



An
Coimisiún
Pleanála

Inspector's Report

ACP-324042-26

Development	Amendments to permitted LRD24A/0882/WEB, including construction of additional, 6 unit, duplex block with associated works
Location	Lands at Knockrabo, Mount Annville Road, Goatstown, Dublin 14
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	LRD25A/0822/WEB
Applicant(s)	Knockrabo Investments DAC
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Knockrabo Investments DAC
Observer(s)	Eleanor Lyons, Michael Cosgrove, Xiayou Gao
Date of Site Inspection	4 th March 2026
Inspector	Clare Clancy

ACP-324042-26

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	5
4.0 Planning Authority Pre-Application Opinion	7
4.1. Pre-application Consultation Meeting	7
5.0 Planning Authority Decision	8
5.1. Decision	8
5.2. Planning Authority Reports	9
5.3. Prescribed Bodies/ Other Bodies	12
5.4. Third Party Observations	12
6.0 Planning History.....	13
7.0 Policy Context.....	14
7.1. Overview	14
7.2. National Policy	14
7.3. Regional Spatial & Economic Strategy 2019-2030.	16
7.4. Section 28 Ministerial Guidelines	17
7.5. Dún Laoghaire-Rathdown County Development Plan 2022-2028.....	18
7.6. Non-Statutory Plan.....	24
7.8. Natural Heritage Designations	25
8.0 The Appeal	25
8.1. Grounds of Appeal	25
8.2. Planning Authority Response.....	29
8.3. Observations.....	29

9.0 Assessment.....	30
9.4. Principle of Development	31
9.5. Impact on Architectural Heritage.....	32
9.6. Tree Removal	39
9.7. Material Contravention.....	42
9.8. Other Matters	45
10.0 AA Screening.....	46
11.0 Water Framework Directive	47
12.0 EIA Screening.....	48
13.0 Recommendation	48
14.0 Reasons and Considerations.....	49
Appendix 1 – Form 1 EIA Pre-Screening	51
Appendix 2 – Form 2 EIA Preliminary Screening	54

1.0 Introduction

- 1.1. This is an assessment of an application which seeks to amend the previously permitted large-scale residential development (LRD) to Dún Laoghaire-Rathdown County Council under the provisions of the Planning and Development Act 2000, as amended. This application was refused by the Planning Authority (PA) and subsequently appealed to An Coimisiún Pleanála.
- 1.2. In this regard, condition 4 of P.A. Ref. LRD24A/0882/WEB (the parent permission) omitted 'Block E' comprising of 8 no. apartments. The subject application therefore seeks to construct a new duplex apartment block that is reduced in height and scale and to address the matters raised.

2.0 Site Location and Description

- 2.1. The subject site comprises of a parcel of land approx. 0.20 ha which forms part of an overall landholding (2.54 ha) that is located in the suburban area of Goatstown, on the northern side of Mount Anville Road (R112). The site is located in the south eastern corner of the overall site.
- 2.2. Access to the site is off the Mount Anville Road via Knockrabo Way which is an existing access road that serves the Knockrabo residential development to the east of the site. It is also identified as a wayleave (providing access to the proposed Dublin Eastern Bypass Corridor route).
- 2.3. Mount Anville Convent, primary and secondary schools are located to the south on the opposite side of Mount Anville Road. Dundrum town centre is located approx. 1.44 km to the southwest, the M50 is located c. 2.5 km to the south and there are bus stops adjacent to the site.
- 2.4. The site consists of ground sloping northwards from Mount Anville Road. There is extensive vegetation within the site and in particular mature trees of mixed species. The proposed development is bounded to the south/ southwest by the curtilage of the Knockrabo Gate Lodge (West) RPS No. 740 with its own (historical) entrance from Mount Anville Road. Cedar Mount House RPS No. 783 is located to the northwest of the site with its own surrounding grounds. The site of the proposed development forms part of the overall open space associated with both existing protected structures.

- 2.5. The proposed Dublin Eastern By-Pass route (Strategic Road Reservation) traverses the site and is located to the north. The immediate area is characterised by predominantly low density house and adjoining public open space including Deerpark and recreational playing pitches, public allotments and schools.

3.0 Proposed Development

- 3.1. The proposed development relates to an area of 0.2 ha and comprises the construction of a new duplex apartment block providing for a total of 6 no. units. Surface car parking and bike parking are proposed to the north of the apartment block.
- 3.2. The development will be accessed by the exiting Knockrabo Way internal access road which bounds the site to the east.
- 3.3. The following table sets out some of the key elements of the proposed development:

Proposed Development Summary			
Site Area	Red line 2.54 ha Green line 0.20 ha		
No. of Residential Units	150 units permitted (LRD24A/0882/WEB) 6 no. units proposed		
Gross Overall Phase 2 Density of site (red line)	156 units / 2.54 ha = 61.4 units/ha		
Gross Floor Area Residential	606.60 m ²		
Residential Mix	Unit Type	No. of Units	Area
	2 bed level 00 & 01	2	94.2 m ²
	2 bed level 01 & 02	2	88.8 m ²
	3 bed level 01 & 02	2	120.3 m ²
Private Amenity Space	Private balcony per unit		
Public Open Space	c. 254.7 m ² (overall Phase 2 approx. 21.98%)		
Communal Amenity Space	c. 133 m ² (located at rear of block)		
Parking	8 no. car parking spaces 10 no. bicycle parking spaces & 6 no. bike storage 1 no. motorcycle parking space		

Surface Water Drainage	Public sewer
Water Supply	Connect to public mains
Foul Drainage	Connect to public sewer

3.4. The application was accompanied by the following technical reports, appendices and drawings:

- LRD Planning Report (Tom Philips & Associates 28th Oct. 2025)
- Response to Dún Laoghaire-Rathdown County Council's LRD Opinion (Tom Philips & Associates)
- Statement of Consistency (Tom Philips & Associates)
- Planning Application Architectural Design Statement (O'Mahony Pike)
- Report on the Architectural/Historic Significance of the Knockrabo Site and Setting (David Slattery Architect Historic Building Consultant)
- Landscape & Visual Impact Assessment (DFLA 29th Oct. 2025)
- Schedule of Accommodation (O'Mahony Pike)
- Part V Proposal and Draft Agreement (Housing Department DLR County Council Part V)
- Engineering Assessment Report (Waterman Moylan Oct. 2025)
- Civil Engineering Response Letter to opinions no. 8 and 14 of the PA's Opinion Letter (Waterman Moylan)
- Photomontages Knockrabo Phase 2 Lands (Model Works)
- Verified Photomontages (Model Works)
- Verified Photomontages and CGIS – Proposed (Model Works)
- Proposed Landscape Works (DFLA)
- Design Rationale – Landscape Architecture (DFLA)
- Housing Quality Assessment
- Daylight, Sunlight and Overshadowing Study (IES)

- Section 32B Submission Architectural Design Statement (O'Mahony Pike)
- Arboricultural Assessment of the Tree Vegetation on the Site Area (Arborist Associates Ltd.)

4.0 Planning Authority Pre-Application Opinion

4.1. Pre-application Consultation Meeting

4.2. A Section 247 (Stage 1) was held on 24th July 2025.

4.3. A Section 32C Stage 2 pre-application meeting was held on 02nd October 2025 and the LRD Opinion was issued by the PA on 07th October 2025.

4.4. The Opinion Report stated that it is the view of the PA that the proposed development falls within the definition of an amendment to an approved Large-scale Residential Development, and the documents submitted with the consultation request under Section 32B of the Planning and Development Act 2000 (as amended) does not constitute a reasonable basis on which to make an application for permission for the proposed LRD.

4.5. The applicant was notified of the following issues, as summarised below:

- Impact on existing protected structures and their curtilage and the removal of a Category A tree (Knockrabo Gate Lodge (West), Cedar Mount house).
- Failure to explore alternative design solutions as identified by the Parks Department to facilitate the retention of Category A tree and improve relationship with protected structures.
- Conflict with urban greening and green infrastructure policies due to removal of mature trees.
- Design and massing concerns which were not considered to mitigate the impact on the Gate Lodge (West).
- A list of supporting documentation to be submitted to support any future application.

Pursuant to Article 16A(7) of the Planning and Development Regulations 2001 (as amended), the applicant was notified of 14 no. specific items of information to be submitted with the application for permission.

The applicant submitted a Statement of Response to the Council Opinion with regard to the LRD application.

5.0 Planning Authority Decision

5.1. Decision

By Order dated 19th December 2025, Dún Laoghaire-Rathdown County Council decided to refused permission for the following reasons:

- 1. The proposed development of a 2/3 storey block with 6 No. duplex apartments and associated parking, by reason of its' location, design, layout, height, proximity within the curtilage of a Protected Structure and loss of a significant tree(s) and vegetation within the Knockrabo site would have a detrimental impact on the Protected Structures and setting within the Knockrabo site. The proposed development is therefore considered contrary to Policy Objective HER 8 Work to Protected Structures, and Section 12.11.2.3 Development within the Grounds of a Protected Structure of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, where it is policy to protect the curtilage of protected structures and discourage inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure. The proposed development would therefore set an undesirable and negative precedent for similar development in the local area and would not be in accordance with the proper planning and sustainable development of the area.*
- 2. The proposed development involving the removal of a Category A tree which is to be protected and preserved, by reason of its significance, age, size and aesthetic value, does not comply with Policy Objective CA18: Urban Greening - to retain and promote Urban Greening and Policy Objective HER 8 Work to Protected Structures (including curtilages) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would*

therefore set an undesirable and negative precedent for similar development in the local area and would not be in accordance with the proper planning and sustainable development of the area.

5.2. Planning Authority Reports

5.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation which can be summarised as follows:

- Pursuant to Section 34(3C) of the Act, the application is an amendment to an extant planning permission P.A. Ref. LRD24A/0882/WEB and the assessment was restricted to, other than any assessment of the effects of the proposed development on the environment, to considering the proposed amendments to the previously permitted development.

Principle of development

- The site is zoned 'Objective A' which residential use may be permitted on.
- Block proposed as part of P.A. Ref. LRD24A/0882/WEB (the parent permission) was omitted by condition 4.

Siting / Layout of the Proposed Development

Site location and proximity to the protected structures on site and their curtilage:

- Block E remains located within the curtilage of Knockrabo Gate Lodge (West) and in close proximity to Cedar Mount House.
- The amended Block E is reduced to 2/3 storeys in height. The previous Block E was a 5 storey building. The number of units is reduced by 2. Car parking is relocated to grade level.
- The location of Block E is revised such that it will be setback from the existing Gate Lodge. However the revised location is marginal and the mitigation arising from the new location is not significant. A tree is proposed to be retained which will screen the structure.

Notwithstanding these modifications, they were not considered to be sufficient to mitigate the impact on the Gate Lodge and its curtilage. The observations of the DLR Conservation Officer were noted.

Proposed felling of Category A tree 710 Copper Beech

- The proposed development would result in the removal of a Category A tree prominently located at the historic entrance to the site, and does not comply with Policy Objective CA18 Urban Greening.
- The proposed felling of a protected tree on site would adversely affect the sylvan setting of the site.
- DLR Parks Department opposed to its removal which would have a detrimental effect on the site and the broader local area.

Residential Development Standards

- Overall, the standard of accommodation was considered to be acceptable and in accordance with the Planning Design Standards for Apartments (DoHLG, 2025).

Access / Parking

- The proposed access does not facilitate pedestrian priority. Subject to conditions of the parent permission, it can be dealt with by condition in the event of a grant. Overall however, no issues raised.

Water / Wastewater

- No issues raised, Uisce Éireann recommended the inclusion of conditions in the event of a grant.

The proposed development was screened for AA and EIA. The PA noted the comments of the Biodiversity Officer and it was concluded that the proposed development would not give rise to significant impacts on a European site and that there was no real likelihood of significant effects on the environment and the need for EIA was not required.

5.2.2. Other Technical Reports

- Transportation Department (02nd December 2025) – No objection subject to conditions.
- Parks Department (02nd December 2025) – Recommended refusal for the following reasons:
 - The overall site has a mature tree collection and the Phase 2 masterplan layout was led by the existing landscape and mature trees on site.
 - The removal of tree no. 710 (Copper Beech-Cat. A2) is significant due to its prominent location at the entrance to the site. The removal of same would have a determinantal effect on the site and the broader local area.
 - The development fails to comply with Policy Objective HER 8 and Section 12.11.2.3 of the development plan.
- Conservation Report (10th December 2025) – Recommended refusal for the following reasons:
 - Notwithstanding the revisions made to Block E, concerns remain with regard to the impact on the Knockrabo Gate Lodge Protected Structure due to the height of the proposed development and the marginal setback relative to the Gate Lodge building resulting in the block being visually overpowering in the context of the existing Gate Lodge. The proposed siting of Block E will adversely affect the sylvan setting which significantly contributes to the amenity and appreciation of the Gate Lodge.
 - Previously expressed concerns regarding the loss of trees is unchanged.
 - Further information could be sought to address the issues, in particular to move the block further to the north to mitigate impact on the setting of the Gate Lodge, otherwise recommended refusal.
- Biodiversity Report (08th December 2025) – Recommended FI in relation to EIA and AA Screening. Conditions were recommended in the event of a grant.
- Housing Report (07th November 2025) – No objection subject to conditions.
- Environmental Enforcement Report (04th November 2025) – No objection subject to conditions.
- Drainage Report (16th December 2025) – No objection subject to conditions.

5.3. Prescribed Bodies/ Other Bodies

- Uisce Éireann – Confirmation of connection feasibly, water connection via Knockrabo Estate feasible without infrastructure upgrades, however the network is not take in charge, and evidence is required from the developer that the main is connected to UÉ network and in operation. Wastewater connection feasible without infrastructure upgrade.

The application was referred to EHO, An Taisce, Fáilte Éireann, Arts Council, Heritage Council and the Department of Housing and Local Government, however no submissions were received by the PA.

5.4. Third Party Observations

Three Third Party submissions were received by the PA. The main points raised can be summarised as follows:

- Both permissions P.A. Ref. D17A/1124 and LRD24A/0882/WEB which relate to the site removed Block E.
- There is no material change in the planning policy related to the area or the site circumstances that would justify the proposed block.
- The proposed development would adversely impact the existing protected structure and the site and their curtilage and setting.
- The proposed development would result in the loss of a high-value Category A tree and weaken the green infrastructure which development plan objectives seek to protect.
- The proposed development would result in the erosion of the designated open space and the estate layout which the previous permission clearly engaged for this area.
- The proposed development would give rise to impacts on residential amenity resulting in overlooking and overbearance of nearby dwellings and open space areas and would remove an important visual break between buildings.

6.0 Planning History

Appeal Site Including Adjoining Lands to West & North (Phase 2)

- P.A. Ref. D17A/1124 – Grant – 93 units, childcare facility, community/leisure uses – Block E omitted by condition 2 and the area to be incorporated into the area of open space and the existing trees on site protected and retained, in order to protect the setting of the protected structure (06th September 2018).
- ABP Ref. 311826-21 – Granted Strategic Housing Development 227 residential units including Block E (08th March 2022). Also proposed amendments to Phase 2 parent permission P.A. Ref. D17A/1124 and partially overlapped P.A. Ref. D17A/1124 which comprised of the reconfiguration and redesign of the approved residential development. The decision was quashed, the third party challenge related to matters regarding public transport only following judicial review. The case was remitted to An Coimisiún Pleanála which is pending decision.
- P.A. Ref. LRD24A/0882/WEB – Grant 158 residential units including use of Gate Lodge (protected structure) as a residential unit, a childcare facility at basement level in Cedar Mount as well as community and leisure uses on ground floor and 2 no. apartments at first floor (protected structure). Condition 4 omitted 'Block E' comprising of 8 no. apartments. (19th February 2025).

Lands to the East (Phase 1)

- P.A. Ref. D04A/1546, ACP Ref. PL06D.213634 – Refused permission 369 residential units (23rd December 2005).
- P.A. Ref. D08A/0457. ACP Ref. PL06D.232694 – Refused permission 85 residential units and creche (18th November 2009).
- P.A. Ref. D13A/0689, ACP Ref. PL06D.243799 – Grant 88 no. dwellings (47 houses, including existing Gate Lodge (East) and 41 no. apartments) (23rd January 2015).
- P.A. Ref. D16A/0821 – Grant – amend D13A/0689/ ACP Ref. PL06D.243799 – increase in apartments from 41-51 (total increase from 88 to 98 units) (12th January 2017).

- P.A. Ref. D16A/0960 – Grant – to amend P.A. Ref. D13A/0689/ ACP Ref. PL06D.243799 18 no. apartments in proposed Block D south of permitted Block C and 3 no houses (Phase 1A) (05th July 2017).
- P.A. Ref. 5217/ ACP Ref. RL06D.RL3597 – The construction of a temporary access road at the site of a permitted residential development (register reference number D13A/0689, An Bord Pleanála reference PL06D.243799) on lands at Knockrabo, Mount Anville Road, Goatstown, Dublin 14 is development and is exempted development (30th July 2018).

7.0 Policy Context

7.1. Overview

- 7.1.1. The proposed development comprises an amendment to an extant permission P.A. Ref. LRD/24A/0882/WEB refers. The parent permission consists of a residential development comprising 158 residential units and including an extension to Knockrabo Gate Lodge (West) and the provision of a childcare facility, community/leisure uses and an apartment within the existing structure Cedar Mount house, both of which are protected structures.
- 7.1.2. The development the subject of this appeal seeks to introduce a new block of duplex apartments 6 no. units in total, which was omitted by condition 4 of P.A. Ref. LRD/24A/0882/WEB.
- 7.1.3. Accordingly, having considered the nature of the proposal, the parent permission and conditions of same, the receiving environment, the decision of the PA, and the documentation on file including the reports and submissions from the PA, and to the grounds of appeal, I consider the following policy and guidance to be of relevance to the assessment and determination of this appeal:

7.2. National Policy

- 7.2.1. **Project Ireland 2040 – National Planning Framework First Revision (April 2025)**
National Policy Objective 4

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs (the five cities and their suburbs).

National Policy Objective 7

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 8

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.

National Policy Objective 20

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 45

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

National Policy Objective 90

Enhance, integrate and protect the special physical, environmental, economic and cultural value of built heritage assets, including streetscapes, vernacular dwellings and other historic buildings and monuments, through appropriate and sensitive investment and conservation.

7.2.2. Climate Action Plan (CAP) 2025

Climate Action Plan 2025 builds upon last year's Plan (CAP 2024) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

7.2.3. Delivering Homes, Building Communities 2025-2030, An Action Plan on Housing Supply and Targeting Homelessness

Delivering Homes, Building Communities is a wider-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

Pillar 1 focuses on activation the supply of 300,000 homes. This will be achieved through activating more land, providing more housing-related infrastructure, securing more development finance for home building, addressing viability challenges particularly those seen in apartment delivery, increasing the adoption of Modern Methods of Construction, increasing the skills in the residential construction sector and working toward ending dereliction and vacancy.

Pillar 2 details how Government will support people. It sets out a series of key actions that work towards ending homelessness, support affordability and address the housing needs of people as they progress through life. In partnership with local authorities, the LDA and AHBs, the plan will address the needs of the most vulnerable in our communities, make buying and renting homes more affordable and support the development of village, towns and cities across the country.

7.2.4. National Biodiversity Plan 2023-2030

Includes 5 objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protection is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Commission to have regard to the objectives and targets of the plan in the performance of its functions

7.3. Regional Spatial & Economic Strategy 2019-2030.

Chapter 12 Quality of Life

Architectural Heritage – Local authorities, through their city and county development plans and designation through the Record of Protected Structures (RPS) and Architectural Conservation Areas (ACAs), enable places of architectural value to be protected. Good heritage management should be incorporated into spatial planning to promote the benefits of heritage led urban regeneration in historic towns, for example through the protection of historic urban fabric, the reuse of historic buildings and the enhancement of places of special cultural or natural interest.

- RPO 9.30: Support the sensitive reuse of protected structures.

7.4. Section 28 Ministerial Guidelines

The following Section 28 ministerial guidelines are considered of relevance to the proposed development:

- Architectural Conservation Guidelines for Planning Authorities (2011)

The guidelines provide guidance to planning authorities in assessing applications involving Protected Structures and their attendant grounds. The following is relevant:

- Section 13.5 Development within the Curtilage of a Protected Structure.
- Section 13.6 Features within the Attendant Grounds of a Protected Structure.
- Section 13.7 Development within the Attendant Grounds.
- Planning Design Standards for Apartments Guidelines for Planning Authorities (09th July 2025)
 - I note for the Commission that the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 were issued on 08th July 2025. These Guidelines only apply to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 09th July 2025¹. The application was received by the PA on 29th October 2025.

Section 3.0: Includes the achievement of apartment design standards with regard to the following:

SPPR 2 – minimum apartment floor areas (2-bed 63-73 m², 3-bed 76-90 m²).

SPPR 3 – (i) A minimum of 25% of units within a development shall be required to be dual aspect. Statutory plans shall not specify minimum requirements that exceed the requirements of this Specific Planning Policy Requirement.

¹ As per Department of Housing, Local Government and Heritage Circular Letter: NSP 04/2025

SPPR 4 – Ground level apartment floor to ceiling heights shall be a minimum of 2.7m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

SPPR 5 – There shall be no requirement within statutory plans or within an individual scheme in respect of a minimum number of units per floor per core.

Internal Storage – Minimum requirement for storage areas are set out in Appendix 1. (2-bed 5-6 m², 3-bed 6-9 m²).

Private Amenity Space – The minimum required areas for private amenity space are set out in Appendix 1. (2-bed 6-7 m², 3-bed 7-9 m²).

- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024). Dept. of Housing, Local Government and Heritage
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS) (2019)

7.5. Dún Laoghaire-Rathdown County Development Plan 2022-2028

- The appeal site is zoned Objective 'A': To provide residential development and improve residential amenity while protecting the existing residential amenities'.
- Knockrabo Gate Lodge (West) is listed on the Register of Protected Structures RPS Ref. 796 (Appendix 4: Heritage Lists). This also includes for the entrance gates and piers onto Mount Anville road.
- Cedar Mount house is listed on the Register of Protected Structures RPS Ref. 783.
- There are 2 no. tree symbols shown on the Development Plan Zoning Map (2) within the applications site boundaries which indicate an objective 'To protect and preserve Trees and Woodlands'.
- The site lies immediately adjacent to the Strategic Road Reserve for the Dublin Eastern Bypass Corridor Protection Study Booterstown to Sandyford (Specific Local Objective 4).

The following is relevant to the proposed development:

7.5.1. Chapter 3 Climate Action

Policy Objective CA18: Urban Greening

It is a Policy Objective to retain and promote urban greening as an essential accompanying policy to compact growth which supports the health and wellbeing of the living and working population, building resilience to climate change whilst ensuring healthy placemaking. Significant developments shall include urban greening as a fundamental element of the site and building design incorporating measures such as high quality biodiverse landscaping (including tree planting), nature based solutions to SUDS and providing attractive routes and facilities for the pedestrian and cyclist (Consistent with RPO 7.6, 7.22, 7.23, 9.10 of the RSES).

7.5.2. Chapter 4 Neighbourhood - People, Homes and Place

Section 4.3.1 Delivering and Improving Homes

Constraints to Higher Density – Acknowledges that site constraints can impact on residential density and layout. Some dispensation in relation to separation distances, open space requirements and density considerations may be appropriate. In some circumstances, higher residential density development may be constrained by Protected Structures and Architectural Conservation Areas (ACAs). To enhance and protect ACAs, cACAs, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings, new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.

- Policy Objective PHP18: Residential Density
- Policy Objective PHP20: Protection of Existing Residential Amenity
- Policy Objective PHP35: Healthy Placemaking

7.5.3. Chapter 9 Open Space, Parks and Recreation

9.3.1.3 Policy Objective OSR7: Trees, Woodland and Forestry

It is a Policy Objective to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and

educational benefits, which derive from an 'urban forest', and include a holistic 'urban forestry' approach.

7.5.4. Chapter 11 Heritage and Conservation

Section 11.4.1 Record of Protected Structures

- All works are to be carried out to the highest standards in accordance with the guidelines and specific guidance set out in Section 12.11 of Chapter 12 'Development Management'.
- The curtilage of a Protected Structure is often an essential part of the structure's special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function. However, the curtilage of a structure can also be expansive. The traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained. A garden size appropriate to that of the structure should be also be retained.
- Historic landscapes and gardens are also an important amenity and contribute to the setting and character of Protected Structures. These can include both built and natural features such as walled gardens, views/vistas, tree-lined avenues, decorative tree-clumps, woodlands, or plant collections.

11.4.1.2 Policy Objective HER8: Works to Protected Structures

It is a Policy Objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is

appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).

11.4.1.3 Policy Objective HER9: Protected Structures Applications & Documentation

It is a Policy Objective to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) of the Planning Regulations and Chapter 6 and Appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities', or any variation thereof.

7.5.5. Chapter 12 Development Management

Section 12.3.4.1 Road and Footpath Requirements

The requirements set down in the Council's 'Taking in Charge Policy Document', and 'The Design Manual for Urban Roads and Streets', (DMURS), 2019, will generally apply.

Continuous footpaths shall be provided at junctions, and vehicular entrances, to facilitate people with ease of movement. At any such junctions where continuous footpaths are neither feasible nor appropriate, dished kerbs with tactile paving shall be provided to facilitate people with ease of movement.

Section 12.8.11 Existing Trees and Hedgerows

New developments shall be designed to incorporate, as far as practical, the amenities offered by existing trees and hedgerows. New developments shall also have regard to the objectives to protect and preserve trees and woodlands (as identified on the county development plan maps). The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the plan.

Section 12.11.2.3 Development within the Grounds of a Protected Structure

This notes the potential for development within the curtilage of a protected structure to adversely affect its setting and amenity. Development must respect and complement the Protected Structure and its setting and will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments. Any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever this.
- Development proposals within historic landscapes and gardens shall include an appraisal of the existing landscape character to Include identification and description of the structures, features, planting, and boundaries. This appraisal should be undertaken prior to the initial design of any development, as it will provide an understanding of the essential character of the site and help to inform the appropriate location for development.
- The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.

- Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palliative materials, and finishes, and juice of screen planting.

Other relevant provisions include the following:

Section 12.3 Neighbourhood – People, Homes and Place

- Section 12.3.1 Quality Design
- Section 12.3.3 Quantitative Standards for All Residential Development
 - Section 12.3.3.1 Residential Size and Mix
- Section 12.3.4 Residential Development – General Requirements
- Section 12.3.5 Apartment Development
 - Dual Aspect in Apartments
- Section 12.4.5 Car Parking Standards
- Section 12.4.6 Cycle Parking (cycle parking should accord with ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments (2018)’ or any subsequent review of these standards.
- Section 12.4.11 Electrically Operated Vehicles
- Section 12.8.1 Landscape Design Rationale
- Section 12.8.2 Open Space Categories for Residential Development
- Section 12.8.3 Open Space Quantity for Residential Development
- Section 12.8.3.2 Communal Open Space
- Section 12.8.3.3 (ii) Private Open Space for Apartment Developments
- Section 12.8.5.3 Communal Open Space – Quality
- Section 12.8.6 Biodiversity and SuDS in both Public and Communal Open Space
- Section 12.8.7 Private Amenity Space – Quality Standards

7.5.6. *Chapter 13 Land Use Zoning Objectives*

Table 13.1.1 Development Plan Zoning Objectives

- Zoning – Objective ‘A’: To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Table 13.1.2 – Residential acceptable in principle.

7.5.7. *Chapter 14 Specific Local Objectives*

Special Local Objective 4 – In summary, this objective seeks to implement the requirements of the Dublin Eastern Bypass Corridor Protection Study (Boosterstown to Sandyford, 2011), to promote potential additional future temporary uses of the Dublin Eastern Bypass reservation corridor, including a greenway /cycleway, a pedestrian walkway, biodiversity projects, recreational opportunities, pending a decision from Transport Infrastructure Ireland/Central Government in relation to the future status of the Bypass. Any potential additional future short-term uses of the reservation corridor will be subject to a joint feasibility study to be undertaken by TII and the NTA. If the corridor is ultimately deemed unnecessary for the bypass, Dún Laoghaire-Rathdown County Council will lead a study potentially informed by future NTA work, to determine the optimal long term use of the land.

7.5.8. *Appendix 4: Heritage Lists*

Table 4.1 Record of Protected Structures

- Cedar Mount RPS No. 783 (Map 2)
- Knockrabo Gate Lodge (West) including entrance gates and piers RPS No. 796 (Map 2)

7.6. **Non-Statutory Plan**

7.7. A Climate for Trees, Tree Strategy Dún Laoghaire-Rathdown 2024-2030

Policy 11

Where a tree of category A, B or C is to be removed then replacement trees should be proposed. Replacement trees should increase biodiversity, be an appropriate species for the location, and have a mature canopy spread equivalent to, or greater than, the tree(s) removed. The replacement tree should be no smaller than dbh 6.5cm.

7.8. Natural Heritage Designations

- SPA: 004024 - South Dublin Bay and River Tolka Estuary SPA – approx. 2.5 km to the east
- pNHA: 000210 - South Dublin Bay– approx. 2.5 km to the east
- SAC: 000210 - South Dublin Bay SAC– approx. 2.5 km to the east
- SPA: 004172 - Dalkey Islands SPA – approx. 8.97 km to the southeast
- SAC: 003000 - Rockabill to Dalkey Island SAC – approx. 8.95 km to the east.
- pNHA: 001753 - Fitzsimon's Wood – approx. 2.9 km to the south
- pNHA: 001206 - Dalkey Coastal Zone And Killiney Hill – approx. 6.73 km to the east.

8.0 The Appeal

8.1. Grounds of Appeal

One no. First Party appeal against the PA's decision to refuse permission has been received. The grounds of appeal can be summarised as follows:

8.1.1. Planning History

- The refusal of the current planning application fails to properly consider the established planning precedent on the site, particularly the previously approved SHD ABP Ref. 311826-21 permitted by the Commission which included a larger residential block in this location (see Section 6.0 above).
- That previous assessment by the Planning Inspector concluded that the siting, scale and relationship to the adjoining protected structures would not give rise to unacceptable impacts. The assessment and decision of this application is a material consideration and of significant weight in the context of this appeal.
- The current proposal does not seek to reintroduce the previously approved Block E under the SHD application, but proposes to materially revise and reduce the form of the development.

- The current proposal represents the lowest impact form of development proposed in proximity to the Knockrabo Gate Lodge (West) of applications lodged and was informed by site constraints. The current proposal has been scaled back so that it is less impactful than the previously approved Block E:
 - 6 no. units reduced from 8.
 - Reduced height and massing from a five-storey block to a four-storey block.
 - Increased separation from the Gate Lodge (West).
 - Relocated further north on the site.
 - Removal of only 1 no. Category A tree (previously 2.)

8.1.2. Refusal Reason 1

Built Heritage / Design

- The proposed duplex block has been scaled back to reduce height, mass and location relevant to the existing protected structures, and in response to pre-application feedback.
- It was informed by the site specific constraints, the comments raised by the council during the pre-application process.
- The visual and heritage concerns of the Conservation Officer relate solely to the Gate Lodge structure. Specific concerns were not raised in regard to impacts on Cedar Mount House and it is accepted that no impacts arise in relation to same.
- No visual impact concerns were raised by the PA.
- The duplex block is approximately 20.8 metres from the Gate Lodge (West), with substantial existing and proposed planting that will screen views.
- The duplex block was reduced in scale (max height approx. 10.5 m) to concur with the height of Cedar Mount House (c.11.2 m front elevation). These amendments incorporated the concerns raised by the Conservation Officer report.
- The Architectural/Historic Significance Assessment report provided with the application concluded:

- The impact on the Gate Lodge (Wes) will be minimal due to extant mature trees providing screening between both buildings.
- The proposed design does not seek to mimic the Gate Lodge (West) design and program, but shows contemporary design and duplex apartment use which ties in with Phase 1 and 2 developments.

Siting/ Location

- The decision of the council fails to consider the context of the overall Knockrabo lands including Phase 1 lands, as well as the wider context.
- The proposed duplex block has sought to balance site constraints, including protected structures and mature trees.
- The proposed location is the optimal site for the proposed development having regard to the need to provide extensive open spaces particularly around Cedar Mount House to retain the sylvan character.
- It contributes to placemaking by demarcating the entrance to the scheme, completing the streetscape along Knockrabo Way and defining the square with the existing oak tree at the site entrance.
- The proposed duplex block helps to define open spaces around Cedar Mount House, complete the streetscape along Knockrabo Way, enhances passive supervision and place making of the public open space to the front of Cedar Mount House.
- Alternative locations as suggested by DLRCC were found to be infeasible due to impacts on trees and site layout.
- The previous proposal for Block E at this location was deemed acceptable by the Commission in ABP Ref. 311826-21. The council should have had due regard to the SHD assessment and decision of the Commission which noted that the inclusion of a protected structure does not preclude development in proximity to it, provided that such development does not negatively affect the character and setting of the structure, and is informed by appropriate design, siting, scale, massing and landscape treatment.

- The assessment further contented that Knockrabo Gate Lodge (West) was originally associated with Mount Anville House which is no longer in existence and it was acknowledged that the historic setting of the Gate Lodge has fundamentally changed, that a new development represents an evolution from its past setting rather than in inherent harm.
- Precedent for a building of the scale proposed is established by the 5 no. storey apartment building constructed adjacent to Mount Anville Road and proximate to the Gate Lodge (West) as permitted under Phase 1.

8.1.3. Refusal Reason 2 (Tree Removal / Landscaping)

- The previous proposal under LRD24A/0882/WEB resulted in the removal of 2 no. Category A trees. The current proposal removes only one. The proposed development therefore has had regard to existing tree preservation objective with an additional Category A tree being retained.
- The reason for refusal infers non-compliance with Policy CA18 Urban Greening. The applicant argues compliance with policy CA18, citing significant replanting and extensive landscaping that results in a net gain of trees.
- C. 88% of Category A trees are retained across the Phase 2 lands including the appeal site.
- Section 12.8.11 of the development plan clarifies that mapped tree symbols do not commit to absolute preservation.
- The previous SHD decision ABP Ref. 311826-21 acknowledged the need to balance tree retention with the sustainable development of the serviced zoned site and the requirement to protect existing significant trees and the amenity value of the site.
- The site specific constraints were a significant consideration in the proposed layout and in order to achieve an appropriate density, the removal of 1 no. Category A tree would facilitate Block E.

Heritage Context

- The Historic Setting Report accompanying the application indicates that both Gate Lodges historically related to Mount Anville House which was demolished

(1984) and not Cedar Mount House. The current proposal and the landscape strategy help to distinguish the Gate Lodge (West) as a distinct heritage element rather than incorrectly implying association with Cedar Mount House and its curtilage.

Density & Overall Planning Considerations

- The reduced 6 units duplex scheme responds directly to the council's concerns regarding scale and massing and will have a minimal impact on the Gate Lodge (West).
- The density of the subject application at c. 92 units per ha is appropriate for the delivery of housing, as it is strategically located in the suburban area of Dublin City and easily accessible by public transport.
- The proposed development represents a planning gain and will have minimal impact, notwithstanding the removal of 1 no. Category A tree when considered in the context of the housing crisis.
- The council did not assess the proposal holistically and incorrectly determined non compliance with Policy HER8, despite revisions made in response to the planning authorities feedback.

8.2. Planning Authority Response

The Planning Authority's Response to the grounds of the appeal refers the Coimisiún to the previous Planner's Report and that the grounds of the appeal do not raise any new matters.

8.3. Observations

8.3.1. Three observations were received from Eleanor Lyons, Michael Cosgrove, Xiayou Gao. The key points raised in the observations can be summarised as follows:

- The subject development has been removed by condition related to other planning permissions and the impacts on the architectural heritage of the site remain as valid concerns.

- The appeal asserts that the previous SHD permission was quashed solely on public transportation grounds and implies that all other elements of that application including Block E were effectively endorsed. There was no positive judicial finding that Block E was acceptable in heritage, visual, landscape or tree-protection terms.
- The concerns of the PA in regard to the impact on the architectural heritage of the site and the protected structures remain, and are protected by development plan policy. The appeal seeks to rely heavily on a prior SHD Inspector's opinion despite the application being quashed and the re-assessment of the proposal by the PA, having regard to up to date planning policy and considerations.
- The site entrance is at a constrained location and the PA raised concerns regarding the siting of the apartment block close to the access point. The appeal places emphasis on placemaking and an entrance feature, and fails to meaningfully engage with the PA's concerns in regard to the siting of the block close to the road and entrance, the safe vehicle movements and sightlines, the interaction between pedestrians, cyclists and traffic. These have not been addressed in substance.
- The removal of the Category A tree conflicts with Policy CA 18. The argument put forward by the applicant that only one Category A tree is affected, and that there would be a net gain in overall tree numbers is flawed. Such trees are designated because of their exceptional value. Net gain does not replace the ecological visual or heritage value of the mature tree specimen. It is also highlighted in the reason for refusal that a negative precedent would be set by removing protected trees.

9.0 **Assessment**

Introduction

- 9.1. The proposed amendments relate to the introduction of a revised proposal for a three-storey duplex apartment block comprising of 6 no. units and the removal of 1 no. Category A tree and all associated site works, as described in Section 3.0 above. This revised proposal follows the omission of a similar block, i.e. Block E under condition 4 of P.A. Ref. LRD24A/0882/WEB. The principle of a residential development at the site is already established through the extant permission P.A. Ref. LRD24A/0882/WEB. The

red line boundary of this application includes the overall area of the extant permission, and the area related to the proposed development is identified by a green line. It was noted at time of site inspection that construction works had commenced on the site. This assessment is therefore confined to the proposed amendments of the new duplex apartment block and associated ancillary site development works only, and will therefore be assessed accordingly, particularly in the context of the reasons for refusal.

9.2. The grounds of appeal and observations to the appeal refer to SHD ABP Ref. 311826-21 with regard to a similar proposal being permitted i.e. Block E and the removal of 2 Category A trees. Notwithstanding that the aforementioned case has been remitted to An Coimisiún Pleanála, I note that the previous assessment and decision of the Coimisiún carried out related to the previous Dún Laoghaire-Rathdown County Development 2016-2022 and the Goatstown Local Area Plan 2012 (extended to 2022) which have both expired. As the remitted case has yet to be decided, there is no reliance on previous assessments or precedence of that case in my appraisal of the development proposed in this appeal.

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

- Principle of Development
- Impact on Architectural Heritage
- Tree Removal
- Material Contravention
- Other Matters

9.4. Principle of Development

9.4.1. Notwithstanding that the parent permission related to the overall site has already established the principle of development, I note for completeness that the site is zoned Objective A 'To provide residential development and improve residential amenity while

protecting the existing residential amenities', and that the proposed development providing for 6 no. apartment units is consistent with this stated zoning objective.

- 9.4.2. The current proposal for 6 no. apartments would bring the total number of residential units for the overall site to 156 units, resulting in an overall gross density of approx. 61 units per ha (uph) and a net density of 75.7 uph, within the red line. Under the parent permission P.A. Ref. LRD24A/0882/WEB, the gross density was calculated at c. 62 uph (net c. 76.6 uph) including the 8 no. apartment units, subsequently omitted by condition 4. The proposed development will therefore achieve an increase of 1.0 uph or a net increase of 0.9 uph. Policy Objective PH18 (Residential Density) promotes higher density development and the development plan requires the minimum default density for new residential development within the county (excluding lands with 'GB', 'G' and 'B' zoning objectives) shall be 35 uph (net) and that it should be applied particularly in relation to 'greenfield' sites or larger 'A' zoned areas. In this regard, I am satisfied that the proposed development generally complies with these requirements. While there is a minor shortfall, the development plan in Section 4.3.1 allows for some dispensation in relation to separation distances, open space requirements and density in cases where new residential development is proposed on a site with existing protected structures. Given the site context which is characterised by its heritage status and the presence of two protected structures, I am satisfied that this marginal reduction in density for the overall all site is acceptable in this case.

9.5. Impact on Architectural Heritage

Design & Layout

- 9.5.1. The first reason for refusal relates to the overall design, layout, scale and location of the proposed apartment block relative to the Knockrabo Gate Lodge (West) which is a protected structure. I note that two larger scale proposals (five storey block of 8 no. apartments including basement car parking) as described earlier in my report were removed by condition under P.A. Refs. D17A/1124 and the more recent permission P.A. Ref. LRD24A/0882/WEB.
- 9.5.2. The proposed duplex apartment block will provide a total of 6 no. units identified as 'Block E' on the proposed site layout plan (DWG No. 1307H-OMP-00-SP-DR-A-1000) and will have a stated gross floor area of 606.6 m². I note that the unit mix proposed

comprises of 4 no. two-bed and 2 no. three-bedroom duplexes. As the site falls under the category of 'Existing Built Up Area' (Figure 2.9 Core Strategy Map) the requirement for developments in excess of 50 units, a minimum of 20% must comprise of 3+ bed units. Table 12.1 of the development plan relates to Apartment Mix Requirements and seeks a minimum of 20% of apartments in schemes of 50+ units in built up areas must be 3+ bed units. Having regard to the overall development permitted under P.A. Ref. LRD24A/0882/WEB which provides for a variety of dwelling types, I note that the scheme seeks to provide over 20% in the form of apartment and dwelling units. I am therefore satisfied that this is broadly acceptable in the context of the development plan requirements.

- 9.5.3. The footprint of the previously proposed Block E is indicated on the site layout plan. The new proposal is seeking to revise the siting of the apartment block further to the north by approx. 6.66 m from the previous location. In this regard, it is noted that the block will be located approx. 15 m from the nearest front building line of the existing Gate Lodge (West) which is positioned to the south/southwest. I note that this is an approx. increase of 5.9 m from the previous Block E proposal.
- 9.5.4. With an overall ridge height proposed at 10.57 m due to the grounds levels of the site falling north, the proposed apartment block will present as a split level building with a two storey block and a lower ridge height to the south of 7.27 m. Otherwise the design and scale of the proposal will read as a three storey flat roof apartment block. It will generally assimilate with the adjoining apartment block on the eastern side of the access road Knockrabo Way in terms of fenestration form, massing and material finishes (white brick building). Under P.A. Ref. LRD24A/0882/WEB, Block E comprised of a five-storey apartment block including basement. It had a proposed ridge height of 17.67 m and a gross floor area of approx. 741 m². I note that the height of the proposed apartment block is designed to align with Cedar Mount House (three storey) which is located c. 42.5 m to the northwest of the proposed apartment block.
- 9.5.5. Surface car parking is proposed to the north of the duplex block with a space provided for each unit and 1 no. disability space. This is consistent with the car parking requirements set out in Section 11.4 and Table 12.5 of the development plan. Vehicular access is as per LRD24A/0882 off Knockrabo Way with public footpath proposed linking the development to the adjoining access road. In terms of Bicycle parking and storage, in total I note from the 'Proposed Site Layout Plan DWG Ref.

1307H-OMP-00-SP-DR-A-1000 that a total of 10 no. spaces are indicated to serve the development along with 6 no. bike storage spaces. The bicycle parking standards are set out in the 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments 2018'. Table 4.1 indicates that 1 no. short stay space per 5 units and 1 no. long stage space per 1 unit. I note that bicycle provision is consistent with the requirements of the development plan in this regard.

- 9.5.6. Section 12.3.5.5 requires all apartment developments to accord with or exceed the minimum floor areas indicated in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities', (2020²), as set out in Table 12.4 of the development plan. In relation to same, I am satisfied that the proposed units achieve the minimum standards which are set out in Table 12.4 Minimum Overall Apartment Floor Areas. Section 12.3.5.6 requires a minimum of 2.7 m floor to ceiling height. This is achieved in each of the apartments. Table 12.3 relates to internal storage. I note that each unit meets the minimum requirements. In relation to private amenity space Table 12.11 provides the minimum requirements for apartments. Having regard to same, I note that each unit achieves the minimum standard and that each apartment has the benefit of dual aspect. Overall, I am satisfied that the design, layout and the standard of accommodation being provided in terms of minimum floor areas, living and bedroom widths, storage areas and the standards relating to private amenity space and dual aspect, public open space and communal open space, are consistent with the minimum standards as set out in Section 12.3.5 of the development plan. I further note that they would also be consistent with the minimum standards provided for in Appendix 1 of the Planning Design Standards for Apartments (Guidelines for Planning Authorities 2025).

Impact on Architectural Heritage of Site

- 9.5.7. I note the report of the council's Conservation Officer. The concerns raised regarding the height and proximity of the proposed apartment block remain, notwithstanding the revisions to the proposal to address the issues highlighted in the previous permissions. I note that these issues were also highlighted at the pre-application consultation meetings. Following the consultation process, the revisions made to the apartment block location were deemed to be minimal and the impact on the setting of the Gate

² Superseded by Planning Design Standards for Apartments Guidelines for Planning Authorities (09th July 2025)

Lodge negligible. It is also stated that the proposed location would adversely affect the sylvan setting of the Gate Lodge (West) which significantly contributes and enhances the amenity and appreciation of the protected structure.

- 9.5.8. Knockrabo Gate Lodge (West) backs on to Mount Anville Road and forms part of the boundary wall along Mount Anville Road. It has its own gated entrance onto same characterised by carved granite piers which contribute to the visual amenities of the public road. The mature landscaping within the site is evident from the main road, particularly travelling west in the direction of Dundrum. The site slopes in a northerly direction and Cedar Mount House (RPS Ref. No. 783) is set back within the site to the west. The site is currently overgrown but is not inaccessible. The area in which it is proposed to locate the apartment block forms part of a wider open space area that serves both Cedar Mount House and the Gate Lodge (West). It is an attractive area with mature trees dispersed. I note that the Knockrabo Gate Lodge (West) will be extended as part of the extant permission and Cedar Mount House will be modified to provide childcare, residential and leisure uses (P.A. Ref. LRD24A/0882/WEB).
- 9.5.9. I note from the report on the Architectural/ Historic Significance of Knockrabo site and setting that the original Mount Anville House (previously known as Knockrabo House) which was located to the east where the existing Knockrabo residential development is established was demolished in 1984. Knockrabo Gate Lodge (West) was a secondary gate lodge to Mount Anville House (I noted at time of site inspection that there is a second Gate Lodge (East) located at the eastern corner of the Knockrabo Phase 1 development). Its association to the former Mount Anville House contributes to its significance but lost its original setting once Mount Anville House was demolished. It describes the Gate Lodge (West) as of some historic significance and of group significance, as it is one of two remaining buildings within the Knockrabo Gate Lodge (East) associated with the former Knockrabo House. However it is submitted that the setting of Gate Lodge (West) is not of significance as it has lost its original setting when Knockrabo House was demolished and was severed from its front setting by the new-pass scheme (Knockrabo Way). The Gate Lodge (West) has become part of the Cedar Mount House due to changes to boundaries, access and the loss of Mount Anville House.
- 9.5.10. The eastern side of Cedar Mount House is relevant to the setting of the open space and grounds between it and the Gate Lodge (West) as it formed part of the original

Mount Anville House landholding. It is submitted that the Gate Lodge (West) (once works are completed to the building as a dwelling per P.A. Ref. LRD 24A/0882 /WEB) would have a new setting with new landscaping.

9.5.11. The report describes the impact of the proposed development on Cedar Mount House as minimal due to an approx. 42 m separation distance and which will be screened by existing mature trees. Regarding the impact on the Gate Lodge (West), it is submitted that the proposed development will not mimic the design of the protected structure, is of contemporary design that would integrate with the both Phase 1 and Phase 2 developments. Cedar Mount House and the Gate Lodge (West) and the new duplex block will be viewed separately. The argument is made that the effect of the proposed new development on the Gate Lodge (West) would be minimal as existing mature trees will provided screening between both Gate Lodge (West) and Cedar Mount House.

9.5.12. In terms of visual impact, a Landscape Visual Impact Assessment (LVIA) of the proposed development was carried out. In this regard, 6 key views were identified and photomontages and CGI were compiled in support of the LVIA. The appraisal discusses visual impact at construction stage, however it is post-construction where visual impact will be most relevant. In this regard and following construction, the report notes that the landscape context is evolving following completion of Phase 1 and as noted earlier, Phase 2 construction works have commenced. The site will transition from a former private residence to a larger wider residential development. The principal alteration to the landscape character will relate to the loss of the identified trees on the landscaping plan, however following implementation of the landscaping plan, overall the magnitude of change in the wider landscape context would be categorised as medium, and the impact effect would be slight to moderate, neutral, long-term.

9.5.13. In assessing the impact of the proposed development on the adjoining architectural heritage, I considered the relevant national Guidance (Architectural Heritage Protection Guidelines) and the provisions of the development plan. Policy Objective HER8 seeks to safeguard protected structures and their curtilage from inappropriate development. In this regard, it is an objective to protect structures included on the RPS from any works that would negatively impact their special character and appearance, that inappropriate development proposals within the curtilage and attendant grounds

that would adversely affect the special character of the protected structure should be refused. It is also an objective to ensure that historic landscape and gardens associated with protected structures are protected by inappropriate development proposals.

- 9.5.14. Photomontages have been provided to indicatively show the relationship between the proposed apartment block and the protected structures.
- 9.5.15. The main issue of concern in my opinion is the impact that the proposed development would have on the character and setting of the Protected Structures and the attendant grounds. The impact of the proposed duplex block on Cedar Mount House would be to a lesser degree and would be similar to that already occurring from the existing Phase 1 development on the eastern side of Knockrabo Way access road, due to its location which is set back further within the site. Existing mature planting and proposed landscaping would also assist in screening the proposed development.
- 9.5.16. In regard to the Gate Lodge (West), the PA is of the view that the revised proposal will not sufficiently mitigate the impact on the protected structure due to the height and the proximity of the proposed block to the existing Gate Lodge (West). The separation distance which is approx. 15 m is insufficient and the apartment block in the proposed location adversely affects its sylvan setting which significant contributes and enhances the amenity and appreciation of the Gate Lodge. Therefore concerns remain with regard to the proximity of the proposed apartment block to the Gate Lodge (West) and which the PA had suggested could be moved.
- 9.5.17. Based on the site layout plan, the new proposal for the apartment block will be sited further to the north by approx. 6.66 m from the previous location and would sit at a lower ground level. The block would be located approx. 15 m from the nearest front building line of the existing Gate Lodge (West) which is positioned to the south/southwest. I note that this is an approx. increase of 5.9 m from that the previous Block E proposal. The site layout relative to the proposed apartment block to the north and west will be retained as public open space. There are Category B trees to be retained north of the Gate Lodge. There are two Category A trees within the location of the proposed block one of which will be removed to facilitate the development (tree Ref. 0710). An existing tree on the western perimeter of the apartment block will also be removed which is a Category U Tree (Ref. 0715).

- 9.5.18. I would agree with the PA that there would be a negative impact on the Gate Lodge (West) due to visual dominance and overbearance. The PA also expressed the view that the proposed development should be located further to the north to provide greater separation distance in order to mitigate impact on the setting of the protected structure. Policy Objective HER8 (iv) requires that any development affecting a protected structure and/ or its setting should be sensitively sited, and is appropriate in terms of the proposed scale, mass, layout etc. The separation distance between the curtilage of the protected structure and the proposed development in this case is marginal and is insufficient in my opinion to mitigate against the visual impact that it would have on its setting. The proposed duplex block due to its scale and massing would be visually dominant in the context of the Gate Lodge (West) resulting in an abrupt transition of scale. While it would read as an extension of the existing Knockrabo Phase 1 housing development to the east, I am of the opinion that it does not integrate with the character of the adjoining protected structure and its attendant grounds and consequently will adversely affect its setting and amenity and would be inappropriate development in the context of the curtilage and attendant grounds of the existing protected structures, and would therefore be contrary to the provisions of (iv) Policy Objective HER 8 of the development plan.
- 9.5.19. It is submitted by the applicant that the proposed apartment block would help define the open spaces around Cedar Mount House and would complete the streetscape along Knockrabo Way (the access road to the overall housing development off Mount Anville Road). In this regard, I note Policy Objective HER8 (x) of the development plan which seeks to ensure that historic landscapes and gardens associated with protected structures are protected from inappropriate development. I further note Section 13.4 of the Architectural Heritage Protection Guidelines for Planning Authorities which relates to Features within the Curtilage of a Protected Structure and its Attendant Grounds and Section 13.5 Development within the Curtilage of a Protected Structure respectively.
- 9.5.20. The existing area of open space within this site adjacent to Mount Anville Road would be the remaining open landscape/ formally designed gardens that were previously associated with the former Mount Anville House. In its current state, I am of the view that this open space has a formal relationship with the attendant grounds of both the Gate Lodge (West) and Cedar Mount house and contributes to the character of these

protected structures. The proposed apartment block would materially alter the open space area by fragmenting it and it also involves the removal of mature trees to facilitate the development, one of which is a significant Category A tree and in my opinion more significant than the Category A tree that is being retained on the site. The resultant effect would further impact on the character and setting of the existing protected structures. As both the Gate Lodge (West) and Cedar Mount house were previously linked to Mount Anville House, the fragmentation of the open space area within their attendant grounds will further diminish the historical context of the area thereby lessening and further eroding the open landscape space area. Therefore, having regard to the foregoing and to my site inspection, I concur with the views of the PA and I consider that the existing open space should not be fragmented in the format as proposed due to the remaining heritage significance of the overall area. The overall site to the north and the lands to the east have already transformed the area by the provision of higher density residential development. Consequently, between the siting of the proposed apartment block relative to the Gate Lodge (West), the fragmentation of the existing open space area and the removal of mature trees, I consider overall that the proposed development would unduly impact on the character and setting of the existing protected structures and would further erode and result in the loss of the open space that forms part of the attendant grounds of both Knockrabo Gate Lodge (West) and Cedar Mount house which was also previously associated with the former Mount Anville House. The proposed development would in my view be contrary to the provisions of Policy Objective HER 8 (Work to Protected Structures).

9.6. Tree Removal

- 9.6.1. The second reason for refusal relates to the removal of a Category A tree. All of the submissions on file raised concerns in relation to the impacts of the proposal to remove this specific tree. I note that the previous proposal for Block E under P.A. Ref. LRD24A/0882/WEB had proposed the removal of 2 no. Category A trees to facilitate the development. Block E however was subsequently omitted by condition, the rationale being that the trees are two high quality trees and their removal would result in adverse visual impacts on the character and setting of the open space surrounding the adjoining protected structures.

- 9.6.2. The concerns of the PA remain and the relevance of this tree is highlighted in the report of the Parks Department which describes it as particularly significant due to its prominent location within the site and close proximity to the site entrance. It is a mature tree which has significant aesthetic value and its loss would have a detrimental impact on the site and the wider local area. This issue is also highlighted in the report of the Conservation Officer in the context of the Gate Lodge (West) building where it is considered that the retention of the trees would preserve the historical context and provide a mature setting to the existing Gate Lodge (West) protected structure.
- 9.6.3. I note that Land Use Zoning Map 2 identifies two tree symbols within the application site boundaries the objective for which is “To protect and preserve trees and woodlands”. Section 12.8.11 of the development plan provides that new development proposals shall seek to incorporate amenities offered by existing trees and hedgerows, and shall have regard to objectives to protect and preserve trees and woodlands identified on the development plan maps. Also, Policy Objective OSR7 seeks to implement the objectives and policies of the Tree Policy and forthcoming Trees Strategy which I note is a non-statutory strategy plan, although has somewhat been given status by its integration into the development plan under this policy objective.
- 9.6.4. A number of documents were submitted with the application which include a Proposed Landscape Works and an Arboricultural Assessment of the Tree Vegetation on the Site Area and a Design Rationale – Landscape Architecture.
- 9.6.5. I refer the Commission to the Arboricultural Assessment report of the tree vegetation within the site which has been carried out having regard to industry standards BS 5837:2012. The Arboricultural Assessment has recorded a total of 12 no. trees relative to the proposed development. To facilitate the proposed development, a total of 4 no. trees comprising of 1 no. Category A tree 0710, 1 no. Category U tree 0715 and 2 no. Category C trees 1393 and 0708 are proposed to be removed. To compensate for the tree loss, new trees, shrub and hedge planting will be provided in the landscaping of the grounds following completion of the development. Appendix 2 of the applicant’s report contains a condition tree assessment and the report also puts forth a tree protection plan and tree works.
- 9.6.6. I note that Category A tree no. 0710 is listed as a mature copper beech and is described as being in fair condition. The Category C trees 1393 and 0708 trees are

willow/weeping willow are described as being in fair condition. The Category U tree 0715 is an ash trees described as in poor condition associated with 'ash dieback'. These are illustrated on DWG No. KB-P2-E002 Tree Removal Plan. In lieu of the removal of these trees, I note that the landscaping plan proposes commensurate tree planting and more around the boundaries of the subject development (DWG No. Re.18-DR-2001_revB Landscape Plan).

- 9.6.7. I acknowledge that the applicant has provided evidence of a genuine attempt to retain trees on site, in particular the Category A trees through a multi-disciplinary approach and in response to the concerns raised by the PA in previous decisions. I also note that the rational for the proposed development is to achieve higher residential density for the overall site. While it is inevitable that there will be some loss of trees given the development proposal put forward, a balance needs to be achieved on such sensitive sites. The pertinent issue in relation to this site is the attendant grounds of the adjoining protected structures and more specifically the Knockrabo Gate Lodge (West) which adjoins the site to the southwest.
- 9.6.8. In relation to the Category A tree proposed for removal, I note that it is referred to in the Arboricultural Assessment Report as a 'large prominent parkland tree which was initially located on an open lawn area that formed part of the original planting on the grounds'. Particular emphasis is placed by the PA and the Conservation Architect with respect to the sylvan setting of these grounds which notably contribute and enhance the amenity and appreciation of the existing Gate Lodge (West). Coupled with the proposed apartment block and the loss of trees and in particular the Category A tree, it is submitted that this would further erode the historical context and the setting of the area.
- 9.6.9. The designed landscape that is associated with a protected structure is acknowledged in the Architectural Conservation Guidelines as an intrinsic part of a protected structure. This can include for designated landscape features i.e. avenues, gardens, woodlands within the curtilage or attendant grounds connected with the protected structure. I note also that Policy Objective HER8 of the development plan requires under parts (viii), (ix) and (x) that historic gardens and landscapes associated with protected structure are protected from inappropriate development. Having regard to the foregoing and to my site inspection, I consider that the removal of Category A tree 0710 which is a high value tree that significantly contributes to the character and the

setting of the adjoining protected structure would not be appropriate in this case, as it is essential to the site's character, setting and visual amenities in the context of the site's heritage status that includes for the attendant grounds of both the protected structures. This area would be the surviving demesne without the principal country house Mount Anville/ Knockrabo House which was demolished some time ago. Therefore I consider the retention of the subject tree to be paramount to ensuring the preservation of the historical context of this site in conjunction with the adjoining protected structures and more particularly Knockrabo Gate Lodge (West). Having regard to Policy Objective HER 8 of the development plan, I consider that the proposed development would be contrary to the provisions of this stated objective and in particular parts (viii), (ix) and (x) as it would adversely impact on the special character of the protected structure, would result in the further loss and fragmentation of the remaining historic open space that was previously associated with Mount Anville House and which contributes to the setting of the existing protected structures on the site. I therefore recommend refusal on this basis.

9.7. Material Contravention

First Reason for Refusal

- 9.7.1. I refer to Policy Objective HER8: (Work to Protected Structures) of the development plan and to Section 12.11.2.3 (Development within the Grounds of a Protected Structure) which is contained in Chapter 12 Development Management. The PA in its first reason for refusal deemed that the subject development was contrary to this stated objective and the aforementioned Section of the development plan which is related to development within the grounds of a protected structure. However, I note that the decision did not go as far as to say that the development materially contravened the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Furthermore, neither the planner's report or other internal departmental reports raised the matter of material contravention in the context of the proposed development.
- 9.7.2. I note the third party observes in their response to the grounds of the appeal refer to the matters raised in the reasons for refusal regarding the impact of the proposed development on the existing protected structures within the site, stating which are

grounded in development plan policies designed to protect the setting and curtilage of the protected structures.

- 9.7.3. In regard to Section 12.11.2.3 of the development plan, this relates generally to criteria to be considered in the assessment of development proposals. However I note that the policy could imply certain circumstances in which a material contravention could arise, i.e. development proposals within the curtilage of a protected structure which requires the retention of setting, sensitivity to landscape features, and avoiding severance of the relationship between houses and attended grounds.
- 9.7.4. Policy Objective HER8: Work to Protected Structures (i) clearly states that it is a policy objective to protect structures included on the RPS from any works that would negatively impact their special character and appearance. In addition, (iv), (v), (viii), (ix) and (x) clearly seek to overall protect the special architectural, historical and landscape character of protected structures by ensuring that any works, whether proposals for development, alteration, extension, or proposals within their curtilage and attendant grounds are sensitively designed, appropriately scaled, and do not negatively impact on the structure, its setting or associated heritage features.
- 9.7.5. In this case, the presence of existing protected structures within the appeal site and their attendant grounds is clearly acknowledged by the applicant who has sought to address the impact that the proposed development would have on these existing protected structures, their curtilage and attendant grounds which Policy Objective HER8 calls for under (iv). I am satisfied that the applicant has provided appropriate supporting documents, in particular an architectural heritage impact assessment report to enable a full appraisal of the development proposal in the context of the architectural heritage status afforded to the existing protected structures on this site, which is consistent with Policy Objective HER9 of the development plan. Having regard to the foregoing, while I do not consider that the development proposal is appropriate in this case due to the reasons set out in Sections 9.5 and 9.6 above and is contrary to a number of the provisions under Policy Objective HER8, the proposed development in my view through failure to demonstrate compliance with Policy Objective HER8, would materially contravene a stated objective of the Dún Laoghaire Rathdown County Development Plan 2022-2028. Notwithstanding this, the Commission may decide that the proposed development is acceptable in terms of the proper planning and sustainable development of the area and proceed to materially

contravene the development plan in allowing the proposed development, but not complying with the requirements of Policy Objective HER8.

9.7.6. In the case of Large Scale Residential Development (LRD), the Commission may decide to materially contravene a development plan in accordance with Section 37(2)(b) of the Planning and Development Act 2000 (as amended) which I have repeated below for the benefit of the Commissioners:

9.7.7. Having regard to Section 37(2)(b) of the Planning and Development Act 2000 (as amended), the Commission may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the PA to whose decision the appeal relates, where:

(i) The proposed development is of strategic or national importance:

I do not consider that the proposed development is of strategic or national significance.

Or

(ii) There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned:

All of the objectives in my opinion are clearly stated for the purposes of assessing this application. No conflicting objectives exist such that would warrant a material contravention in this case.

Or

(iii) Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government:

I do not consider that the proposed development would be in conflict with the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031, Section 28 Guidelines, or policy directives under Section 29.

Or

- (iv) Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan:

Permission has been granted for the overall site under P.A. Ref. LRD24A/0882/WEB permitted in February 2025. This is associated with the adjoining lands to east which relates to Phase 1 of a development that is built. The Commission may decide to grant permission in the context of Section 37(2)(b)(iv) which is related to the pattern of development in the area. Although the proposed development would be in keeping with the pattern of development in the area, it would not be sufficient to overcome the stated reason for refusal.

- 9.7.8. Having regard to the first reason for refusal in the PA's decision, and having regard to the criteria under Section 37(2)(b) of the Planning and Development Act 2000 (as amended) as above, it is my view that a material contravention is not warranted in relation to the first reason for refusal.

9.8. Other Matters

Road Safety

- 9.8.1. Road safety concerns were raised in the observations to the appeal. In this regard, it is submitted that the site entrance is at a constrained location and the PA had raised concerns in regard to the location of the proposed apartment block relative to the access point.
- 9.8.2. The Transportation Department raised that the vehicular access to the site did not facilitate pedestrian priority, however was satisfied that the matter could be addressed by way of a pre-development condition in the event of a grant.
- 9.8.3. I note that the overall issue relates to the provision of a footpath serving the proposed development and that issues regarding sightlines and vehicular movements were not specifically raised by the Transport Department or the PA in the assessment.
- 9.8.4. Although 2.0 m wide footpaths are indicated along the eastern boundary of the site, I note from the proposed site layout plan that a continuous footpath has not been provided across the proposed vehicular entrance to the development. In the event of a grant, I would recommend that the Commission include a pre-development condition

for the provision of a continuous footpath cross the vehicular entrance to the site, in accordance with DMURS Advice Note 6 and the requirements of Section 12.3.4.1 of the development plan, which relates to roads and footpaths.

10.0 AA Screening

10.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 (as amended).

10.2. The nearest identified European sites are the following:

- SPA: 004024 - South Dublin Bay and River Tolka Estuary SPA – approx. 2.5 km to the east,
- SAC: 000210 - South Dublin Bay SAC– approx. 2.5 km to the east,
- SPA: 004172 - Dalkey Islands SPA – approx. 8.97 km to the southeast,
- SAC: 003000 - Rockabill to Dalkey Island SAC – approx. 8.95 km to the east.

10.2.1. The proposed development comprises amendments to the permitted Large Scale Residential Development P.A. Ref. LRD/24A/0882/WEB i.e. the introduction of a new block of duplex apartments 6 no. units in total, which was omitted by condition 4 of P.A. Ref. LRD/24A/0882/WEB.

10.2.2. Under the parent permission P.A. Ref. LRD/24A/0882/WEB which has commenced construction, I note that an Appropriate Assessment Screening Report was provided in respect of the large scale residential development proposed. Both the AA Screening report submitted by the applicant and the AA Screening carried out, the PA concluded that the permitted development would not give rise to potential significant effects on any European sites in light of their conservation objectives, and the proposed development would not require Stage 2 AA, as it would not either alone or in combination have a significant impact on the identified nearest European sites.

10.2.3. Whilst noting the report and recommendation of the Biodiversity Officer, the PA considered that the matters raised related to elements that were previously approved under the parent permission which were not subject to modification under the new application. No nature conservations were raised by the PA and it was further noted

that the proposed amendments would not significantly alter the permitted scheme. I concur with same.

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

10.2.5. The reason for this conclusion is as follows:

- The nature of the proposed works.
- The sites location in an urban area on zoned lands where public wastewater infrastructure is available,
- The location of the site, its distance at approx. 2.5 km from the nearest European site and the lack of connections,
- The AA Screening assessment of the PA.

10.2.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

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

11.0 Water Framework Directive

11.1.1. The appeal site is located at Knockrabo, adjacent to the Mount Anville Road, in Goatstown, Dublin 14. The nearest waterbody to the site is the Brewery Stream_010 (EU_CD IE_EA_09B130400) approx. 1.86 km to the east, and the Dodder River is approx. 1.6 km to the west. The underlying ground waterbody is Waterbody Kilcullen IE_EA_G_003 with an overall status recorded as 'Good'.

11.1.2. The proposed development seeks to introduce a new block of duplex apartments 6 no. units in total, which was omitted by condition 4 of P.A. Ref. LRD/24A/0882/WEB.

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

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

11.1.4. The reason for this is as follows:

- Nature of the works,
- Location from the nearest water bodies
- No direct hydrological connections.

11.1.5. 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.

12.0 EIA Screening

The proposed development, as an amending application to the parent permission P.A. Ref. LRD24A/0882/WEB, has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 appended to this report). Having regard to the characteristics and location of the proposed development and the type 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.

13.0 Recommendation

13.1. I recommend that permission is refused for the reasons and considerations set out below.

14.0 Reasons and Considerations

1. It is considered that, the proposed development due to its proximity to the adjoining protected structure Knockrabo Gate Lodge (West) RPS Ref. 796 and by reason of its scale and visual dominance would materially and adversely affect the character and setting of the Protected Structure, would fail to integrate with the historical context of the site, and would be contrary to Policy Objective HER 8 (Works to Protected Structures), and to Section 12.11.2.3 (Development within the Grounds of a Protected Structure) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.
2. The development as proposed is located within a zone of a tree/cluster which is the subject of a specific objective for the protection of trees and woodlands as indicated in the Dún Laoghaire-Rathdown County Development Plan Land Use Zoning Map 2 for the area. It is considered that the removal of the identified Category A tree no. 0710, a high value tree which significantly contributes to the character of the adjoining protected structures Knockrabo Gate Lodge (West) RPS No. 740 and Cedar Mount House RPS No. 783 and their overall attendant grounds, would have a negative impact on the character and setting of the adjoining protected structures, more particularly Knockrabo Gate Lodge (West), would further erode the historical context and the setting of the site, would unduly impact on the visual amenities of the area and would be contrary to the provisions of Policy Objective HER 8 Work to Protected Structures (including curtilages) and to Section 12.8.11 (Existing Trees and Hedgerows) of the development plan which seeks to protect and preserve trees and woodlands. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

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

Clare Clancy
Planning Inspector

26th March 2026

Appendix 1 – Form 1 EIA Pre-Screening

Case Reference	ACP-324042-26
Proposed Development Summary	Amendments to permitted LRD24A/0882/WEB, including construction of additional, 6 unit, duplex block with associated works
Development Address	Lands at Knockrabo, Mount Annville Road, Goatstown, Dublin 14
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	State the Class and state the relevant threshold <u>Schedule 5 Part 2</u> Class 10 (B) – Infrastructure Projects: (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Class 13 Changes, extensions, development and testing (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1 which would: - (i) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector: _____ Date: _____

Appendix 2 – Form 2 EIA Preliminary Screening

Case Reference	ACP-324042-26
Proposed Development Summary	Amendments to permitted LRD24A/0882/WEB, including construction of additional, 6 unit, duplex block with associated works
Development Address	Lands at Knockrabo, Mount Annville Road, Goatstown, Dublin 14
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 site is zoned for residential development and the principle of development is established on the site. The parent permission LRD24A/0882/WEB permitted 158 residential units and omitted Block E which provided for 8 no. units. The proposed development seeks to amend the parent permission by reintroducing the omitted apartment block providing for 6 no. units and to carry out site ancillary works including provision of car parking, bike parking, communal open space, the removal of trees in particular a Category A mature tree within the already permitted open space. The area to which the apartment block will be located has a stated area of 0.20 ha. The proposed development will not result in the development increasing in size. The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or would give rise to significant risk of pollution or nuisance. At construction phase, the proposed development would generate construction and demolition waste during excavation and construction, however does not have the potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health. The proposed development by virtue of its type, does not pose a risk of major accident and/or disaster or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved	Briefly comment on the location of the development, having regard to the criteria listed The site is located within a suburban area of Dublin city on zoned lands. Adjoining land uses comprise or low and

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).	medium density residential development, community recreation and education uses. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the type and characteristics of the proposed development which would be consistent with the existing urban environment, there is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA – Not required
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)