



An
Coimisiún
Pleanála

Inspector's Report

ACP-323757-25

Development	Two storey house with associated works
Location	72 Allen Park Road, Stillorgan, Dublin A94Y025
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25A/0537/WEB
Applicant(s)	Dane Collins
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	Dane Collins
Observer(s)	Neil and Mags Buckley
Date of Site Inspection	26 November 2025

Inspector

Killian Harrington

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1.0 Site Location and Description

1.1 The subject site is approximately 0.2 hectares and consists of a two-storey semi-detached dwelling with a pitched roof, front and rear amenity space and a large side garden. It is east-facing on a corner site at the junction of Allen Park Road and Merville Avenue in an established residential area. The subject property is set back from the road and has off street parking to the front and is surrounded by other residential properties in a semi-detached form. Some of these properties have a front-facing gable. The subject dwelling is one of 8 such properties that have this typology and share a pitched roof with its neighbour (i.e. 4 blocks). Three of these, including the subject dwelling have recently constructed two-storey side extensions. In the immediate surrounds, there have been additional dwellings constructed on infill sites in recent years and these properties are in the dormer bungalow architectural style.

2.0 Proposed Development

2.1 The proposed development comprises the demolition of a rear single-storey extension and the construction of a new two storey 3 bedroom 5 person (3b5p) dwelling with a gross floorspace of 120.8 sqm in the side garden of the existing dwelling with new pedestrian site entrance along with all associated drainage, landscaping and ancillary site works. This is proposed to be a car-free development.

3.0 Planning Authority Decision

3.1 Decision

Dun Laoghaire-Rathdown County Council refused planning permission for the following reason:

'It is considered that the proposed development constitutes overdevelopment of the site, and by reason of its layout and design in relationship to the surrounding properties, would be incongruous and obtrusive when viewed on the streetscape and would be visually overbearing and obtrusive when viewed from the adjoining

public roadway to the side (southeast) and from adjacent properties. The proposed development is not considered to accord with Sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and would seriously injure the adjoining residential/visual amenities and be contrary to the proper planning and sustainable development of the area.'

3.1.1. Planning Authority Reports

The Planning Authority report stated that while an additional dwelling on an infill site is permitted in principle under zoning objective 'A', the proposed development would be an incongruous addition to the area due to its scale, layout and positioning on a constrained site and would be injurious to both the residential and visual amenities of adjacent properties owing to the likelihood of overshadowing, overbearing impact, visual impact and increased pressure on on-street parking

3.1.2 Other Technical Reports

- Transportation Planning – No objection subject to standard conditions and a condition requiring the pedestrian entrance to be no wider than 1.4 metres to prevent unauthorised vehicle entrance.
- Drainage Planning – No objection subject to standard conditions
- Parks and Landscape Services – No objection subject to conditions including a tree bond and barrier fencing
- Environmental Enforcement – No objection subject to the inclusion of noise and construction management conditions and a public liaison plan

3.3. Prescribed Bodies

None

3.4. Third Party Observations

5 no. observations made the following points as summarised:

- Proposal could lead to parking congestion
- Appears overbearing and visually intrusive
- Potential for drainage issues
- Not consistent with building line
- Out of character for the area

4.0 Planning History

4.1 Subject site

- Reg. Ref. D24A/0970/WEB - Planning permission refused for demolition of existing side extension, new two storey dwelling house in the side garden of existing dwelling, widening of existing vehicular entrance along with all associated drainage, landscaping & site works. Reason for refusal is as follows:

'It is considered that the proposed development constitutes overdevelopment of the site, and by reason of its layout and design in relationship to the surrounding properties, would be incongruous and obtrusive when viewed on the streetscape and would be visually overbearing and obtrusive when viewed from the adjoining public roadway to the side (southeast) and from adjacent properties. The proposed development is not considered to accord with Sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and would seriously injure the adjoining residential/visual amenities and be contrary to the proper planning and sustainable development of the area.'

- Reg. Ref. D21B/0410 - Planning permission granted for the demolishing of an existing garage to the side of the house and the construction of a two storey side entrance with bedroom above, as well as the construction of a dormer window in the main roof to the side of the building and all associated site works

Neighbouring sites

10 Merville Avenue

- Reg. Ref. D18A/0337 - Planning permission granted for construction of a single storey extension to the front, side and rear of existing house, new dormer extensions to the front and to the rear at attic level, new porch to the front, alterations to elevations, main roof and internal layout, 2 no. roof lights and all associated site development works, including relocation of existing vehicular and pedestrian entrance and permission for dishing of public footpath.
- Reg. Ref. D04A/0310 – Planning permission granted for a detached dormer bungalow and driveway at the side.

11 Merville Avenue

- Reg. Ref. D07A/1708 and PL06D.228265 – Planning permission granted by An Bord Plenála following a first party appeal for the demolition of an existing detached garage and the construction of two 4-bedroom detached, dormer bungalows in the side garden at No. 11 Merville Avenue, Stillorgan, Co. Dublin. The overall height of the proposed dormer bungalow development will be approximately the same as that of the existing bungalow (7.3m). Dwelling No. 11a will have 2 dormers and 1 velux-type roof light to the front and 2 dormers and 1 velux-type roof light to the rear of the converted attic space. Dwelling No. 11b will have 3 dormers and 1 velux-type rooflight to the front and 1 dormer and 2 velux-type roof lights to the rear of the converted attic space. The development will include the partial demolition and re-construction of the existing front boundary wall to provide 1 new pedestrian and 3 new vehicular entrances/exits and the closure of the existing vehicular entrance/exit. It is intended to be able to provide 2 off-street car-parking spaces with each bungalow.

5.0 Policy Context

5.1 Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The following are relevant Development Plan policies and objectives:

Policy Objective PHP18 - Residential Density: Seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19: Existing Housing Stock – Adaptation states that it is a Policy Objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20 - Protection of Existing Residential Amenity: Seeks to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Policy Objective PHP27 - Housing Mix: Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.

Policy Objective PHP42 - Building Design & Height: Seeks to encourage high quality design of all new development. It seeks to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 in a manner consistent with NPO 13 of the NPF.

Chapter 12 Development Management

Section 12.3.4 refers to Residential Development – General Requirements.

Section 12.3.7 refers to Additional Accommodation in Existing Built-up Areas and includes the following:

Section 12.3.7.5: Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas. In these cases, the Planning Authority will have regard to the following parameters (Refer also to Section 12.3.7.7):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
 - Building lines followed, where appropriate.
 - Car parking for existing and proposed dwellings provided on site.
 - Side/gable and rear access/maintenance space.
 - Adequate usable private open space for existing and proposed dwellings provided.
 - Level of visual harmony, including external finishes and colours.
 - Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings.
 - A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
 - Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity

Section 12.3.7.6 Backland Development

This section outlines standards relating to height, scale, vehicular access, car parking, open space and separation distances. In relation to vehicular access, this section states that a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.

Section 12.3.7.7 Infill

This section is in relation to infill development and states that 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 and passive surveillance.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements (2024)

SPPR 1 – Separation Distances

When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows

serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR2 – Minimum Private Open Space

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 2 bed house = 30 sqm
- 3 bed house = 40 sqm
- 4 bed + house = 50 sqm

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

(ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling

5.3. Natural Heritage Designations

The subject site is c. 2.5 km from South Dublin Bay proposed NHA, Booterstown Marsh proposed NHA and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA

6.0 EIA Screening

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

7.0 The Appeal

7.1 Grounds of Appeal

The third party appeal includes the following grounds:

- Compliance with Development Plan and Land Use Zoning – The subject site is a side garden and not a front garden. It is therefore in compliance with Section 12.3.7.5 (Corner/side garden sites) and the land use zoning objective. The dwelling typology of 72 Allen Park Road is a front-facing gable, semi-detached storey and a half dwelling and the subject site is the side garden of this dwelling that happens to be on a street corner. This area is becoming increasingly built up with many two-storey side extensions in the immediate vicinity including 11 Merville Avenue and 70 Allen Park Road in addition to the new dwellings in side gardens such as at 50 Allen Park Road. Various photographic examples are included in the appeal statement
- Site Density, Plot Ratio and Overdevelopment concerns – Following the previous refusal, the proposal now complies with the land use zoning and

Development Plan policies for infill development and has avoided overdevelopment of the site. It has achieved this by reducing the floor area from 139.5 sqm to 120.83 sqm to mitigate size concerns and retains 71.5 sqm of private open space for the new dwelling and 72.26 sqm for the existing dwelling – both policy compliant. The plot ratio is 0.48 and the density of 2 no. dwellings is approximately 40 dwellings per hectare. The site is also within 10 minutes of bus service and 17 minutes walk from Stillorgan Luas stop. The proposal is in compliance with Section 12.3.7.5 (Corner/side garden sites)

- Layout, Design and Relationship with surrounding properties – The proposal responds to the previous refusal by respecting streetscape and amenity. The ground floor has been stepped back to align with neighbouring dwellings, the front building line now aligns with adjacent house, the south-eastern elevation has been set back 1.5m from the boundary and there are no first floor habitable rooms proposed for the rear. The proposed ridge height is lower than existing. There is a 1.1m distance between the proposed dwelling and existing dwelling.

- Planning precedent – Over the last decade there have been numerous planning approvals for infill dwellings including Reg. Refs. D22A/0110, D17A/0526, D19A/0342, D20A/0461 and D23A/0400.

In particular, 50 Allen Park Road received permission for an infill dwelling (ABP-308998). This was also a corner site and the design respected the building line and residential amenity and 166 Ballinclea Heights also received approval for an infill development where ACP noted that the design and amenity tests were met and was therefore approved.

- Planning conditions - These may be attached to reassure the Commission and could include:
 - External materials and finishes to be agreed with the planning authority
 - Boundary treatment and screening details to be agreed with the planning authority

- Restrict use of first floor windows facing neighbours unless obscure glazing and fixed opening is used
- Apex of the pitch could be changed from south/east to a north/west elevation
- Construction Management Plan and drainage requirements compliance

7.2. Planning Authority Response

The planning authority has made the following response: 'The Commission is referred to the previous Planner's Report. It is considered 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.'

7.3. Observations

An observation from 70 Allen Park Road made the following points:

- Overdevelopment of site – The garden site is of insufficient size and configuration to accommodate a new residence and represents overdevelopment. It is contrary to Section 12.3.7.5 (Corner/side garden sites) and Section 12.3.7.7 (Infill Development) and would amount to overdevelopment due to its incongruous visual impact and its scale and massing being out of character with the suburban pattern of the area.
- The justification for the development in the appeal statement is inconsistent with the proposal. An extension is more suitable to meet the needs of a growing family.
- In terms of visual amenity, the proposal breaches the established building line. The appeal statement reference to other similar developments is misleading as the scale and location is not comparable without the rhythm and set backs and green frontages of the subject junction of Merville Avenue and Allen Park Road

- The proposal results in the removal of valid off-street parking which would worsen on-street traffic congestion
- The proposed soakpit is not compliant with BRE Digest 365 being located too close to site boundaries without any supporting hydrogeological assessment
- The proposal would injure neighbouring residential amenity through loss of privacy and light to the existing dwelling, reduction of the existing garden size
- The proposal would set a negative precedent for piecemeal intensification of narrow suburban plots

8.0 Assessment

8.1. The subject of the appeal is the proposal for an additional dwelling in the side garden of an existing dwelling. The relevant Development Plan policy objectives for this proposal have been set out in Section 5.0 of this report. Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development is permitted in principle under this zoning objective.

8.2 Following a review of the file, assessment of the relevant planning policies and inspection of the site, I conclude that the primary concerns in this appeal are (1) Layout and Design and (2) Neighbouring Residential Amenity.

Layout and Design

8.3 The subject dwelling has a front-facing gable and shares a pitched roof with 14 Merville Avenue. This form of semi-detached style is also found at 68 and 70 Allen Park Road, 109 Allen Park Road and 10 Merville Avenue and 105 and 107 Allen Park Road. The subject property along with numbers 10 Merville Avenue and 70 Allen Park Road have large two-storey side extensions mixing a range of roof styles with the existing roof slopes. The property 10A Merville Avenue is a dormer

style bungalow that was built in the former side garden of 10 Merville Avenue (Reg. Ref. D04A/0310).

- 8.4 The proposed internal layout and private amenity space of 71 sqm complies with the Development Plan standards for a 3 bed 5 person dwelling. The existing dwelling also has 72 sqm of garden retained, which is policy compliant.
- 8.5 The site plot ratio and density is noted. Although the proposal has a reduction of in floorspace of approximately 20 sqm, its footprint is otherwise similar to the previously refused application (Reg. Ref. D24A/0970/WEB) in terms of its positioning on the site and maximum height. It appears that minor design changes were made to the previous design, notably the southeast elevation drops down to single-storey at the road side with the intention of mitigating its incongruous appearance from street level. The reasons for refusal for the previous design are set out in Section 4.0 of this report and I note that this included impacts on both visual impact and neighbouring residential amenity. It is not clear from the proposed design that enough has been done to make it less incongruous and obtrusive when viewed on the streetscape.
- 8.6 The proposed dwelling is 2 storeys and at 7.1 metres in height has been designed to sit between eaves and ridge height of the existing dwelling. It has a 1.5m set back from the southeastern boundary and has stepped back to ground floor at this end. However, due to its footprint (approximately 7m width at the widest point and 10m in length) and the bulk of the top floor with the roof sloping up and outwards, it would be visually dominant and overbearing when viewed from the southeast especially (Allen Park Road). It is worth noting that the positioning would have little visual impact when viewed from Merville Avenue but would appear dominant from 70 Allen Park Road and the adjoining public road. This is in contrast with the infill detached dwelling at 10A Merville Avenue, which is set back from the road, broadly retains the building line along that road and is not at odds with the surrounding dwellings.
- 8.7 In relation to the building line of the subject site, the appellant is correct to state that the proposal is aligned with the existing dwelling but there has been no

recognition of its relationship with the adjacent properties on Allen Park Road to the west. This lack of contextual relationship with the other properties was also one of the reasons for refusal in the previous application and I do not see an improvement here. I agree with the planning authority that the rhythm of the streetscape would be disrupted and its position on a bend in the road further contributes to a visually obtrusive presence. There is scope for some minor change in building line due to it being a corner site. For example, the building line of semi-detached pairing 52 and 54 Allen Park Road is slightly at odds with neighbours on either side. However, I note these properties are set back from the road and appear as a pair whereas the proposed dwelling is a visual disruption on this corner at odds with both the existing dwelling and surrounds. The proposed landscaping and planting on the perimeter and the positioning of the amenity space do not detract from the bulky appearance.

- 8.8 The side garden site is quite constrained following the construction of the 2 storey side extension and a design that incorporates the existing extension massing would likely allow for a neater appearance that does not protrude forward so much to the southeast.
- 8.9 The subject appeal makes the argument that there are other instances of detached dwellings in side gardens but it should be noted again that this is a permissible development under zoning objective 'A' subject to compliance with the standards set out in Section 12 of the Development Plan. There is particular reference to 50 Allen Park Road and the approval from An Coimisiún Pleanála (ref. ABP-308998-20). However I note that this development involved some partial demolition of the existing house and the footprint was smaller and set back from the road and the existing dwelling with no resulting overshadowing or overlooking impacts on adjacent properties.
- 8.10 Section 12.3.7.7 ('Infill') of the Development Plan states that new infill development shall respect the height and massing of existing residential units. Section 12.3.7.5 ('Corner/Side Garden Sites') states that the Planning Authority will have regard to the size, design, layout, relationship with existing dwelling and immediately adjacent properties. Following an assessment of the proposal and a site

inspection, I find that the proposal is not in accordance with these sections of the Development Plan in terms of design and layout and its contextual relationship with adjacent properties and the street character.

Neighbouring Residential Amenity

- 8.11 I have assessed this proposal against the criteria for side garden/corner sites in Section 12.3.7.7 and Section 12.3.7.5 of the Development Plan in terms of design, layout and development standards but also in terms of its relationship with the existing dwelling and immediate neighbours and potential impact on their amenity.
- 8.12 The proposed dwelling is 1.1m from the existing dwelling 72 Allen Park Road and 5.4 metres from the gable of 70 Allen Park Road. However, the combination of the scale and massing of the development and its positioning on the site would have an overbearing impact on both properties and an unacceptable overshadowing effect and loss of light to no. 72 given that in the existing side extension, a ground floor hall window and a first floor bedroom window would be directly impacted by the new structure adjacent. The overshadowing to the ground floor window in particular would have implications for the light levels of the hall of no. 72 and therefore other rooms in the dwelling that benefit from that. The other two windows (one other on ground and one on first floor) have obscured glazing but the light levels would also be negatively affected. There would also be an impact on the outlook and daylight/sunlight levels of the east-facing ground floor windows of no. 70. Overall, in the absence of a full daylight/sunlight or overshadowing assessment, the effects on the light and outlook of both properties would appear to be impacted beyond an acceptable level.
- 8.13 In terms of privacy concerns, as there is no window proposed for the eastern elevation in the detached dwelling, there would be no direct overlooking to no. 72. However, there is an opaque window at first floor proposed for the western elevation at the boundary of no. 70, which the drawings mark as an en-suite bathroom to the master bedroom. While there is one first floor window on the gable of no. 70 that would be unaffected due to obscure glazing. There are two ground floor windows approximately 5 metres from the ground and first floor windows of

the proposed dwelling. The ground floor windows are unaffected due to the presence of a high palisade fence boundary. However, there would be an unacceptable loss of privacy to the occupants of this dwelling from the first floor window of the proposed. While this could be remedied by an obscured glazing condition if the Commission were minded to grant approval, the impact of the height and massing at this boundary would have an overbearing impact on the ground floor gable windows of no. 70, especially when considering that both no. 72 and the proposed detached dwelling would appear like a continuous development along this boundary with heights of 8 and 7 metres respectively. Overall the impact on neighbouring residential amenity would be contrary to Policy Objective PHP20 and the provisions of Section 12.3.7 of the Development Plan.

Other Matters

- 8.14 I note that parking congestion concerns were raised in an observation. The proposed detached dwelling is car-free and there is no new vehicular entrance being proposed. SPPR 3 in the *Sustainable Residential Development and Compact Settlements Guidelines (2024)* supports no parking in urban neighbourhoods, which include lands within 1000 metres of high frequency bus services, Luas or DART stations (based on Table 3.2 and Table 3.8 in the guidelines). I note the Luas stop and Dublin Bus services within 500m of the site. The existing dwelling (no. 72) would continue to benefit from off-street car parking within its curtilage and using its existing vehicular entrance. Following a site inspection, there was no evidence of traffic build up at the junction of Merville Avenue and Allen Park Road and I note that the Transportation Planning department had no objection to the proposal.
- 8.15 The observation raises concerns about the location of the proposed soakpit close to the boundary of 70 Allen Park Road with no supporting assessment of compliance with BRE standards. I note from the drainage plan in the application (Drawing no. PL-001 A) that the soakpit would be designed to BRE 365 design but it is located less than 1 metre from the boundary. The Drainage Planning had no objection to the proposal subject to a pre-commencement condition seeking clarity on compliance with BRE 365 and their report states the following:

'The location of the soakpit may need to be altered to meet the requirements of BRE 365. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.'

I am therefore satisfied that the soakpit can be designed to the standards of BRE 365 or an alternative SuDS measure can be put in place in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the Development Plan and that this would be resolved by way of a pre-commencement condition in the event of a grant of permission. In relation to the water and wastewater network, the applicant would enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network and adhere to the standards and conditions set out in that agreement should permission be granted.

- 8.16 Overall, the proposed development would appear visually intrusive from Allen Park Road and surrounding residential properties and would not be keeping with the residential character of the area. Furthermore, the proposal would lead to poor levels of residential amenity for 70 and 72 Allen Park Road owing to the impacts of overbearance, loss of privacy and loss of light. The proposed development would therefore not comply with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, in particular Policy Objective PHP20, Section 12.3.7.5 and Section 12.3.7.7 and would not accord with the proper planning and sustainable development of the area.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located

in an established residential area c. 7 km west of South Dublin Bay SAC & South Dublin Bay and River Tolka SPA.

9.2. The proposed development comprises the construction of a two storey house with associated works. No nature conservation concerns were raised in the planning appeal.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Nature of works
- Location in an established residential area
- Lack of connections to nearest European sites

9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1. The subject site is located at 72 Allen Park Road Stillorgan Dublin A94Y025 approximately 600 metres west of Brewery Stream, 2 km east of the River Dodder and 1.5 km northeast of Carrickmines Stream.

10.2 The proposed development comprises the construction of a two storey house with associated works. No water deterioration concerns were raised in the planning appeal.

10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good

status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the 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:

- Nature of works
- Location-distance from nearest water bodies and/or lack of hydrological connections

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

11.0 Recommendation

11.1. I recommend that planning permission be refused

12.0 Reasons and Considerations

12.1 Having regard to residential zoning of the site, the residential character of the area, the design, scale and massing of the proposed development and the policies and objectives contained in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that the proposed development would cause substantial harm to the residential amenity of neighbouring dwellings, would have

a visually intrusive and incongruous appearance from the adjoining properties and the public road seriously injuring the visual amenity of the area and would be contrary to Sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 . The proposed development would therefore not be in accordance with 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.

Killian Harrington
Planning Inspector

03 December 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ACP-323757-25
Proposed Development Summary	The construction of a two storey house with associated works
Development Address	72 Allen Park Road Stillorgan Dublin A94Y025
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
<p>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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)	Class 10(b) of Part 2 (dwelling units) Proposed development of 1 no. residential unit is substantially below the 500 dwelling unit threshold in Class 10(b)
2. 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: 03 December 2025

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	ACP-323757-25
Proposed Development Summary	The construction of a two storey house with associated works
Development Address	72 Allen Park Road Stillorgan Dublin A94Y025
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development of 1 no. dwelling has a modest footprint, comes forward as a standalone project, with very minor demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural 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).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an established urban area on serviced lands in Dublin and is not in close proximity to designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts	Having regard to the characteristics of the development and the sensitivity of its location,

<p>(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>consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed development, its urban 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:** 03 December 2025

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

(only where Schedule 7A information or EIAR required)