



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323769-25**

---

### Development

Planning permission at the rear of no. 335 Blackhorse Avenue, Dublin 7. The proposed development consists of the following: The demolition of the existing shed and section of the existing boundary wall, for the construction of a two-bedroom detached dormer bungalow with pedestrian access and vehicular parking from Lyndon Gate Street; All with associated site works, private open space, boundary treatments and drainage

### Location

335 Blackhorse Avenue, Dublin 7 D07  
R6X4

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

WEB2571/25

### Applicant(s)

Gothafa Ltd

### Type of Application

Permission

### Planning Authority Decision

Refuse permission

### Type of Appeal

First Party

**Appellant(s)**

Gothafa Ltd

**Observer(s)**

David and Joanne Heffernan

Bill Heywood and Ita Gildea

Alexandra Spandonis and Frank Hand

**Date of Site Inspection**

17 January 2026

**Inspector**

Killian Harrington

## Table of Contents

1.0	Site Location and Description .....	4
2.0	Proposed Development .....	4
3.0	Planning Authority Decision.....	4
4.0	Planning History .....	8
4.1	Subject site .....	8
4.2	Adjacent sites .....	8
5.0	Policy Context .....	9
5.1	Development Plan .....	9
6.0	EIA Screening .....	16
7.0	The Appeal .....	16
8.0	Assessment.....	20
9.0	AA Screening .....	25
10.0	Water Framework Directive .....	26
11.0	Recommendation .....	27
12.0	Reasons and Considerations .....	27
	<b>Appendix A: Form 1 EIA Pre-Screening.....</b>	<b>29</b>
	<b>Appendix B: Form 2 - EIA Preliminary Examination .....</b>	<b>31</b>

## **1.0 Site Location and Description**

1.1 The subject site, 335 Blackhorse Avenue, is a two-storey semi-detached dwelling located in a residential area just to the north of Phoenix Park in Dublin 7. The site is one of 9 no. dwellings that face onto Blackhorse Avenue. The site also backs onto a small cul-de-sac mews known as Lyndon Gate which consists of 9 no. dormer dwellings and accessed via an street located to the east of the site. To the south of the site are apartment buildings and open space. The subject property contains a single-storey side garage flush with the front façade of the dwelling, a front garden with in curtilage parking, and rear garden that backs onto the Lyndon Gate mews estate to the north.

## **2.0 Proposed Development**

2.1 The proposed development consists of the subdivision of the existing dwelling site and the following works

- Demolition of existing shed in rear of garden
- Construction of a 2 no. bedroom two storey dormer bungalow with pedestrian and vehicular access from Lyndon Gate to the rear of the site and all associated works including private open space and drainage.

Other removal works are proposed as part of the development, including the demolition of an existing boundary wall running east and north along the site and one existing tree within the proposed development's footprint is to be removed.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Dublin City Council recommended that permission be refused for the following reason:

*1. Having regard to the scale of the proposed development relative to the site, the quality of the private amenity space to serve each dwelling, and the limited separation distance between the dwellings, the applicant has not demonstrated to the satisfaction of the planning authority that existing residential amenity would not*

*be unduly affected, having regard to privacy, overbearing impacts, impacts on daylight and sunlight, and the retention of useable communal open space for the existing house and proposed dwelling. The proposed development would fail to provide an adequate level of residential amenity for existing and future occupiers, contrary to the Dublin City Development Plan 2022-2028 and accordingly would, therefore, not be compatible with the proper planning and sustainable development of the area.*

*2. The proposed dwelling would lead to haphazard, disorderly development that would be incongruous to the established residential character of the area. The proposed development would therefore be contrary to Section 15.13.5 (Mews Developments) of the Dublin City Development Plan 2022-2028 and would seriously injure the visual amenity of the area and of property in the vicinity.*

*3. The proposed development fails to provide a car parking space on site that complies with the minimum width and depth outlined in Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022-2028. The proposal fails to demonstrate safe access and egress for both vehicles and pedestrians and therefore the development would negatively impact the residential amenities of the surrounding area and would set an undesirable precedent for similar future developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planner's report noted that the principle of a residential dwelling was acceptable under zoning objective 'Z1' and that the internal space standards for a 3 bed dwelling were either met or exceeded. There were concerns that the private amenity space, although meeting the minimum requirements at 31.5 sqm was not useable and was subject to overshadowing impacts from the rear return of the host dwelling. In addition, the 42.2 sqm retained for the host dwelling was below the 50 sqm requirement for a 4+ bed house according to the Sustainable Residential

Development and Compact Settlement guidelines (2024). It was acknowledged that there is some flexibility for infill urban schemes in this regard.

The report found that the scale and massing of the proposed development would have significant harmful effects on the amenity of the proposed dwelling and existing dwellings. The report noted that lack of information on habitable rooms or layout of the host dwelling and therefore it could not be demonstrated that the proposal would not impact on the privacy or daylight and sunlight intake of the rooms in this house.

In terms of the amenity of the proposed dwelling, based on the BREs 25-degree initial daylight obstruction test - there would appear to be potential for impacts on access to daylight to the proposed ground floor kitchen/living/dining area.

Furthermore, it is considered the proposed development would hinder access to daylight to the ground floor level of the existing dwelling.

Overlooking was highlighted as a significant concern. It was acknowledged that there was some mitigation in placing habitable rooms on the first floor to the front of the dwelling, away from the existing house. However, the same could not be said of the existing dwelling as there are what appear to be bedroom windows on the existing dwelling which have a c.5 metre separation distance to the proposed dwelling. It was also noted that the distance between the front of the proposed dwelling and Lyndon Gate dwellings was 15 metres, below the 16 metre requirement for above ground floor distance. Overall, it was considered as proposed the development would unduly affect the residential amenity of the existing occupants in terms of being grossly oppressive – which would also be suggestive of overdevelopment of the site

In addition, the report found that the proposed car parking space dimensions did not comply with Development Plan standards the proposal could not demonstrate safe access and egress from the site for pedestrians or vehicles and would therefore negatively impact on the residential amenities of the surrounding area including the Lyndon Gate mews.

### 3.2.2. Other Technical Reports

- Drainage Division: no objections subject to conditions
- Transport Planning: Further information request was recommended as follows:
  1. The applicant should submit revised drawings indicating the site boundary details with Lyndon Gate public road, including levels, kerb heights, including car parking management measures to prevent haphazard car parking in front of the site and close to the bend along Lyndon gate. As part of the response, the applicant should confirm whether the 1.8m setback is intended to be taken in charge by DCC.
  2. The proposed works provide an in-curtilage parking area serving the proposed dwelling below the minimum standards under Section 4.3.1 of Appendix 5 of the Dublin City Development Plan 2022 - 2028, where the basic dimensions to accommodate a car's footprint within a front garden is 3 metres by 5 metres. This measurement must be perpendicular to the public road. In this regard, the applicant should be requested to submit updated drawings illustrating the site's ability to provide in-curtilage parking as per the above-mentioned dimensions.
  3. 1 no. bicycle parking space shall be provided as part of the development. The bicycle parking stand shall be sheltered and free from obstructions to allow bicycles lock both wheels

The planner's report shows that no further information request was made.
- Archaeology: no objection subject to conditions

### **3.3. Prescribed Bodies**

No response

### **3.4. Third Party Observations**

A total of 5 no. submissions were submitted in relation to the application and raised the following issues:

- Previous refusal of 3 metre gate to the rear of another dwelling (331 Blackhorse Avenue) onto Lyndon Gate due to safety concerns
- Precedent that will be established
- Traffic and safety hazards -existing on street parking already problematic
- Increase in vehicular movements – due to vehicles turning for Phoenix Park Cabra Gate entrance
- Position of proposed dwelling will create a dangerous blind spot
- Pedestrian safety - inadequate isolated pedestrian footpath
- Significant loss of privacy and overlooking
- Existing dwelling currently in multi-occupancy
- Inadequate provision of parking and waste management
- Overdevelopment, Undermining Established Character, and Setting a Damaging Precedent
- Loss of garden space for existing dwelling
- Noise levels and a significant loss of light

## **4.0 Planning History**

### **4.1 Subject site**

No relevant planning history

### **4.2 Adjacent sites**

*331 Blackhorse Avenue*

Reg. Ref. 2686/13 – Planning permission granted for: the development will consist of alterations to an existing house including the demolition of an existing extension to the rear, demolition of existing garage, construction of extension to side on site

of and to rear of garage, conversion of roof space to habitable accommodation, extending pitched roof over existing flat roofed side projection and new side extension, inserting two dormers on both the front and rear slopes of the roof and opening an entrance from the rear garden onto Lyndon Gate. [Condition 3 omits the proposed entrance from Lyndon Gate 3 in the interests of residential amenity.]

## **5.0 Policy Context**

### **5.1 Development Plan**

#### Dublin City Development Plan 2022-2028

The site is subject to the Land Use Zoning Objective Z1 'To protect, provide and improve residential amenities'. Residential use is listed as a permissible use within the land use zoning objective for the site. The following Development Plan policy objectives are relevant:

#### *Policy QHSN6 Urban Consolidation*

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

#### *Policy QHSN10 Urban Density*

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

#### *Policy QHSNO4 Densification of Suburbs*

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

#### *Policy QHSN22 Adaptable and Flexible Housing*

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

#### *Policy QHSN37 Houses and Apartments*

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

#### *Section 15.2.3 Planning Application Documentation – Planning Thresholds*

This section notes that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rationale for a scheme. Table 15-1 sets out that all residential developments require a Housing Quality Assessment, and any development of 2 or more residential units requires a surface water management plan.

#### *Section 15.5.2 Infill Development*

This section sets out requirements for infill development in general.

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

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

As such Dublin City Council will require infill development:

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.

- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.

#### *Section 15.9.18 Overlooking and Overbearance*

'Overbearance' in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance. Overlooking may be overcome by a variety of design tools, such as building configurations (bulk and massing) and elevational design or window placement.

#### *Section 15.11 House Developments*

This section sets out a number of qualitative and quantitative standards for housing, including floor areas, aspect, daylight/sunlight and ventilation, private open space, and separation distances. This includes Section 15.11.2 that deals with Aspect, Daylight / Sunlight and Ventilation and states that the orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Rear private garden should be sufficiently sized and orientated to ensure direct sunlight access is achieved for part of the day on March 21st.

Living rooms shall not be lit solely by roof lights. Bedrooms solely lit by roof lights will be considered in certain circumstances on a case by case basis. All habitable rooms must be naturally ventilated and lit. Section 15.11.4 deals with separation distances and seeks adequate distance between rear first floor windows and neighbouring properties.

#### *Section 15.11.2 Aspect, Daylight/Sunlight and Ventilation*

The orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Where feasible, the main habitable rooms (living / kitchen) should have south and/or west facades. Rear private garden should be sufficiently sized and orientated to ensure direct sunlight access is achieved for part of the day on March 21st. Living rooms shall not be lit solely by roof lights. Bedrooms solely lit by roof lights will be considered in certain circumstances on a case by case basis. All habitable rooms must be naturally ventilated and lit.

#### *Section 15.13.3 Infill/ Side Garden Housing Developments*

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.

#### *Section 15.13.4 Backland Housing*

Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions.

Piecemeal backland development with multiple vehicular access points will not be encouraged. See Appendix 5 for further details on vehicular access.

Applications for backland housing should consider the following:

- Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.

- Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.
- That safe and secure access for car parking and service and maintenance vehicles is provided.
- The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

All applications for infill developments will be assessed on a case by case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.

#### *Section 15.13.5 Mews Developments*

It is an objective of the City Council to protect the character and setting of mews dwellings and to ensure all new proposal are respectful and appropriate in its context; see also Policy BHA14 and Objective BHAO5. Applications for mews development should consider servicing, including the impact on existing infrastructure such as waste and water systems.

#### Appendix 5 - Transport and Mobility: Technical Requirements

##### *Section 4.3.1 Dimensions and Surfacing*

Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.

For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres, or at most, 3 metres in width and shall not have outward opening gates.

The basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. It is essential that there is also adequate space to allow for manoeuvring and circulation between the front boundary and the front of the building. A proposal will not be considered acceptable where there is insufficient area to accommodate the car safely within the garden without overhanging onto the public footpath, or where safe access and egress from the proposed parking space cannot be provided, for example on a very busy road, opposite a traffic island or adjacent to a pedestrian crossing or traffic junction or where visibility to and from the proposed access is inadequate. In certain circumstances, applicants may be required to demonstrate that vehicles can turn within the site and exit in forward motion.

#### *Section 4.3.2 Impact on Street Trees*

In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated.... A minimum clearance will be required from the surface of the tree trunk to the proposed edge of the dishing. Figure 1 illustrates the various minimum clearance distances required, based on the maturity of the street tree.

## **5.2. Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024)

### *SPPR 1 – Separation Distances*

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. There shall be no specific minimum separation distance at ground floor level or to the front of houses, duplex units or apartment units in statutory development plans and planning applications shall be determined on a case by case basis to prevent undue loss of privacy

### *SPPR 2 - Minimum Private Open Space Standards for Houses*

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

- 1 bed house - 20sqm
- 2 bed house - 30sqm
- 3 bed house - 40sqm
- 4 bed + house - 50sqm

For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority that residents will enjoy a high standard of amenity.

### *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**

Rye Water Valley/Carton SAC and Rye Water Valley/Carton proposed NHA c.11 km to the west of the site, Liffey Valley proposed NHA c.3 km to the west of site, Royal Canal proposed NHA c.1 km to the north of the site and South Dublin Bay and River Tolka SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA c.6 km to the east

## **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 first party appeal raises the following grounds:

- Access and Traffic – To respond to the reason for refusal on car parking and access, updated plans have been included in the appeal showing a 3 metre wide

car parking space, with the level raised to 150mm above the road, complying with Development Plan standards and new proposed raised traffic calming speed table directly in front of the dwelling in accordance with DMURS on the Lyndon Gate Street. A 1.8m wide footpath has been maintained. Accordingly, the proposed parking arrangement is: (1) compliant with the required dimensions (3m x 5m). (2) safe for access and egress, with no impact on traffic safety or pedestrian movement and (3) supportive of residential amenity, by ensuring a clear distinction between pedestrian and vehicular space.

- Daylight/Sunlight – A summary Daylight and Sunlight Analysis report has been submitted with the appeal concluding that the proposal has been designed in line with BRE 209 (2022 edition) neighbour amenity is safeguarded and the existing dwelling will not experience a material loss of daylight or sunlight. Vertical Sky Component and Annual Probable Sunlight Hours were tested on the existing dwelling in addition to internal Spatial Daylight Autonomy on the proposed dwelling. All windows on the existing dwelling remain compliant with BRE standards. The proposed bungalow achieves excellent daylight levels across all habitable rooms, comfortably exceeding BRE standards. The assessment was carried out using MBS Daylight for Sketchup to BRE standards
- Privacy and separation - the revised layout and orientation ensure adequate separation between dwellings. Window placements have been carefully designed to prevent direct overlooking of neighbouring properties. The first floor of the proposal accommodates only bedrooms and a bathroom and their dormer windows are proposed on the northern elevation to prevent overlooking into the private open space of the adjacent property to the south.
- Visual and overbearing impacts - The proposed development integrates seamlessly into the existing streetscape. Its material palette, massing, and form are directly informed by the surrounding bungalows, ensuring consistency in scale and character. This results in a respectful addition that avoids any sense of overbearing impact on adjoining properties.

The design approach results in a respectful addition that avoids any perception of haphazard or disorderly development and does not create any overbearing impact on adjoining properties. The proposal directly reflects the existing architectural

features of neighbouring (dormer) houses. In particular, the design incorporates red brick and brown roof tiles, reflecting the material palette commonly found along the street.

External cladding to the dormer roofs and a white rendered frame below the roofline mirror features found on neighbouring houses, offering a traditional finish that blends with the established architectural character of the area. While bringing a contemporary element of dark cladding to the dormers

- Private Open Space - Each unit has been provided with private amenity space that meets or exceeds Development Plan standards. The existing dwelling retains a usable and functional garden, while the new dwelling benefits from a private outdoor space designed for practical suburban living. In addition, proportionate communal open space has been provided and the site is in close proximity to Phoenix Park.
- Compliance with Development Plan Standards — The scheme aligns with the Dublin City Development Plan 2022-2028 and relevant guidelines, including Quality Housing for Sustainable Communities (2007) and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed design provides minimum room areas, ensuring a sustainable, compact form of housing that contributes positively to the local streetscape.

## **7.2. Applicant Response**

n/a

## **7.3. Planning Authority Response**

The planning authority requests that their decision to refuse permission is upheld and that if permission is granted, the following conditions should be applied:

- A condition requiring the payment of a Section 48 development contribution
- A naming and numbering condition

## **7.4. Observations**

There were three observations from the occupants of neighbouring properties 4, 7 and 9 Lyndon Gate all expressing concern about the proposal and seeking a refusal. Collectively they raise the following issues:

- Traffic and safety hazards - existing on street parking already problematic and reference is made to recent accident at the bend. This is a blind corner and the positioning of a vehicular entrance here is dangerous. There is a risk to pedestrian safety with the isolated 6.9m strip inadequate. Park Crescent residents also frequently use Lyndon Gate for additional parking. These risks conflict with Development Plan policies SMT3, SMT31 and SMT32. There is also inadequate provision of parking and waste management. The 2.5m wide parking space is below standard. Furthermore there is no provision made for bin storage and collection. There was a previous refusal of 3 metre gate to the rear of another dwelling (331 Blackhorse Avenue) onto Lyndon Gate due to impact on residential amenity
- Significant loss of privacy and overlooking - The proposal does not adequately mitigate this loss. The dormer windows will be overlooking the front living room and bedrooms of numbers 6 and 7 Lyndon Gate at a distance of just 15 metres, well below 22 metres in the Development Plan. Homes and gardens will feel exposed and erode residential amenity
- Drainage and servicing infrastructure – The existing wastewater infrastructure and servicing on the road was designed for 9 houses on the cul-de-sac. The applicant’s drainage report fails to demonstrate that the proposal would not overload the system.
- Overdevelopment, high density and loss of character – the proposal splits an existing plot into two and given Lyndon Gate is already backland development, this proposal constitutes overdevelopment. Despite assertions in the Design Statement, the proposal does not reflect the design of Lyndon Gate dormers as it is incongruous and not reflecting the low density layout of the estate and gardens and inconsistent with the architectural rhythm, spacing and massing of the estate. This would set a precedent of overdevelopment

- Other residential amenity impacts - Unacceptable noise levels from traffic and domestic activity and overshadowing of the living spaces of 7 Lyndon Gate would occur as a result of the proposed development
- Rental accommodation - The proposal would form part of the rental accommodation at 335 Blackhorse Avenue and there is doubt about whether this property is registered with the Residential Tenancies Board.

## 7.5. Further Responses

n/a

## 8.0 Assessment

8.1 I am satisfied that the principle of the additional two-storey dwelling on a residentially zoned infill site is acceptable and complies with zoning objective 'Z1' in the Development Plan. 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) residential amenity (2) visual amenity and residential character (3) access and parking and (4) other matters

### *Residential Amenity*

8.2 The proposed 92.6sqm detached 2-bedroom 4-person dormer bungalow would be located to the rear of the existing site with vehicular and pedestrian access from Lyndon Gate Street. The bungalow would be approximately 6.5m in height with a pitched roof, and 2 front facing dormer windows to serve the proposed bedrooms. Overall, the room sizes and layout meet the minimum space standards set out in Section 15 of the Development Plan.

8.3 A concern is that the existing house has a two storey rear return c. 4.8m from the proposed dwelling and this would give rise to overlooking, daylight/sunlight loss and an overbearing impact. The proposed dwelling is also 2 metres from the boundary. It is noted that the applicant did not provide existing floor plans in either the application or the appeal documents.

(1) Daylight/sunlight

- 8.4 According to Section 15.11.2 of the Development Plan, the orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Where feasible, the main habitable rooms (living / kitchen) should have south and/or west facades. Rear private garden should be sufficiently sized and orientated to ensure direct sunlight access is achieved for part of the day on March 21<sup>st</sup>.
- 8.5 The ground rear windows reach a maximum height of 2 metres from ground level. Using the general 25-degree daylight obstruction test, there would appear to be potential for impacts on access to daylight to the proposed ground floor kitchen and living space of the proposed dwelling. Furthermore, it is considered the proposed development would hinder access to daylight to the ground floor level of the existing dwelling.
- 8.6 The 'Sunlight/Daylight Analysis' report submitted with the appeal states that Vertical Sky Component and Annual Probable Sunlight Hours were tested on the existing dwelling in addition to internal Spatial Daylight Autonomy on the proposed dwelling. However, this assessment does not show projected shadowing for various times of the year on both gardens. The daylight and outlook from the existing ground floor windows would appear to be acceptable from the submitted analysis and the fact the rear return offers dual aspect to the kitchen space, which mitigates the 4.8m proximity to the new dwelling.
- 8.7 The private amenity space proposed to be retained (42.2 sqm) falls short of the 50 sqm minimum requirement for a 4 bed house or greater. However, SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines is cognisant of the constraints of infill development and flexibility can be shown in this regard. I note the close proximity of open space as the site is also within 200 metres of Phoenix Park, further enhancing recreational amenity for future residents. The private amenity space for the proposed dwelling (31.5 sqm) exceeds the minimum requirements set out in SPPR 2. However, both open spaces would be subject to overlooking and a lack of sunlight, with the host dwelling orientated on a north-south axis, making them shade-prone and substandard in their usability. The proposed dwelling would have a separation distance of c.2m to the boundary with the existing dwelling and only 4.8m from the

rear return of the existing dwelling. This short depth would create gloomy conditions for the garden spaces and rear windows. It is considered that, in the absence of detailed shadowing information, the impacts would be significantly harmful and would create an overbearing effect and a sense of enclosure, impacting on the ability to use these spaces and not according with Section 15.11.2 of the Development Plan.

## (2) Overlooking

- 8.8 In terms of overlooking, SPPR 1 of the Sustainable Residential Development and Compact Settlement Guidelines (2024) states that the applicant is required to demonstrate that a high standard of residential amenity is provided.

The proposed development would be c. 4.8 metres to the rear two storey return of the existing house. It is difficult to accurately assess the impacts on privacy, overbearing impacts, or impacts on daylight/sunlight in the absence of an existing house layout. What is clear from the application and appeal documents is that there has been no demonstration that the proposal would result in satisfactory residential amenity levels for existing or future occupants. The proposal would be the first dwelling to introduce direct overlooking between first floor bedrooms. It is noted that the front first floor bedroom windows in the proposal would be c. 15 metres to the bedroom and living room windows of 6 and 7 Lyndon Gate. There is no minimum distance stated in the Development Plan or the guidelines for the front of the dwelling. However, this overlooking would not be in line with existing conditions in this residential area and would cause harm to neighbour amenity.

- 8.9 The appeal states that there has been a revised design to address to reasons for refusal. However, this revision of the layout is to accommodate a wider car parking space. The height, layout and positioning of the proposed dwelling has not been altered and so the concerns for residential amenity remain.

- 8.10 I concur with the reasons for refusal where the appellant has not demonstrated that a high standard of amenity would be provided and so the proposal is not in compliance with SPPR1 of the settlement guidelines or the Development Plan's Section 15.5.2 (Infill Development), Section 15.11.2 (House Developments) Section 15.13.4 (Backland Housing), Section 15.13.5 (Mews Developments) and Section 15.9.18 (Overlooking and Overbearing).

### *Visual Amenity and Residential Character*

- 8.11 According to the appeal grounds, the proposed development integrates seamlessly into the existing streetscape. Its material palette, massing, and form are directly informed by the surrounding bungalows, ensuring consistency in scale and character, which results in a respectful addition that avoids any sense of overbearing impact on adjoining properties.
- 8.12 While the design has innovatively used the materials and features that are characteristic of surrounding dwellings including the dormer architecture and roof tiles, the positioning, scale and massing on a constrained back garden infill site would not be in keeping with the residential character of the Lyndon Gate mews development.
- 8.13 The proposal would be contrary to Section 15.13.5 (Mews Developments) in that it would visually disrupt the character and setting of the mews dwellings by appearing as an incongruous insertion. The proposal would be contrary to Section 15.5.2 (Infill Developments) because, due to its footprint and scale, it does not respect and complement the prevailing scale, mass and architectural design in the surrounding townscape and does not demonstrate a positive response to building plot widths.
- 8.14 The proposal would appear random and haphazard at this location owing to its close proximity to both the rear return of the existing house and the Lyndon Gate houses. There is insufficient spacing between dwellings and the proposal would result in disorderly development that would harm established residential character of the area. The appeal has not introduced any design change that would harmonise the new dwelling with its surroundings or reduce its scale and footprint. I therefore concur with the reasons for refusal on the issue of residential character and visual impact.

### *Access and Parking*

- 8.15 The site is within Zone 2 of Map J 'Existing and Future Strategic Transport and Parking Areas'. The proposal involves setting back the existing southern boundary wall to facilitate pedestrian access.

- 8.16 In terms of the vehicular parking bay, the proposed car parking space, at 5 metres x 2.5 metres did not comply with Section 4.3.1 of Appendix 5 which states that the basic dimensions to accommodate the footprint of a car within a front garden are 3 metres by 5 metres. There was concern that given the Zone 2 Parking Area designation and on-street parking in the area, a car parking space should comply with the minimum width and depth outlined in Appendix 5 of the Dublin City Development Plan 2022-2028.
- 8.17 The appeal includes a revised layout showing the Development Plan-compliant dimensions for a car parking space and adequate bicycle parking has been identified in accordance with the requirements of SPPR 4 of the Compact Settlement Guidelines (2024). Furthermore, the proposed raised traffic calming speed table directly in front of the dwelling is in accordance with DMURS. A 1.8m wide footpath has also been maintained. Therefore I am satisfied that access and parking arrangements are compliant with the standards set out in Appendix 5 of the Development Plan. This revised design would allow for safe access and egress onto Lyndon Gate and would be acceptable in planning terms.

*Other Matters*

- 8.18 I note the other concerns outlined in the neighbour's observations relating to drainage, noise and traffic. The proposed drainage works have been outlined in the planning application and there were no concerns in the Council's drainage report. A detailed examination is not required at planning stage. The applicant would be required to 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. The site would be adequately serviced in terms of water supply, drainage and electricity being located just off a main road in an established residential area.
- 8.19 It is not anticipated that there would be any harmful noise impact arising from the proposal considering the nature of the development in a residential area considering. There is no roof terrace in the proposal and the car parking provision is appropriate and Development Plan compliant and any noise from vehicle movements would not be significantly worse than the prevailing environment.

- 8.20 I note reference to the planning permission for alterations to 331 Blackhorse Avenue (Reg. Ref. 2826/13) whereby a rear vehicular gate backing onto Lyndon Gate mews was omitted by Condition 3 of that permission in the interests of residential amenity. However, this referred to what would have been a secondary vehicular entrance for the same property and is therefore different to what is being proposed here. The planner's report for that permission stated that the concern was around dual public frontage, opening the rear elevation and garden to overlooking and set a precedent for similar undesirable development. The Roads Department had no concerns regarding traffic levels on this street and I am satisfied with the traffic safety measures proposed.
- 8.21 Any concerns relating to whether or not the existing or future dwelling are rented out privately are not planning matters in this appeal.
- 8.22 In conclusion, the proposal would fail to comply with the Z1 land use zoning in terms of protecting, providing and improving residential amenity and would fail to respond to the surrounding context and residential character of the Lyndon Gate mews development. The proposal fails to demonstrate that it would not cause significant harm to the residential amenity and visual amenity of the area and thus fails to accord with the Dublin City Development Plan 2022-2028.

## **9.0 AA Screening**

- 9.1. I have considered the proposed dwelling 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. 11 km to the east of Rye Water Valley/Cartron SAC and c. 6 km to the west of South Dublin Bay and River Tolka SPA, South Dublin Bay SAC, North Dublin Bay SAC and North Bull Island SPA.
- 9.2. The proposed development comprises the demolition of the existing shed and section of the existing boundary wall, the construction of a two-bedroom detached dormer bungalow with pedestrian access and vehicular parking from Lyndon Gate Street all with associated site works, private open space, boundary treatments and drainage

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 335 Blackhorse Avenue Dublin 7 approximately 1 km to the south of the Royal Canal and 1 km north of a tributary stream to the River Liffey. The proposed development comprises the demolition of the existing shed and section of the existing boundary wall, for the construction of a two-bedroom detached dormer bungalow with pedestrian access and vehicular parking from Lyndon Gate Street, all with associated site works, private open space, boundary treatments and drainage

No water deterioration concerns were raised in the planning appeal.

10.2 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 waterbodies 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

10.3 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 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 and the policies and objectives contained in the Dublin City Development Plan 2022-2028, it is considered that the proposed development would give rise to significant harm to residential amenity, would be injurious to the visual amenity of the area and would not be in keeping with the residential character of the area. It would therefore conflict with the Z1 Sustainable Neighbourhood zoning objective, which seeks to protect, provide for, and improve residential amenity and would be contrary to Section 15.11.2 and Section 15.13.4 of the Dublin City Development Plan 2022-2028. It 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

---

Killian Harrington  
Planning Inspector

03 February 2026

## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP-323769-25
<b>Proposed Development Summary</b>	The proposed development consists of the following: The demolition of the existing shed and section of the existing boundary wall, for the construction of a two-bedroom detached dormer bungalow with pedestrian access and vehicular parking from Lyndon Gate Street; All with associated site works, private open space, boundary treatments and drainage
<b>Development Address</b>	335 Blackhorse Avenue, Dublin 7 D07 R6X4
<b>IN ALL CASES CHECK BOX /OR LEAVE BLANK</b>	
<p><b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b></p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
<b>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)?</b>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<b>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</b>	

<b>proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<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.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b) of Part 2 (dwelling units)  Proposed development is a single dwelling substantially below the 500 dwelling unit threshold in Class 10(b)
<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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: 03 February 2026

**Appendix B: Form 2 - EIA Preliminary Examination**

<b>Case Reference</b>	ACP-323769-25
<b>Proposed Development Summary</b>	The proposed development consists of the following: The demolition of the existing shed and section of the existing boundary wall, for the construction of a two-bedroom detached dormer bungalow with pedestrian access and vehicular parking from Lyndon Gate Street; All with associated site works, private open space, boundary treatments and drainage
<b>Development Address</b>	335 Blackhorse Avenue, Dublin 7 D07 R6X4
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The development of 1 no. dwelling has a modest footprint, comes forward as a standalone project, requires only 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.</p>
<p><b>Location of development</b></p> <p>(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,</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The development is situated in an established urban area on serviced lands in Dublin city and is not in close proximity to designated sites and landscapes of identified significance in the Development Plan.</p>

cultural or archaeological significance).	
<p><b>Types and characteristics of potential impacts</b></p> <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>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for <b>SIGNIFICANT</b> 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>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ Date: 03 February 2026

**DP/ADP:** \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)