



An
Coimisiún
Pleanála

Inspector's Report ACP-323648-25

Development	Construction of dwelling, vehicular access and associated site works
Location	1 Oak Avenue, Royal Oak, Santry, Dublin 9, D09 DP60
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0571
Applicant(s)	Sharon Rooney
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sharon Rooney
Observer(s)	None
Date of Site Inspection	20/11/2025
Inspector	Emma Gosnell

Contents

1.0 Site Location and Description3

2.0 Proposed Development.....3

3.0 Planning Authority Decision3

4.0 Planning History5

5.0 Policy Context7

6.0 Natural Heritage Designations10

7.0 EIA Screening10

8.0 Water Framework Directive Screening.....11

9.0 The Appeal.....11

10.0 Assessment.....13

11.0 AA Screening21

12.0 Recommendation22

13.0 Reasons and Considerations22

- Appendix 1 – Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination
- Appendix 2 – AA Screening Determination
- Appendix 3 – Screening for Water Framework Directive Assessment Determination

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.034ha, is located at 1 Oak Avenue, Royal Oak, Santry, Dublin 9. This residential estate is located to the west of the M50 motorway and c. 3km to the south of Dublin Airport.
- 1.2. The corner site is sited at the junction of Oak Lawn estate and Oak Avenue estate and is adjoined to the north-east by No. 2 Oak Avenue and to the west by No. 1 Oak Lawn.
- 1.3. The site comprises of a 2-storey semi-detached dwelling (c. 81sq.m) with a single-storey rear conservatory extension and front and rear gardens with a screen wall delineating same. The site is adjoined to the immediate south and east by public footpaths incorporating grass verges. There is a street tree located to the north-east of the property's existing vehicular access.
- 1.4. The existing character of the Oak Avenue and Oak Lawn estates is 2-storey semi-detached house with hipped roofs and a shallow canopy/ roof projection detail between ground (brick) and first (render) levels.

2.0 Proposed Development

- 2.1. The development for which permission is sought comprises of:
 - (i) the construction of a detached 2-storey 2-bed dwelling house (80sq.m) with flat roof profile (max. 6.4m height) in the side garden of existing two storey house, alteration of existing front vehicular access, side pedestrian gateway access to side boundary wall, all site development works, service connections, division of land, landscaping, and boundary walling fencing treatment.
 - (ii) alteration of existing front vehicular access to form vehicular access driveway to front garden to existing dwelling house.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 20/08/2025 for 1 no. reason:

“1. The proposed development, by virtue of its design and scale, would be out of keeping with the character of the area and character and form of adjoining structures, would be visually obtrusive and would seriously injure the visual amenities of the area. The proposed development would contravene materially Objectives SPQHO42 and DMSO32 in respect of infill and corner site development, would set a poor precedent for other similar development and would therefore be contrary to the proper planning and development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. planning report (dated 20/08/2025) formed the basis of the planning authority's (PA) assessment. Key points raised are:

- *Principle of Development* – permissible under site's 'RS – Residential' zoning.
- *Planning History* – applicant has not addressed issues raised previously (I refer the Commission to Section 4.1 of this report).
- *Architectural Design* – i.e. scale/ design/ roof profile detracts from/ is out of character with pattern of development in area and is not compliant with infill policy (for corner garden site). **Refusal recommended on this basis.**
- *Visual Amenity* – architectural design (i.e. flat roof, cladding, bay window, blank rear 1st floor façade) in terms of mix of design elements is visually incongruous and a higher quality design is required given visual prominence of site within the estate. **Refusal recommended on this basis.**
- *Residential Amenity* – private amenity space of both existing and proposed houses meets standards.
- *Housing Quality* – compliant with Objective DMSO19 with the exception of the level of storage provided which does not comply with 5sq.m standard (2-bed/ 3-person).
- *Access* – facilitation of proposed 2.5m wide vehicular access for new house would necessitate dishing that would impact on the root zone of adjacent street tree (on Oak Ave.) and, as such, layout and detail of same needs to be agreed with PA and a financial contribution (€3000) paid to compensate for damage/ loss/ replacement.

- *Car Parking* – 4 no. spaces exceed FDP standards for Zone 1 area (1 per house).
- *Noise* – given proximity to M50 and related road noise impact, a condition is required to be attached to ensure proposed dwelling meets specified internal noise levels as per BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (Table 4). The DAA request further information (FI) in this regard.
- *Other* – certificate of exemption (April 2025) from Part V requirements noted.

An FI request was not pursued and the report concluded by recommending a refusal of permission as detailed in Section 3.1 of this report.

3.2.2. Other Technical Reports

Transportation Planning Section (05/08/2025) – no objection subject to conditions.

Environment (Air & Noise) (18/07/2025) – no objection subject to conditions.

Parks and Green Infrastructure Division (17/07/2025) – no objection subject to conditions.

3.3. Prescribed Bodies

Dublin Airport Authority (DAA) (30/07/2025) – further information sought in respect to proposal giving rise to an increase of population in Noise Zone D which will militate against the achievement of the airport’s noise abatement objective (when noise mitigation measures are excluded) and the requirement for the applicant to undertake a noise impact assessment. The DAA also seek that the issue of noise and implementation of noise mitigation is addressed by condition.

3.4. Third Party Observations

None received.

4.0 Planning History

4.1. Appeal Site

The site has an extensive, relevant planning history which is detailed below:

P.A. Ref. F25A/0251 – application for 2-storey dwelling house attached to side of existing two storey house and related site works, refused by PA on 15/05/2025 for 2 no. reasons: 1. Design, scale, bulk and damage to character of area and non-compliance with Objectives SPQHO39, SPQHO42 and SPQHO43. 2. Creation of a terrace of 3 no. units detracting from residential amenity and property values and giving rise to negative visual impact on area. Decision not appealed to ABP/ ACP.

P.A. Ref. F10A/0517 (PL06F.238552) – application for 1.5-storey 2-bed detached dwelling to side of existing house and related works, refused permission by PA and decision to refuse upheld on appeal on 06/07/2011 for 1 no. reason relating to its incongruous design, siting (relative forward of existing building line and proximity to side boundary) and restricted plot width.

P.A. Ref. F08A/0475 (PL06.229714) – application for 2-storey 2-bed detached dwelling to side of existing house and related works, refused permission by PA and decision upheld on appeal on 08/01/2009 for 2 no. reasons: 1. Restricted plot width, siting set forward of existing building line and proximity to side boundary, design/ visual incongruity and related injury to visual amenity of area. 2. Endangerment of public safety by reason of traffic hazard.

P.A. Ref. F05/1149 – application for 2-storey 3-bed detached dwelling to side of existing dwelling and related works, refused by PA on 06/10/2005 for 4 no. reasons: 1. Siting, visual obtrusion and injury to residential and visual amenity contrary to zoning. 2. Insufficient information on servicing and risk to public health. 3. Sightlines at vehicular access and deviation from character of area. 4. Substandard private amenity space.

P.A. Ref. F00A/1264 – application for 2-storey house to side of existing house, refused by PA on 18/12/2000 for 1 no. reason: overdevelopment and related impacts on residential amenity and property values.

4.2. Neighbouring Sites

15 Oak Avenue

P.A. Ref. F08A/0451 (PL06F.229816) – application for 2-storey end-of-terrace house, with new vehicular access onto Oak Avenue, refused by PA and decision upheld on

appeal for 2 no. reasons: 1. Restricted plot size and width of the proposed house it is considered that the proposed development would set an undesirable precedent which would conflict with the pattern of development in this estate, would seriously injure the amenities of the area and of property in the vicinity. 2. a substantial breach of the building line along Oak Grove, would be visually obtrusive and incongruous in the streetscape, would seriously injure the visual amenities of the area and would depreciate the value of adjoining property

29 Oak Avenue

P.A. Ref. F00A/0890 (PL.06F.121835) – application for 2-storey 4-bed detached house in side garden refused permission by PA with ABP overturning this decision and granting permission on appeal on 11/04/2001 subject to 6 no. conditions [cited in GOA].

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (NPF) (2025) – NPO 7 (deliver 40% new housing in existing built-up footprint of existing settlements).

Climate Action Plan (2024 & 2025).

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024) - SPPR1 (Separation Distances) and SPPR2 (Min. Private Open Space Standards for Houses – 30sq.m for a 2-bed and 40sq.m for a 3-bed).

National Biodiversity Action Plan (NBAP) 2023-2030.

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007) – Table 5.1 (Space provision and room sizes for typical dwellings).

Sustainable Urban Housing: Design Standards for New Apartments (2023) [cited by appellant].

Quality Housing for Sustainable Communities: Design Guidelines (2007) [cited by appellant].

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 - RPO 3.2 (achieving compact growth).

5.3. Development Plan

The Fingal Development Plan (FDP) 2023 – 2029 applies.

Zoning

Section 13.5 (Zoning Objectives, Vision and Use Classes): The appeal site is zoned 'RS – Residential' with the objective to 'Provide for residential development and protect and improve residential amenity'. Residential development is permitted in principle under the 'RS' zoning objective. The site is located in Dublin Airport Noise Zone D.

Residential Development

Sections 14.6 (Residential Design Criteria), 14.8 (Housing Standards) and 14.9 (Residential Developments – General Requirements).

Objectives DMSO19 (New Residential Development) & DMSO20 (Schedule of Accommodation).

Objective SPQHO43 (Contemporary/ Innovative Design Solutions).

Sections 14.6.6.4 (Overlooking and Overbearance).

Sections 14.8 & 14.8.3 and Objectives SPQHO35 & DMSO27 (Private Open Space).

Sections 14.8.2 and 14.6.6.3 and Objectives DMSO23 & DMSO26 (Separation Distances).

Section 11.9.2 (Noise), Table 8.1 & Objective DAO11 – Requirement: Noise Insulation.

Infill

Sections 3.5.13 & 14.5, Policy SPQHP38 and Objective SPQHO37 (Compact Growth and Consolidation).

Sections 14.10 (Additional Accommodation in Existing Built-up Areas) and 14.10.1 (Corner/Infill Development).

Table 14.4 (Infill Development) and Objective SPQHO40 (Development of Corner Garden Sites).

Objectives DMSO31 and SPQHO39 – New/ Infill Development: 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.

Objective SPQHO42 – Development of Underutilised Infill, Corner and Backland Sites: Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

Objective DMSO32 – Infill Development on Corner / Side Garden Sites: Applications for residential infill development on corner/side garden sites will be assessed against the following criteria:

- Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials.
- Consistency with the character and form of development in the surrounding area.
- Provision of satisfactory levels of private open space to serve existing and proposed dwelling units.
- Ability to safeguard the amenities of neighbouring residential units.
- Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.
- Provision of side/gable and rear access arrangements, including for maintenance.
- Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Impact on street trees in road-side verges and proposals to safeguard these features.
- Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.
- Provision of secure bin storage areas for both existing and proposed dwelling.

Parking/ Trees

Tables 14.18 (Car Parking Zones) and 14.19 (Car Parking Standards).

Table 14.17 (Bicycle Parking Standards) and Objective DMSO109 – Bicycle Parking.

Appendix 11 – Section 3.2.3.5 (Tree root protection zones): The Designer shall be aware of the tree root protection areas (RPA) to ensure SuDS features do not affect trees. The RPA should be calculated in accordance with BS5837:2012. It is noted that the RPA is normally calculated by measuring the trunk diameter at 1.5 metres above ground level, multiplying this distance by 12 and converting the result into a radius centered on the tree.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 5km from South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).
- c. 5km from North Dublin Bay SAC (Site Code 000206).
- c. 5.5km from North Bull Island SPA (Site Code 004006).
- c. 6.5km from Baldoyle Bay SAC (Site Code 000199).
- c. 7km from Baldoyle Bay SPA (Site Code 004016).
- c. 8km from North-West Irish Sea SPA (Site Code 004236).

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 400m from Santry Demesne pNHA (Site Code 000178).

7.0 EIA Screening

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

8.0 Water Framework Directive Screening

I have 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 (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (15/09/2025) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

Response to Refusal Reason

- Applicant should have been given opportunity to address issues by FI request.
- There are a number of 'side garden houses' in the immediate local area (i.e. at 29 Oak Avenue, Royal Oak) which set a precedent for such infill development.
- Current proposal, which has a contemporary design character, is detached and with a comparatively reduced floor area and is a genuine attempt to address previous refusal reasoning under P.A. Ref. F25A/0251.
- National and development plan policy has changed in intervening period between first 2000 and most recent 2025 refusals and is now more supportive of infill/ side garden development in established urban areas. Proposal will deliver this housing.
- GOA strongly disagree with PA's view that design and scale of proposal is out of character and form with adjoining structures (draws Commission's attention to proposal refused under P.A. Ref. F08A/0475 (PL06.229714) in this regard which matched the design, scale, character and form of neighbouring structures).
- Design strategy is for contemporary, contrasting design to complement the character of existing properties and a pastiche approach is purposely not taken.

- Applicant is amenable to changing the house design (i.e. to a single-storey or 1.5 storey dwelling with a dormer roof profile etc.) and to preparing and submitting revised drawings in respect to same to the Commission for their determination (no alternative scheme was submitted with the GOA).
- Issued raised are capable of being addressed by condition.

Other

- GOA seek to clarify that rear blank façade prevents overlooking of neighbours.
- Room sizing complies with FDP, 2023 Apartment and 2007 Housing Guidelines.
- Storage provision is deficient due to reduction in unit floor area (explained above).
- Brick finish can be omitted by way of condition.
- 2 no. car parking spaces are provided per dwelling and parking space sizing is as per 'average sized family cars'.
- No third party observations were made on the proposal (i.e. by neighbours etc.).
- Adjacent street tree will not be affected by the proposal. Issue can be conditioned.
- PA's Roads Dept. have no objections to proposal and PA's issues with grass verge can be addressed by condition.
- Applicant seeks to maintain the value of their and neighbouring properties.

Enclosures

The following documentation is enclosed with the appeal:

- Existing and proposed floor plans, elevations and sections (for current proposal).
- Existing and proposed floor plans, elevations and sections (P.A. Ref. F25A/0251).

9.2. **Planning Authority Response**

Response received 29/09/2025 reiterates the PA's refusal reasoning and seeks that the Commission uphold their decision. In the event that their decision is overturned by the Commission, the PA seek that, where relevant, conditions relating to the payment of a financial contribution and/ or special development contribution under FCC's Section 48 Development Contribution Scheme be applied and that a tree bond also be sought.

9.3. Observations

Dublin Airport Authority (DAA) (03/10/2025) – further information sought in respect to proposal giving rise to an increase of population Noise Zone D which will militate against the achievement of the airport’s noise abatement objective (when noise mitigation measures are excluded) and the requirement for the applicant to undertake a noise impact assessment. The DAA further seek that the issue of noise and implementation of noise mitigation is addressed by condition.

10.0 Assessment

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

- Principle of Development
- Design
- Other Matters

10.1. Principle of Development

10.1.1. The appeal site is zoned ‘RS – Residential’ with the objective to ‘Provide for residential development and protect and improve residential amenity’. Having regard to the nature of the uses permissible under the RS zoning and to the general policy support for compact growth and consolidation under Sections 3.5.13 and 14.5, Policy SPQHP38 and Objective SPQHO37 of the FDP, I consider the proposal for an infill residential unit to be acceptable in principle, subject to the detailed considerations below.

10.2. Design

10.2.1. The proposal subject of this appeal is for an infill 2-storey 2-bed house to the south (and within the side garden) of No. 1 Oak Avenue. I draw the Commission’s attention to the extensive history of refusals (5 no.) for an infill house on this property on account of design and overdevelopment issues.

- 10.2.2. The PA’s reason for refusal refers to design and visual amenity issues and the appellant strongly disagrees with their view that the design and scale of proposal is out of character and form with adjoining structures.
- 10.2.3. Section 14.10.1 (Corner/ Infill Development) states that the development of infill housing on underutilised corner sites in established residential areas will be encouraged where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. Objective DMSO31 (Infill Development) requires that such development respect the height and massing of existing residential units. This policy guidance is reiterated in Table 14.4 and Objective SPQHO39 (Infill Development) and also in Objectives SPQHO40 and SPQHO42 (Development of Corner Garden Sites).
- 10.2.4. Objective DMSO32 sets out the specific criteria against which applications for infill housing should be assessed as follows:

<p><i>Compatibility with adjoining structures in terms of overall design, scale and massing. This includes adherence to established building lines, proportions, heights, parapet levels, roof profile and finishing materials</i></p>	<p><u>Design</u></p> <p>The proposed infill dwelling has a contemporary design character (i.e. rather than pastiche) incl. flat roof and double height bay window on its front elevation. The PA raised an issue with this design notwithstanding Section 14.10.1 encouraging proposals for contemporary design.</p>
<p><i>Consistency with the character and form of development in the surrounding area.</i></p>	<p><u>Scale & Massing</u></p> <p>Whilst narrower in plan than the existing dwelling (i.e. c. 3.75m and 1-bay versus c. 6m and 2-bay when viewed from the front) with differing proportions, I acknowledge that this is on account of the constrained nature of the space available in the corner garden. This constraint also accounts for the 2-storey dwelling’s significant scale and depth (c. 11.4m versus c. 8.4m in the main for the existing dwelling) when viewed from the (south) side off Oak Lawn and for the disparity between the parapet</p>

	<p>heights of the properties (c. 5.5m and c. 6.4m) which is visually accentuated by their differing flat roof and hipped roof profiles.</p> <p><u>Building Line</u></p> <p>Front building line of dwelling is consistent with Oak Avenue properties however rear building line extends c. 3m beyond the line of the main rear elevations of those properties.</p> <p><u>Materiality</u></p> <p>The proposed dwelling is finished in brick at ground floor level and metal cladding at first floor level. Whilst I have no issue in principle with the use of metal cladding, I consider that it exacerbates the visibility, and draws attention to, the relative depth/massing of the structure.</p> <p><u>Conclusion</u></p> <p>In light of the nature and extent of disparity between the proposed dwelling and the existing dwelling at No. 1 Oak Avenue (and by implication other neighbouring properties on Oak Avenue and Oak Lawn) in terms of height, massing/scale, siting and architectural form, I am not satisfied that the proposal can be determined to be compatible with the character and form of adjoining structures or the character of the area, and I am also of the view that it would seriously injure the visual amenities of the area by reason of incongruity and overbearance.</p>
<p><i>Provision of satisfactory levels of private open space</i></p>	<p>Adequate private amenity space provided as detailed in Section 10.3.</p>

<i>to serve existing and proposed dwelling units.</i>	
<i>Ability to safeguard the amenities of neighbouring residential units.</i>	Issues raised in respect to overbearance, overshadowing and visual intrusion. I refer the commission to Section 10.3 for further details in this regard.
<i>Ability to maximise surveillance of the public domain, including the use of dual frontage in site specific circumstances.</i>	Proposed first floor windows on side (south) elevation and front (east) elevation would provide for good passive surveillance of Oak Lawn, Oak Avenue and the entrance to the estate.
<i>Provision of side/gable and rear access arrangements, including for maintenance.</i>	Access leading to rear gardens provided on the south side of both properties (c. 0.85m and c. 1m respectively). Objective DMSO26 requires a separation of at least 2.3m between the side walls of units in order to provide for the amenity/ functionality of dwellings. Whilst the relationship between the new and existing units fall short of this quantitative requirement, I do note that the wording of this objective allows for a reduction on a case-by-case basis in respect to infill development such as that proposed. On this basis, I consider the shortfall to be acceptable.
<i>Compatibility of boundary treatment to the proposed site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible. Impact on street trees in road-side verges and</i>	Existing and proposed side and front site boundary elevations illustrate that same are being largely retained with a new pedestrian gate proposed in the c. 2m high boundary wall to the side and the creation of a new vehicular access ope to the front. The latter modification gives rise to other issues (i.e. impact on street tree) dealt with in Section 10.3 of this report. A new boundary in the form of a fence is proposed between the rear gardens of the new and existing dwellings, and I consider this to be acceptable.

<i>proposals to safeguard these features.</i>	
<i>Ability to provide a safe means of access and egress to serve the existing and proposed dwellings.</i>	The proposal to create a new 2.5m vehicular ope beside the existing (partially relocated and reduced size) ope in the c. 0.9m high front boundary is acceptable and will not give rise to pedestrian/ traffic hazard on the basis of the good visibility at this corner location to the front and side (adjoining Oak Lawn). The new pedestrian gate adjoins the public footpath.
<i>Provision of secure bin storage areas for both existing and proposed dwelling.</i>	No details are provided on existing or proposed bin storage arrangements, but it is considered that there is scope to provide same in-curtilage within the front or rear gardens.

10.2.5. Many of the issues and concerns I have outlined in the table above, in respect to the proposal being out of character with the area, are exacerbated by the fact that the appeal site is a visually prominent corner site and the first property one sees as they enter the Oak estate complex from the south off the R104 (this being the estate's only vehicular access). Whilst I note that the GOA state that the appellant is amenable to changing the design of the proposed house, they did not take the opportunity to submit revised proposals to the Commission as part of their appeal.

10.2.6. The appellant has sought to draw attention to local precedents where infill housing in side gardens was permitted - such as that No. 29 Oak Avenue under P.A. Ref. F00A/0890 (PL.06F.121835) where ABP overturned the PA's refusal. Having reviewed same, I note that whilst this development was indeed an infill house in a side garden (which exactly matched the form, scale, siting and design character of the pre-existing house (i.e. a detached house)), it occurred on a much more generously sized side garden plot and in a location within the estate that was not as visually prominent or sensitive. In this regard, I consider that the more recent Board refusal under P.A. Ref. F08A/0451 (PL06F.229816) in respect to a 2-storey house at No. 15 Oak Avenue (which also has a history of multiple refusals), is much more relevant to the proposal before the Commission on the basis that that site more closely resembles the restricted plot size and constrained nature of the appeal site. Notwithstanding, I note that all

appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.

10.2.7. In light of the foregoing considerations (as detailed in paragraphs 10.2.1- 10.2.5 above), I consider that a refusal of permission is warranted on the basis of the proposal's non-compliance with Section 14.10.1 (Corner/Infill Development) and Objectives DMSO31 and SPQHO39 (New/ Infill Development), SPQHO40 (Development of Corner Garden Sites) and SPQHO42 (Development of Underutilised Infill, Corner and Backland Sites), and specifically Objective DMSO32 (Infill Development on Corner/ Side Garden Sites).

10.3. Other Matters

Whilst not raised in the PA's refusal reasoning or by the GOA, the following matters were generally raised in the context of the PA's own assessment of the proposal and by the DAA or were not fully closed off at application stage and are required to be fully addressed before a decision on the appeal can be made.

Housing Quality

10.3.1. The PA were generally satisfied as to the proposal's compliance with DMSO19 (New Residential Development), which requires that applications for residential development comply with all design and floor area requirements set out in the 2007 Housing and 2024 Compact Settlement Guidelines with the exception of the house's storage provision (4.6sq.m provided where 5sq.m is required). The submitted drawings and GOA highlight this under provision and give the reduction in floor area in response to site history of refusals as the rationale for same.

10.3.2. Whilst this 0.4 sq.m under provision is a material contravention of DMSO19 which requires that proposals comply with all standards, I consider it to be a de-minimus non-compliance and therefore acceptable on account of the small-scale infill nature of the proposal. Furthermore, having reviewed the design and layout against the applicable national and development plan guidance, I also consider the proposal to be compliant with the standards outlined in same in respect to all other parameters.

Neighbouring Amenity

- 10.3.3. I note that the PA did not raise an issue in respect to the impact of the proposal on existing residential amenities and the fact that no third party observations (objections) were received from neighbouring property owners is highlighted in the GOA.
- 10.3.4. The proposed infill house would directly adjoin the existing properties at No. 1 Oak Avenue and No. 2 Oak Lawn. I am satisfied that the proposal does not have the potential to give rise to overlooking, overbearance or sunlight/ daylight issues on No. 2 Oak Lawn. This is on the basis of the proposed house's siting relative to same, where there is a c. 11m offset, and its blank rear elevation at first floor level. However, having regard to the relatively greater height (c. 6.4m), significant massing and siting/ proximity of the proposal c. 1m from the applicant's existing property at No. 1 Oak Avenue (and stepping c. 3m beyond its main rear elevation), and to the orientation and aspect of these properties relative to one another (proposal being to the south of the existing house with related potential for a negative impact on daylighting and sunlighting of the existing property), I consider that there is potential for some overbearance, overshadowing and visual intrusion on their rear garden and rear living spaces (particularly the rear conservatory). However, having regard to the lack of a sunlight and daylight assessment on file, I consider that there are a number of outstanding issues in relation to the potential negative impact of the infill house on the existing house which are required to be addressed should the Commission wish to consider a grant of permission.

Noise

- 10.3.5. As detailed in Section 5.3, the site is located in Dublin Airport Noise Zone D with Objective DAO11 requiring the provision of noise insulation measures in this location where deemed necessary. The applicant did not provide any information in respect to proposed noise mitigation measures and the DAA sought that this issue (and specifically compliance with BSI Standards Publication BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (Table 4)) be addressed by condition. I am satisfied that this is a minor design detail which is capable of being addressed by condition where the Commission are minded to grant permission.

Parking

- 10.3.6. The PA noted that that applicant's proposal to provide for 2 no. car parking spaces in-curtilage per house was not compliant with the guidance set out in FDP Tables 14.18

(Car Parking Zones) and 14.19 (Car Parking Standards) and also raised an issue with nature/ sizing of the parking bays proposed. The aforementioned tables allow for a maximum of 0.5 car parking spaces for a 1-2 bed house and 1 space for a 3-bed house in Zone 1 and the FDP does not set out standards in respect to the sizing of residential car parking bays. The applicant's parking space exceedance is a material contravention of the development plan, and I recommend that a reduction from 4 no. to a maximum 2 no. in-curtilage car parking spaces (one each) is addressed by condition, where I note it is open to the Commission to invoke Section 37(2)(a) of the Planning and Development Act, 2000 (as amended) should they be minded to grant permission.

10.3.7. The applicant has not provided any details in respect to bike parking which is not compliant with Objective DMSO109 (provision in compliance with Table 14.17) which requires 3 no. bike parking spaces for a 2-bed house. Whilst the proposal does not provide for any cycle parking, I do not consider this to be a material contravention of the FDP on account of the wording of Objective DMSO109 which seeks to ensure bike parking provision in accordance with Table 14.17 where feasible. In light of the foregoing, I consider that the provision of FDP compliant cycle parking in the proposed dwelling's rear garden is capable of being addressed by condition where the Commission are minded to grant permission.

Access

10.3.8. The existing and proposed front boundary elevation drawings illustrate how the vehicular access to the existing house would need to be located further northward (by c. 2.1m) in order to accommodate a new and separate c. 2.5m wide access to serve the proposed dwelling.

10.3.9. The PA were of the view that the movement and widening (and its related dishing) of this vehicular access would negatively impact on the root zone of adjacent street tree (located within the grass verge in front of the neighbouring property at No. 3 Oak Avenue). The impact of the proposal on this existing street tree is contested in the GOA which notes that the PA's Transportation Dept. raised no objections to the proposal.

10.3.10. I note from the plans that No. 1 Oak Avenue's proposed new vehicular access is located c. 1m from the shared boundary with No. 3 Oak Avenue and that the footpath

dishing that would be required to allow vehicular access to same from the public carriageway would impact both part of the existing grass verge and the root protection zone of the existing mature tree. I base this assessment on the policy guidance set out in Section 3.2.3.5 (Tree Root Protection Zones) of FDP Appendix 11. Therefore, in line with the requirements of Objective DMSO32 (Infill Development on Corner/ Side Garden Site) as it relates to impact on street trees in road-side verges and proposals to safeguard these features, I consider it appropriate that the matter of the proposal's impact on the existing tree (i.e. damage and/ or replacement) be addressed by condition where the Commission are minded to grant permission.

Servicing

- 10.3.11. The applicant states on their planning application form that they propose a new foul drainage connection to the public sewer but there is no Pre-Connection Inquiry or Confirmation of Feasibility correspondence from Uisce Eireann on the file nor a report from the PA's Water Services Department (though I note that the division raised no objections to the exact same servicing proposals earlier in 2025 under P.A. Ref. F25A/0251). In the absence of this information, I have consulted the UE Wastewater Treatment Capacity Register and Water Supply Capacity Register for Dublin City and Fingal and have determined that there is respectively capacity and potential capacity available. On this basis, I am satisfied that the scheme's proposed foul drainage and water supply arrangements are matters capable of being addressed by the attachment of conditions where the Commission are minded to grant permission.
- 10.3.12. In respect to surface water management, the applicant proposes a soakpit designed and sited in compliance with BRE Digest 365 standards and SuDS measures, including permeable paving to driveway and a water butt, but has not included a separate engineering report or engineering drawings with details of same. Notwithstanding, I consider the specifics of the proposal's surface water management design is also capable of being addressed by condition where the Commission are minded to grant permission.

11.0 AA Screening

- 11.1. 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 European Sites, specifically, South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), North Bull Island SPA (Site Code 004006), Baldoyle Bay SAC (Site Code 000199), Baldoyle Bay SPA (Site Code 004016) and the North-West Irish Sea SPA (Site Code 004236), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

11.2. This determination is based on:

- The relatively minor nature of the development.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the appropriate assessment screening undertaken by PA.

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

11.4. Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

I recommend that permission be REFUSED for the reasons and considerations set out below.

13.0 Reasons and Considerations

1. The proposed development, by virtue of its design and scale, would be out of character with the prevailing pattern of development in the area and would not respect the height and massing of neighbouring residential units. For these reasons it would be visually obtrusive and would seriously injure the visual amenities of the area in contravention of Section 14.10.1 and Objectives DMSO31, DMSO32, SPQHO39, SPQHO40 and SPQHO42 and DMSO32 which relate to infill and corner site development, and would also give rise to unacceptable negative impacts on No. 1 Oak Avenue in terms of overbearance and visual intrusion. The proposed

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

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

Emma Gosnell

Planning Inspector

4th December 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323648-25
Proposed Development Summary	Construction of dwelling, vehicular access and associated site works.
Development Address	1 Oak Avenue, Royal Oak, Santry, Dublin 9, D09 DP60
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit. Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is c. 0.034ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323648-25
Proposed Development Summary	Construction of dwelling, vehicular access and associated site works.
Development Address	1 Oak Avenue, Royal Oak, Santry, Dublin 9, D09 DP60.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is for 1 no. infill dwelling house and related works in a suburban area and it comes forward as a standalone project, and it does not involve the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in the side garden of an existing residential dwelling in the suburb of Santry in Dublin 9.</p> <p>The Santry River is located c. 450m to the north of the site and provides a very indirect hydrological link with North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006).</p> <p>However, it is considered that there is no pathway from the appeal site to this river as per Section 11 of the Inspector's Report (AA Screening).</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites identified significance in the County Development Plan.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and, absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2 – AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for permission for the Construction of dwelling, vehicular access and associated site works at 1 Oak Avenue, Royal Oak, Santry, Dublin 9, D09 DP6079 in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- c. 5km from South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).
- c. 5km from North Dublin Bay SAC (Site Code 000206).
- c. 5.5km from North Bull Island SPA (Site Code 004006).
- c. 6.5km from Baldoyle Bay SAC (Site Code 000199).
- c. 7km from Baldoyle Bay SPA (Site Code 004016).
- c. 8km from North-West Irish Sea SPA (Site Code 004236).

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale nature of the proposed development.
- Location-distance from nearest European site and lack of connections.
- Taking into account screening report/ determination by PA.

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

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

Appendix 3

Screening the need for Water Framework Directive Assessment Determination

The appeal site is located at 1 Oak Avenue, Royal Oak, Santry, Dublin 9, D09DP60.

The Santry River (SANTRY_010 which is at Poor WFD Status) is located c. 450m to the north of the appeal site.

The proposal comprises of the retention of the construction of dwelling, vehicular access and associated site works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission (described above) on this residential site at 1 Oak Avenue, Royal Oak, Santry, Dublin 9 and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies, intervening land use and/ or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the 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.

