, overbearance, overshadowing and visual impact. They consider that, due to these issues, the proposed development is contrary to the zoning objective for the lands '*to provide residential development and improve residential amenity while protecting the existing residential amenities*'.
- 8.4.2. The Planner's Report includes consideration of potential impacts on all surrounding residential occupiers arising from the proposed development and concludes that the design is generally acceptable in the context of the immediate surrounding environment in terms of visual and residential amenity.
- 8.4.3. The Applicant, in their response to the grounds of appeal, highlight that the building height and massing is stepped in order to reduce the potential for overshadowing and that separation distances are generally in accordance with SPPR1 of the Compact Settlement Guidelines.
- 8.4.4. The provisions of the 'Urban Development and Building Heights' Guidelines for Planning Authorities, are of relevance in assessing the proposed development. Specific Planning Policy Requirement (SPPR) 1 of the Building Height Guidelines is noted, which state that it is Government policy to support increased building height and density in locations with good public transport accessibility, where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the NPF, RSES and shall not provide for blanket numerical limitations on building heights.
- 8.4.5. Development Plan Objectives PHP18 and PHP19 promote compact growth and higher densities of development, including through infill, whilst seeking to protect existing amenities and established character. Objective PHP20 seeks to protect the residential amenity of existing homes in the Built Up Area where adjacent to higher density or height infill development. Section 12.3.7.7 states that infill development shall respect the height and massing of existing residential units and retain the physical character of the area.
- 8.4.6. Section 5.3.4 of the Ballyogan Environs Local Area Plan (BELAP) refers to building height. Policy BELAP RES4 – Locations for Higher Buildings and BELAP RES5–

Building Height by Scheme, describe the considerations relevant to proposals for taller buildings. The subject site is identified as a suitable location for a “higher building”. In line with the requirements of Policy BELAP RES5, an analysis of building height was included in the Planning Report submitted with the application. Appendix 5: Building Height Strategy of the Development Plan 2022-2028 includes a review of building height policies in Local Area Plans, having regard to the Section 28 “Urban Development and Building Heights, Guidelines for Planning Authorities” 2018. Policy Objective BHS2 of Appendix 5 seeks to promote and support proposed heights as set out in any approved statutory Local Area Plans and notes that, within the built-up area of the County, increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

- 8.4.7. In terms of the established character of the area, I note that the site is bounded to the north, east and south by residential development ranging from 3 storey houses to 5 storey apartment buildings. The site itself, with road frontage to Golf Lane and directly adjacent to the 5 storey Beech House is, in my opinion, suitable for a building of the scale proposed, noting that the proposed design 'steps down' to 3 storeys to relate to the dwellings in Knockree. The proposed block follows a similar building line to the Knockree houses to the north and Beech House to the southwest and the proposed stone front boundary wall will complement those of the adjacent Knockree and Carrickmines Green estates.
- 8.4.8. The articulation of the front facade, including the projected element and setback 5th storey, together with the proposed materials of buff brick, coloured render and fibre cement cladding would relate well to the adjoining buildings and would sit comfortably within the streetscape. To the rear, the building line is stepped and sections of green living wall and timber fins (for privacy) serve to break up the parts of the rear elevation which do not have any windows (to prevent overlooking). Photomontage Sheet 5, submitted with the application, shows the existing and proposed scenario from Carrickmines Green. In this view, the existing Monterey Cypress trees, ranging in height from 24-27m, provide a substantial green backdrop or 'break' between Carrickmines Green and the application site/Knockree. The removal of the trees and their replacement by the proposed apartment block will be a

significant change to this view. However, I note that this view is limited in scope and that the proposed design has sought to mitigate the loss of the trees through new tree planting and the provision of two large sections of green living walls on this side of the building. Having regard to these factors, overall, I do not consider that the proposed development would appear out of character with the surrounding development. As such, in my view, the proposed development is in accordance with Objectives PHP18, PHP 19 and Section 12.3.7.7 of the Development Plan and with Policy BELAP RES4 of the Ballyogan Environs LAP 2019-2025.

- 8.4.9. Section 12.3.5.2 of the Development Plan sets a minimum separation distance of c. 22metres, in general, between opposing windows for apartments up to 3 storeys in height, with a greater distance (unspecified) for taller blocks. Reduced distances may be acceptable having regard to orientation and location in built-up areas. SPPR1 of the Compact Settlement Guidelines 2024 sets a minimum separation distance of 16metres between opposing windows serving habitable rooms at the rear or side of houses/apartments, though lower separation distances may be considered where there are no opposing windows serving habitable rooms.
- 8.4.10. The separation distance between the proposed block and the Beech House apartment building to the southwest is 15.4m. Windows serving habitable rooms in the proposed block would face Beech House, however the windows on the northeast elevation of Beech House, facing the proposed development, are obscure glazed, therefore no issue arises in terms of overlooking. Openings to enclosed balconies on the side elevation of Beech House would face bedroom windows in the proposed scheme, however the separation distance would be c. 17m at that point and at a slight angle. Balconies at the front of Beech House would be c. 16.4m from habitable windows in the side of the proposed block. Having regard to the Compact Settlement Guidelines, I consider that separation distances relative to Beech House are in accordance with SPPR 1 and would not result in a material impact on occupiers of Beech House or of the proposed units. With regard to Section 12.3.5.2, although the balconies are not windows, they would be less than 22m of bedroom windows of the proposed apartments and would therefore be contrary to Section 12.3.5.2 of the Development Plan. If the proposed development were approved, this would constitute a material contravention of the Development Plan.

- 8.4.11. Section 37(2)(a) of the Planning and Development Act 2000 (as amended) is the relevant provision for consideration of a material contravention in this case.
- 8.4.12. As stated above, the third party grounds of appeal consider that the proposed development would result in significant impacts on adjoining residential amenity due to, inter alia, overlooking and consequently, the proposed development is contrary to the zoning objective for the lands *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*.
- 8.4.13. I have provided an assessment of the potential for overlooking resulting in a material negative impact on residential amenity above. I have identified that the minimum separation distance of 22m required by Section 12.3.5.2 of the Development Plan would not be achieved between the proposed block and Beech House, but that separation distances relative to Beech House are in accordance with SPPR 1 of the Compact Settlement Guidelines and would not result in a material impact on occupiers of Beech House. Should the Commission agree that the proposal is a material contravention of the Dun Laoghaire Rathdown Development Plan 2022-2028, then I consider a material contravention is justified having regard to The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024, which are Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended) to which the Commission must have regard, and under which it is a Specific Planning Policy Requirement that separation distances of at least 16 metres shall be maintained between opposing windows serving habitable rooms at the side or rear of apartment units.
- 8.4.14. At its closest, the proposed building would be 20.8m from the rear elevations of the 3 storey houses Nos. 1-3 The Avenue. The rear building line of the proposed building is stepped and does not feature any windows serving habitable rooms which would be directly opposing windows in the dwellings at Nos. 1-3 The Avenue. There would be window openings serving a stair core, private terraces, a walkway and landscaped podium at the rear of the building, affording potential views towards the dwellings and rear gardens of Nos.1-3 The Avenue. Given the separation distances and non-habitable nature of the stair core and external walkway, I do not consider that these would give rise to material impacts in terms of overlooking. Terraces/balconies of units at 2nd, 3rd and 4th floor levels, would have a southwest facing opening which is proposed to be fitted with timber privacy fins to limit

overlooking. In principle, I consider that this would be adequate to prevent significant overlooking of neighbouring residential properties, but would recommend that a more durable and effective screening material, such as opaque glass, is specified.

8.4.15. A roof terrace serving Unit 4.01 at fourth floor level would be c. 10.4m from the rear boundary of No.1 The Avenue. Notwithstanding the depth of planting shown on the terrace, given its elevated position relative to the gardens of Nos 1-3 The Avenue, I consider that a solid balustrade, such as opaque glass, should be specified on the terrace, to prevent overlooking of the rear gardens of these properties. In respect of the 1st floor podium, which includes an area of communal open space, this would be located between c. 4.4-4.6m from the rear garden boundaries and c. 17m from the rear elevations of Nos.1-3 The Avenue. I note that the existing boundary treatment consisting of concrete boards of c. 2.4m height are to be retained. Also, from my site visit, I observed existing trees in the rear gardens of those dwellings providing screening. The design of the podium includes a planted edge nearest Nos. 1-3 of 1.m in depth together with a 1.8m boundary treatment comprised of 1.1m concrete wall and 0.7m height timber fins. I consider that these measures would be sufficient to prevent significant overlooking from the podium towards the rear gardens of Nos. 1-3 The Avenue. The podium garden would be almost 15m from the rear garden boundary of No. 4 The Avenue and over 20m from the side elevation of that dwelling. At these distances, I do not consider that a material impact on amenity due to overlooking arises.

8.4.16. The proposed building would be set c. 8m off the boundary and c. 21m from the rear elevations at 1st floor level of the dwellings at Nos. 1-3 Knockree, and would be three storeys tall on this side. The existing timber fencing and existing trees in the rear gardens of No.s 1 & 2 would be retained. Windows serving bedrooms and a communal walkway, together with a 3rd floor roof terrace, would potentially allow views towards Nos. 1-3 Knockree. Given the separation distance between opposing windows of c. 21metres, the proposed obscure glazed treatment of the circulation space windows, and the inclusion of privacy screens to the terraces, I consider that the proposed development would be in accordance with SPPR1 of the Compact Settlement Guidelines in this regard. As above, I would recommend that a more durable and effective material, such as obscure glazing, is required for the terraces, in the event of a grant of permission.

- 8.4.17. Turning to the 3rd floor roof terrace, this is proposed to be enclosed by a 1.6m height metal railing, with planting providing a buffer on the eastern side to limit the potential for overlooking. I note that the Planning Authority considered that a 1.8m height obscure glazed balustrade would be required in order to prevent overlooking. Noting the proximity to the rear gardens and rear elevations of Nos. 1-3 Knockree and the elevated position of the roof terrace to these dwellings, I would agree with this evaluation and, if the application were granted, would recommend that an opaque balustrade on the northeast side of the roof terrace is secured by condition. Subject to this measure, I consider that the roof terrace would not give rise to a significant level of overlooking.
- 8.4.18. The application documents include a Daylight Impact Assessment in relation to impacts on neighbouring dwellings, undertaken in accordance with reference to the methods outlined in the BRE guide 'Site layout planning for daylight and sunlight'. The assessment includes consideration of the impact of the proposed development on levels of skylight and sunlight access to neighbouring dwellings and the degree of overshadowing of neighbouring dwellings. For each of these studies, the report shows that the impact would be negligible and in conformity with the BRE Guidelines. On this basis, I am satisfied that the proposed development would not result in significant impacts on neighbouring occupiers in terms of daylight, sunlight and overshadowing.
- 8.4.19. In terms of an overbearing impact, the Appellants highlight the 5 storey height and massing of the proposed building and its relationship to the 3 storey dwellings in Carrickmines Green and Knockree. The Appellants also refer to recommendations in DMURS relating to 'building height to street width ratios'. In terms of overbearance, I note that the Carrickmines Green and Knockree dwellings are 3 storeys in height and that, in the case of Nos. 1-3 The Avenue, these dwellings form part of a development which includes 5 storey apartment blocks, including Beech House, located in proximity. The Appellants argue that the building height to width ratio for the proposed development would result in a very strong sense of enclosure, unsuitable for this suburban location. I note that the policies of the Development Plan do not require adherence to DMURS in relation to building height. I further note that Policy and Objective 4.1 of the Compact Settlement Guidelines encourages the application of DMURS in urban design and placemaking, though doesn't mention the

building height street width ratio. One of the key indicators of quality design and placemaking set out in the Guidelines, under category 4.4 (v) Responsive Built Form, is that "buildings should generally present well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontages." I consider that the proposed building achieves this, noting that it follows a similar building line to the existing buildings either side on Golf Lane and provides surveillance to the street.

8.4.20. In my view, having regard to the 3 storey height of the adjacent dwellings and the separation distances retained between these dwellings and the proposed building, together with the proposed tree planting, the proposed development would not result in an unacceptable overbearing impact on neighbouring occupiers.

8.4.21. Overall therefore, I consider that the proposed development, subject to conditions, would not result in a material impact on neighbouring residential amenity in respect of overlooking, overbearance or overshadowing and would be in accordance with the zoning objective 'A' for the lands '*to provide residential development and improve residential amenity while protecting the existing residential amenities*', with Objectives PHP18 and PHP19 of the Development Plan and with SPPR 1 of the Compact Settlement Guidelines and a grant of permission under this item would be justified under Section 37 2a, should the Commission consider the proposal a material contravention of the Development Plan and resolve to grant permission for the development overall.

8.5. **Removal of trees and vegetation**

8.5.1. The extent of removal of trees and vegetation on site as part of the application proposals is raised in the grounds of appeal by one of the third parties. The Planner's Report considered that the proposals were acceptable, given that the majority of the trees were not of significant quality. The Council's Parks and Landscape Services notes that the significance and number of trees on the site is reflected by the 2no. tree icons within the site boundary shown on Map 9 of the CDP 2022-2028. The map-based objective is "*to protect and preserve Trees and Woodlands*". I note that the site is not subject to any tree preservation orders. Policy Objective OSR7: Trees, Woodland and Forestry seeks to implement the objectives and policies of the Tree

Policy and the forthcoming Tree Strategy for the County. I note that the DLR Tree Strategy 2024-2030 has since been published. Section 12.8.11 of the Development Plan notes that the tree symbols on the maps are not an absolute commitment to preservation, decisions on which should be made subject to full Arboricultural Assessment and having regard to other objectives of the Plan. This section also notes that, where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting.

- 8.5.2. The proposed development would require the removal of 24no. trees, 2no. hedgerows, 1no. tree group and 4 shrub groups. An Arboricultural Report (including tree survey, arboricultural impact assessment and arboricultural method statement) was submitted with the application, in line with the requirements of Section 12.8.11 of the Development Plan. The trees proposed for removal include 1no. Category B (moderate quality) tree and 30no. tree/groups categorised as 'C' (low quality) or 'U' (unsuitable for retention) value. The Arboricultural Report acknowledges that the proposed tree removal will have an impact on the visual appearance of the site, particularly along Golf Lane. The trees proposed for removal along the front boundary, including the B value tree no. 701, are located within the area reserved for the KLR. These trees contribute to the amenity of the streetscape and their removal is regrettable, however I am satisfied that it is proportionate having regard to the assessed quality of the trees and the proposals for the site. I note that the Parks and Landscape Services, whilst noting the value of the trees, did not object to the proposed tree removal or seek further information in this regard.
- 8.5.3. Whilst the removal of trees on the remainder of site will also have an impact visually, given their lower categorisation in arboricultural terms, the retention of trees in the southern corner of the site and on adjoining lands to the northeast and east and subject to appropriate replacement tree planting, I consider that the loss of these trees and hedgerows is acceptable. I note that the Arboricultural Report includes recommendations for the protection of trees proposed for retention during the construction stage and these should be secured by condition in the event of a grant of permission.
- 8.5.4. The planting plan submitted with the application shows new planting of 46no. trees, including 25no. medium sized trees and 6no. 'reinstatement tree planting'. A landscape report submitted with the application explains that the proposed tree

planting has sought to compensate for the tree removals on site, to be suitable for a residential area and to maximise the level of light entering the site. I note that the tree planting specified includes 2no. beech trees, as replacements for Tree No.701 to be removed. I consider that the proposed replacement planting is adequate compensation for the proposed tree removal. I note however that 5no. of the replacement/medium sized trees are proposed to be planted within the KLR area at the front of the site. The report of the DAPT stated that this would not be appropriate, having regard to the proposals for the link road. Condition 8(d) of the Planning Authority's decision consequently required these trees to be omitted. I consider that the omission of tree planting within the KLR area is appropriate and that a revised planting plan should be required in the event of a grant of permission, relocating at least some of the omitted trees within the site.

- 8.5.5. Overall therefore, having regard to the assessed arboricultural quality of the trees on site, to the proposals for the site including the KLR reserved lands and to the specified replacement planting proposed, I consider that the proposed development would be acceptable in terms of tree removal, retention and replacement having regard to Objective OSR7 and Section 12.8.11 of the Development Plan and subject to conditions being applied in the event of a grant of permission, relating to a revised planting plan and measures to protect retained trees.

8.6. Ecological impact

- 8.6.1. The third party grounds of appeal request that the recommendations of the Planning Authority's Biodiversity Officer be fully implemented, including commissioning an independent EclA to confirm or refute the presence of a breeding bat population. The Biodiversity Officer's report on the application found that the submitted information was inadequate from an ecological perspective and requested further information. The substantive issues raised in the report, in my view, are that an adequate ecological baseline for the site has not been established, that the impacts of the development are not fully assessed and the mitigation proposed is not specific to the site and impacts of the proposed development.

- 8.6.2. The submitted Ecological Appraisal included a preliminary roost assessment of structures and trees and bat emergence surveys for the existing dwelling. The emergence surveys concluded that the existing dwelling did not contain any roosts but noted the presence of commuting bats on site. The report identified 2no. trees in the southeastern corner of the on site with low to moderate potential for bat roosts. The report did not recommend any further survey work on the basis that these trees are proposed to be retained as part of the proposed development. The report also identifies tree lines on site suitable for commuting and foraging bats.
- 8.6.3. The Biodiversity Officer's report raises concern that detailed surveys for bats were not carried out and that the trees on site were not incorporated into the emergence surveys, despite two trees being identified in the EcA as having bat roost potential and other trees on site being identified as commuting and foraging pathways. They also note that an assessment of the impact on species arising from the removal of trees as part of the proposed development has not been clearly undertaken.
- 8.6.4. From my reading of the EcA, I consider that it is not clear that this report takes account of the level of tree removal proposed as part of the proposed development. In this regard, I note that the tree removal plan indicates 3no. trees to be removed within the southeast corner of the site. It is not clear whether any of these trees are the same trees identified in the EcA as having roost potential. I also note that the EcA includes, as a mitigation measure for bats, that additional surveys should be carried out in the event that any trees on site are proposed for removal. It is my view that, given the number of trees proposed to be removed and lack of clarity as to whether any trees identified as having roost potential are to be removed, that the potential impact of the proposed development on bats is not clear.
- 8.6.5. I also note conflicting statements in the EcA report with regard to the presence of badgers. It is stated, based on the scoping survey, that the site provides suitable habitat for foraging and sett building but that no evidence of badger was identified, but also that badger is a highly mobile species and may be present within the Application Site. The Biodiversity Officer's report states that dedicated surveys should be undertaken at this stage and that the recommendation in the EcA for pre-construction badger surveys is not acceptable. On the basis that no evidence of badger was identified during the scoping survey, I would accept that further surveys are not warranted at this time and that the recommendation for pre-construction

badger surveys to be undertaken, is acceptable. This requirement could be conditioned.

- 8.6.6. Additionally, the report states that there are no invasive plant species on site, however the submitted Arboricultural Report identifies two such species - Rhododendron ponticum and Cherry Laurel. Proposals for retention or careful removal of these species could be addressed by condition.
- 8.6.7. I note that the Biodiversity Officer report raises further issues with the submitted EcA, including in respect of other potential impacts arising from construction phase lighting, construction and operational stage disturbance, potential connectivity with European and nationally designated sites. I have addressed AA specific issues in Section 9 below. Overall, they recommend that a full Ecological Impact Assessment is required for the proposed development. I do not consider that a full EcIA is required, provided that any Ecological Assessment submitted provides a clear understanding of the ecological value of the site and impacts of the proposed development.
- 8.6.8. The Planner's Report on the application determined that, given the nature of the site and the proposed development, the sensitivities of the receiving environment and subject to a condition requiring improvements in tree retention/replacement, that it was not necessary to seek further information as recommended by the Biodiversity Officer. No condition requiring improvements to the proposed tree retention and replacement are included in the decision notice issued. The applicant did not comment on this issue in their response to the appeal grounds.
- 8.6.9. I note relevant Objective GIB22 of the Development Plan which seeks to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance are adequately protected, Section 12.1.2.3 which states that an Ecological Impact Assessment may be required to be submitted with any proposed development that has potential to impact on an environmentally sensitive area, Section 12.8.11 which requires an ecological assessment of existing hedgerows where new developments potentially impact on their ecological importance and Section 12.7.2 which states that a precautionary approach should be

taken to all proposals in environmentally sensitive areas and/or to sites that may be in use by, or contain, protected species.

- 8.6.10. Whilst I note that the site is not within any statutory or non-statutory designated sites and that an ecological appraisal of the site has been undertaken, having regard to the concerns raised by the Appellants in reference to the Biodiversity Officer's report and from my own reading of the submitted EcA, I do not consider that the information submitted provides sufficient certainty in relation to the presence of bat roosts on site and therefore does not adequately assess the impact of the proposed development on bats, or provide appropriate mitigation. A refusal is recommended on this basis.

8.7. Transport, access and parking

- 8.7.1. The third parties, in their grounds of appeal, raise concern in respect of potential parking overspill in adjacent roads and estates during the construction and operational phases. They also identify that no designated construction set-down area has been identified, likely due to the limited space available on Golf Lane. Concern is also raised that an intensification of traffic at the access to the site will result in an increased traffic hazard and obstruction to other road users.
- 8.7.2. The applicant did not respond to these matters in their response to the appeal grounds. The DLR Transportation Planning Report stated that the application was acceptable with regard to the KLR, car parking, cycle parking and traffic impact, subject to conditions. The Planner's Report noted that the site is in Parking Zone 2 and considered that a deviation from the CDP parking standards would be acceptable, as a wide range of the criteria set out in Section 12.4.5.2 of the Development Plan would apply.
- 8.7.3. The proposed development includes 12no. parking spaces, including 1no. accessible space, at the rear of the site, below the podium. Objective T19 of the Development Plan seeks to manage car parking in accordance with the parking standards set out in Section 12.4.5. For residential development, a parking standard is set. The standard for 1-2bed apartments in Zone 2 is 1 space per unit, equating to a requirement of 26no. spaces for the proposed scheme. However, in Zones 1&2, a deviation from the standard may be allowed having regard to the criteria set out in

Section 12.4.5.2, which are: proximity to public transport services and level of service and interchange available; walking and cycling accessibility/permeability and any improvement to same; the need to safeguard investment in sustainable transport and encourage a modal shift; availability of car sharing and bike / e-bike sharing facilities; existing availability of parking and its potential for dual use. particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals); the range of services available within the area; impact on traffic safety and the amenities of the area; capacity of the surrounding road network; and urban design, regeneration and civic benefits including street vibrancy.

- 8.7.4. The Section 28 'Sustainable Urban Housing: Design Standards for New Apartments' 2023 are also relevant. The subject site would fall between the 'Central and/or Accessible Urban Locations and Intermediate Urban Locations, based on walking time to the Luas, where the Guidelines encourage planning authorities to consider a reduced parking standard. SPPR 3 of the Compact Settlement Guidelines 2024 relates to car parking and, in an urban neighbourhood such as the location of the subject site, a maximum standard of 1no. space per dwelling is set.
- 8.7.5. The application documents include a Traffic Report. This report concludes that the level of parking proposed will not exceed the maximum standard set by SPPR 3 of the Compact Settlement Guidelines, but does not address Section 12.4.5.2 of the Development Plan. Having regard to the criteria, I note that the site: is proximate (<1km) to a high capacity public transport node (as defined by the Compact Settlement Guidelines); has access to existing walking and cycling routes with improvements planned; is proximate to a wide range of services, particularly at The Park, Carrickmines; and is limited in size; and that the proposed development: would support a modal shift towards sustainable transport modes; and as an apartment scheme of 1 & 2bed would be supported in policy terms for reduced parking provision.
- 8.7.6. Based on my assessment above, I consider that the reduced level of car parking from the Development Standard is justified having regard to Section 12.4.5.2 of the Development Plan.

- 8.7.7. The proposed development would result in an intensification in the residential use of the site. The submitted Traffic Report includes an assessment of the number of trips generated by the proposed development. Peak hour traffic generation is estimated to be 5no. vehicle movements per hour, which is estimated to amount to 0.3% of the receiving road network of Glenamuck Road. In my opinion, the calculated number of trips would be minor in the context of Golf Lane and would not give rise to a traffic hazard.
- 8.7.8. The Traffic Report includes swept path analysis for an emergency/refuse vehicle, showing that a large vehicle could be accommodated on site without causing an obstruction on Golf Lane. It is proposed that refuse vehicles would reverse in and exit in a forward gear. Visibility Sightlines are provided in the Traffic Report and shown to meet DMURS standards. I note that the Transport Planning Report did not raise any concern with regard to access and servicing. Overall, I consider that the access proposed development would be acceptable in this regard.

8.8. Open space provision

- 8.8.1. The third party Appellants point to concerns relating to the amount of public and communal space provided in the submitted scheme and to the accessibility of the latter. I note that the under provision of public and communal open space was a reason for refusal of the previous application for the site.

Communal open space

- 8.8.2. The Planner's Report states that the communal open space provision is acceptable and has overcome reason 1 of the previous refusal. The Communal and Public Open Space Plan (Dwg no. P02 0004) submitted with the application indicates 4no. communal open space areas of a total of 612sqm comprised of: i) roof terrace of 197sqm; podium garden of 125sqm; communal garden of 65sqm; and landscaped embankment of 225sqm. The Appellant notes that part of the podium area and ground level garden would be taken up by hedging (to mitigate overlooking), walkways and the podium landing. Section 12.8.3 of the Development Plan sets communal space standards depending on unit type, which would equate to 155sqm communal open space based on the mix proposed. These standards are the same as those set out in the Apartment Guidelines 2023. I note also that Section 12.8.3 of

the Development Plan and allows for a relaxation in this standard for urban infill schemes on sites up to 0.25ha, which would include the present application. I would not consider that the landscaped embankment would count towards communal open space provision, given its sloped profile. I note also that the communal garden would be accessed by steps, therefore not accessible to all. However, the roof terrace and podium would provide sufficient accessible space to meet the standard in terms of quantity of communal open space. Overall, I consider that the proposed development would provide a mix of useable spaces, which would exceed the standards in terms of quantity and would provide good quality amenity space for future residents, in accordance with Section 12.8.3 of the Development Plan and the Apartment Guidelines 2023.

Public open space

- 8.8.3. The Appellant's grounds of appeal also refer to the underprovision of public open space. The submitted application includes 178sqm of public open space, all located at the front of the site, within the KLR reservation area.
- 8.8.4. Section 12.8.3.1 of the Development Plan requires a minimum public open space provision of 15% of site area, though for sites with an area of less than 0.25ha, it is stated that the Council may consider a contribution in lieu of public open space. In relation to the gross site area, 178sqm would constitute c. 8% of the site area. The Planner's Report considered that the space proposed could not be considered to constitute public open space because it would act as a buffer between the front boundary and the road and would be temporary in nature, having regard to the road proposals. They considered that a contribution in lieu could be considered, having regard to Section 12.8.3.1. I note also Policy and Objective 5.1 Public Open Space of the Compact Settlement Guidelines which allows that, in some circumstances, a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan, such as in cases where it is unfeasible, and that in these circumstances a financial contribution in lieu may be sought. Having regard to the provisions of Section 12.8.3.1 of the Development Plan and to the limited size of the site, I consider that a contribution in lieu of on-site public open space provision would be acceptable within the objectives as set out in the

development plan acceptable. Subject to a condition to secure that contribution in the event of a grant of permission, I consider that the public open space requirements for the development would be met.

8.9. Other issues

Housing mix

8.9.1. One of the third parties raised housing mix in their grounds of appeal, due to the absence of 3bed units in the proposed development. They reference Policy BELAP RES6 of the Local Area Plan, which requires new development to provide a suitable mix of house types and sizes that meet the needs of a range of

8.9.2. households and complements the existing residential mix. I note that the policy does not stipulate any specific mix to be provided. Policy Objective PHP27 of the Development Plan relates to housing mix and seeks to ensure that a wide variety of housing and apartment types, sizes and tenures are provided throughout the County. SPPR 1 of the Apartment Guidelines (2023) states that housing developments may include up to 50% one-bedroom or studio units and there shall be no minimum requirement for apartments with three or more bedrooms. SPPR 2, which relates to urban infill schemes on sites of up to 0.25ha is also relevant, provides that SPPR1 will apply only to units 10 to 49. The proposed scheme provides 50% 1bed units and is therefore in line with SPPR 1 & SPPR 2 of the Apartment Guidelines. The Planner's Report reached the same conclusion. I note that the proposed scheme includes a mix of units and that the wider area includes dwellings of 3+bedrooms. Consequently, I consider that there is no conflict with Policy BELAP RES6 of the Local Area Plan and Policy Objective PHP27 of the Development Plan.

Boundary issues

8.9.3. The third party appellants observe in their grounds of appeal an 'unexplained gap of 1-1.2m' in width between the development and neighbouring boundaries. The appellants raised land ownership and maintenance as a related concern. The Landscape Proposals - plan and sections drawing no. 101 Rev 3 is informative in this regard as it clearly shows the application site boundary and adjacent boundary treatments. The red line boundary is shown to be set off the boundary with Beech

House and Nos. 1-3 The Avenue by c. 1.2m and also set off the boundary of No.1 Knockree to the north by up to c.2.2. The site red line boundary plan (OS Map) submitted with the application excludes these areas and does not indicate any adjoining lands being in the applicant's ownership. As noted earlier in this report, the applicant is not the owner of the application site lands and letters of consent have been submitted from both owners. From a review of the landdirect.ie website on 25th November 2025, I note that both these land parcels are recorded as being separate land parcels to the application site. On the basis of the available evidence therefore, the excluded lands are not available to the applicant and it is reasonable that they are excluded from the application site boundary.

Construction Impacts

- 8.9.4. One of the third party Appellants raised concern in relation to construction impacts on the Carrickmines Green Estate, including in terms of noise, structural impact and excavation. With regard to noise arising from construction activities, some disturbance is to be expected from construction activities, however I would note that construction processes are temporary and noisier activities, such as piling, will be limited in duration. In addition, construction impacts such as noise, vibration, dust, traffic and parking can be mitigated using standard measures. The applicant submitted a Preliminary Construction Environmental Management Plan with the application, which includes measures to mitigate impacts on neighbouring occupiers and commits to community liaison. A full Construction Environmental Management Plan, and restricted construction hours, can be secured by condition in the event of a grant of permission.
- 8.9.5. The Appellants raise, as a specific concern, potential structural impacts on Beech House, the retaining wall to the basement of which would be c. 4m from the proposed retaining wall. The Applicant has not commented on this issue in their response to the grounds of appeal and it is not addressed in the Planner's Report. A Structural Report for the Proposed Boundary Treatment was submitted with the application. I note that the proposed retaining wall on the southern boundary is shown to be 1.6m in height on the development site at the rear garden of No. 1 The Avenue. The Structural Report sets out that the wall would consist of an embedded

retaining wall system installed prior to excavation. Between the retaining wall and neighbouring boundary fence there would be a sloped bank. There are no sections through the wall directly adjacent to Beech House. I note though that the site rises west to east from Golf Lane and therefore the degree of excavation and the difference in ground levels between the proposed development and Beech House would be expected to be lower. In any case, I would not consider that the degree of excavation or height of the retaining wall, as indicated, would present unusual challenges in terms of engineering and construction. It is also not uncommon for works like the development proposed to be carried out in an established serviced suburban setting such as this. In this regard, it is my opinion that any instances of encroachment, oversailing, damage to, or interference with any Third-Party property attributable to the proposed development would be a civil matter for resolution between the parties concerned. I note that the applicant has submitted a Construction and Demolition Waste Management Plan and that the Local Planning Authority attached a condition to their decision requiring the implementation of this Plan in the carrying out of the proposed works together with the submission of a Resource & Waste Management Plan. In the event that the Commission is minded to grant permission, I recommend that a similarly worded condition is attached to the decision.

Maintenance of green living wall, green roof and solar panels

- 8.9.6. The Appellants raise concern in relation to the future maintenance of the proposed green living walls, green roofs and solar panels, due to access constraints. They point out that one of the green living walls would be positioned above a bike store, while the other would be located above the podium. The Landscape Report submitted with the application lists the types of green walls available, the typical planting design and maintenance regime for green walls. The details provided are not specific to the proposed scheme. The Applicant has not addressed this point in their response to the grounds of appeal. I note the concerns raised. The car park below the podium would have a floor to ceiling height of 2.6m and is shown on the submitted drawings to be open on its southern side, which would allow for a cherry picker to access the external area between the podium and bike store. It would therefore seem feasible, in my view, for the green walls to be accessed for

maintenance. I note that the 4th floor plan shows an AOV (Automatic Opening Vent) which could be designed to allow access to the roof. Overall, access for maintenance of the green walls, green roofs and solar panels appears to be feasible. As the maintenance of the green living walls is important in terms of visual amenity, if the application were approved, I recommend that a condition is attached requiring details of the specification and maintenance of the living walls to be submitted for approval.

Devaluation of property

- 8.9.7. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.0 **AA Screening**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

- 9.2. This determination is based on:
- The nature and scale of the proposed development and the location of the site on developed serviced lands.
 - The absence of any ecological pathway from the development site to the nearest European Site.
 - The distance from nearest European sites.
 - The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

- Taking into account the screening reports by the Applicant and by the Planning Authority.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located in the urban area of Carrickmines in South Dublin. The nearest watercourse is Carrickmines Stream (also referred to as Golf Stream) located approximately 80 metres northwest of the subject site. No water deterioration concerns were raised in the appeal.
- 10.2. Having regard to the nature and scale of the proposed development, its location on serviced lands and the separation distance to any watercourses, it is concluded on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission is refused.

12.0 Reasons and Considerations

1. On the basis of the information provided with the application, the Commission cannot be satisfied that the ecological value of the site, in particular the presence of bats which are a protected species, has been established and, consequently, that the full extent of any impacts on the ecological features of the site arising from the proposed development have been quantified or appropriate mitigation measures proposed. Therefore, the proposed development would be contrary to Objective GIB22 of the Development Plan which seeks to ensure that notable sites, habitats and features of biodiversity importance, including protected species, are protected. The proposed would

also therefore be contrary to the proper planning and sustainable development of the area.

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

Suzanne White
Planning Inspector

28th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323473-25
Proposed Development Summary	Demolition of the existing dwelling for the construction of 5 storey apartment block comprising of 26no. units and all other associated site works.
Development Address	'Greenan', Golf Lane, Carrickmines, Dublin 18, D18 P3C2
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.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<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><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) Infrastructure projects. Threshold: construction of more than 500 dwelling units.</p>

<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: Suzanne White

Date: 28th November 2025

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323473-25
Proposed Development Summary	Demolition of the existing dwelling for the construction of 5 storey apartment block comprising of 26no. units and all other associated site works.
Development Address	'Greenan', Golf Lane, Carrickmines, Dublin 18, D18 P3C2
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	<p>The development proposed is the demolition of an existing detached dwellinghouse and the construction of an apartment building of 26no. units together with modified access, car parking, drainage, landscaping and associated works on a serviced site within an urban area of South Dublin.</p> <p>The standalone development has a modest footprint and does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development	The development is situated in a populated urban area on brownfield land and is located at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLRCDP.
Types and characteristics of potential impacts	Having regard to the nature and scale of the proposed development, its location relative to 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	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White **Date:** 28th November 2025

Standard AA Screening Determination Template

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	The proposal is for demolition of the existing dwelling and the construction of an apartment block comprising of 26no. units and all other associated site works. A detailed description is set out in Sections 1 and 2 of this report.			
Brief description of development site characteristics and potential impact mechanisms	<p>The site area is 0.223ha. It is located in a serviced urban area, with existing residential development surrounding. The proposed development includes the construction of a part 3 storey part 5 storey apartment building incorporating a raised podium with car parking and services below at ground level. The proposed development includes the removal of a number of existing trees and hedgerow on the site together with proposed new planting and landscaping.</p> <p>The site is not located within any Natura 2000 site (SAC or SPA). There are 10no. SACs and 5no. SPAs within 15km radius of the site. There are no watercourses within or adjacent to the site. The nearest is the Carrickmines Stream at c.80m distance to the northwest.</p> <p>The construction phase is stated to take 24 months.</p>			
Screening report	Y			
Natura Impact Statement	N			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Knocksink Wood SAC (000725)	Knocksink Wood SAC National Parks & Wildlife Service	c.4.6km to the south	None	N

Ballyman Glen SAC (000713)	Ballyman Glen SAC National Parks & Wildlife Service	c.4.8km to the south	None	N
Wicklow Mountains SAC (002122)	Wicklow Mountains SAC National Parks & Wildlife Service	c.6.2km to the southwest	None	N
Wicklow Mountains SPA (004040)	Wicklow Mountains SPA National Parks & Wildlife Service	c.6.2km to the southwest	None	N
South Dublin Bay SAC (000210)	South Dublin Bay SAC National Parks & Wildlife Service	c.5.3km to the north-east	None	N
Dalkey Island SPA (004172)	Dalkey Islands SPA National Parks & Wildlife Service	c.6.3km	None	N
Rockabill to Dalkey Island SAC (003000)	Rockabill to Dalkey Island SAC National Parks & Wildlife Service	c.5.8km to the east	None	N
Bray Head SAC (000714)	Bray Head SAC National Parks & Wildlife Service	c.8.5km to the southeast	None	N
North Dublin Bay SAC (000206)	North Dublin Bay SAC National Parks & Wildlife Service	c. 10.7km to the north	None	N
Glenasmole Valley SAC	Glenasmole Valley SAC National Parks & Wildlife Service	11.8km West	None	N
Glen of the Downs SAC	Glen of the Downs SAC National Parks & Wildlife Service	12.5km to the south	None	N
Howth Head SAC	Howth Head SAC National Parks & Wildlife Service	13.8km to the north	None	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There is no hydrological connectivity between the Application Site and any Natura 2000 Sites. The closest watercourse to the site is the Carrickmines Stream approximately 80m northwest of the Application Site, separated by the Golf Lane Road. There is no feasible likely scenario of surface water from the application site entering this hydrological pathway and in turn causing potentially significant negative effects on any Natura 2000 sites mentioned above.

Given the limited site area, the nature of the habitat present and the distance between the Application Site and the designated sites it is considered that the Proposed Development will have no significant negative effect on the qualifying species of any Natura 2000 site.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on any European sites. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.
No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development and the location of the site on developed serviced lands.
- The absence of any ecological pathway from the development site to the nearest European Site.
- The distance from nearest European sites.
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.
- Taking into account the screening reports by the Applicant and by the Planning Authority.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP-323473-25	Townland, address	'Greenan', Golf Lane, Carrickmines, D18 P3C2
Description of project		Demolition of the existing dwelling for the construction of 5 storey apartment block comprising of 26 and all other associated site works.	
Brief site description, relevant to WFD Screening,		The site area is 0.223ha. It is an existing residential site, located in a serviced urban area, with existing residential development surrounding. The site slopes up from northwest to southeast. There are no watercourses within or adjacent to the site. The nearest watercourse is the Carrickmines Stream_010 (also known as Golf Stream) at c.80m distance to the northwest.	
Proposed surface water details		Stormwater runoff is proposed to be managed through SUDs features including a green/blue roof, permeable system at ground level and retention of existing area of undeveloped land. Runoff to the public storm sewer on Golf Lane will be restricted.	
Proposed water supply source & available capacity		New water and wastewater connections proposed to the Uisce Eirean network. A pre-connection enquiry response from Uisce Eireann indicates that both connections are feasible.	
Proposed wastewater treatment system & available capacity, other issues		Not applicable	
Others?		Not applicable	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.80m northwest	CARRICKMINES STREAM_010	Good	Not at risk	No pressures	No hydrological connection to surface watercourse.
Groundwater waterbody	Underlying site	Wicklow IE_EA_G_076	Good	Not at risk	No pressures	Surface water run-off to groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	CARRICKMINES STREAM_010	None	None	None	No	Screened out

3.	Ground	Wicklow IE_EA_G_076	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	CARRICKMINES STREAM_010	None	None	None	No	Screened out
4.	Ground	Wicklow IE_EA_G_076	Infiltration of surface runoff to ground	Groundwater pollution	SuDS features and connection to public water and wastewater systems	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						