



An
Coimisiún
Pleanála

Inspector's Report

ACP-324140-26

Development	171 residential units and childcare facility and all associated site works.
Location	Cypress Grove House, Cypress Lawn, Templeogue, Dublin 6W, D6W YV12. WWW.Cypress Grove LRD
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	LRD25A/0013W
Applicant(s)	Templegrove Developments Limited.
Type of Application	Large-scale Residential.
Planning Authority Decision	Grant
Type of Appeal	First v Conditions Third Party v Decision
Appellant(s)	1. Templegrove Developments Limited (First Party) 2. Stephanie O'Keefe 3. Joanne Griffin and Others. 4. Andrew Doyle 5. Brian Carroll and Others

Observer(s)

1. Gillian Ryan
2. Tom Croke and Others
3. John and Irina Hallissey

Date of Site Inspection

13th May 2026.

Inspector

Lucy Roche

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Opinion	10
4.0 Planning Authority Decision	14
4.1. Decision	14
4.2. Planning Authority Reports	18
4.3. Prescribed Bodies	22
4.4. Third Party Observations	24
5.0 Planning History.....	25
6.0 Policy Context.....	25
7.0 The Appeal	40
7.1. Third Party Grounds of Appeal.....	40
7.2. Applicant Response to Third Party Appeals:.....	46
7.3. First Party Grounds of Appeal.....	51
7.4. Planning Authority Response.....	55
7.5. Observations.....	55
7.6. Further Responses:	57
8.0 Assessment.....	60
9.0 AA Screening.....	127
10.0 Water Framework Directive	129
11.0 Environmental Impact Assessment	130
12.0 Recommendation	132
13.0 Reasons and Considerations.....	132
Appendices	

1.0 Site Location and Description

- 1.1.1. The appeal site is situated to the west of Cypress Road, in the suburban area of Templeogue, c1.4km east of the M50 at junction 11 and 6km southwest of Dublin City Centre. The site, with a stated area of 2.66ha, is an infill site within an established residential area. The site is bounded to the north by the properties of Cypress Grove North; to the south by the properties Cypress Grove South; and to the west by No.12 The Manor, No.10 Kilvere Park, and a roadway within Kilvere Park. The properties of nos.11-20A Templeogue Wood are located to the southwest of the site, with the rear garden of no.11 Templeogue Wood bounding the southwest extent of the site. Existing residential development in the vicinity of the site comprises mainly two-storey dwelling houses. Kilvere Park to the west of site includes blocks of three-storey duplex / apartments.
- 1.1.2. The site itself comprises the protected structure, Cypress Grove House (RPS Ref: 222) and its attendant grounds. Cypress Grove House is a detached five-bay, three-storey over basement former country house, that is centrally located within the site. Its primary elevation is to the east towards Cypress Grove Road. It is served by a range of ancillary buildings/structures to the south and southwest. The property is characterised by distinctive parkland setting, incorporating mature landscaped gardens and tree-lined boundaries and several mature specimen trees. A notable feature is the walled garden, which occupies the southwest corner of the site. At the time of inspection, the property was vacant; however, it would appear from the information on file that it was in use until recently as a Parochial School operated by the Father Provincial Missionaries of Africa.
- 1.1.3. The wider area is again predominantly residential; however, there are a number of commercial centres within a 2km walking distance, including Templeogue Village, Orwell Shopping Centre and Rathfarnham Shopping Centre. The area is served by public transport in the form of bus services with 5 bus routes currently operating with 1300m (17 minutes' walk) of the site, providing a total of 730 service trips per weekday. The closest bus stop is located approximately 180m (2-min walk) from the site entrance. Bus services in the area are set to improve under BusConnects. Notably, the site is close to a proposed BusConnects Core Bus Corridor (CBC)

Templeogue / Rathfarnham to City Centre CBC which is expected to improve the bus journey times significantly, particularly city-bound buses during AM and PM Peak Periods.

2.0 Proposed Development

2.1. The proposal is for a Large-Scale Residential Development (LRD), comprising a total of 171no. residential units and a childcare facility within the grounds of Cypress Grove House (Protected Structure - RPS Ref. 222).

2.2. The residential units are proposed in the form of 24no. houses and 147no apartments. Save for 1 no. 2 no. storey detached unit in the northwest corner of the site (House Type B, Unit No. 17), all proposed houses are three-storey and are arranged in terraces of between 4 to 8 units. The 3 storey dwellings (House Type A) are designed to read as 3-storey to the front elevation and 2-storey to the rear.

2.3. 142 of the 147no. apartments are arranged in 6no apartment blocks which are shown on the submitted drawings to range in height from one to five story, as follows:

Block A – A mixed-use (residential and childcare) block at the northeast corner of the site, Block A has an ‘L’ shaped format and ranges in height from 1 to 4-storeys, reaching a maximum ground to parapet height of c. 13.15m. The western wing of Block A is single storey with a ground to ridge height of c.5.9m. It accommodates the proposed crèche facility at ground floor level and 8no. apartment units (5no. 1-bed and 3no. 2-bed) set over the upper floor levels. The creche is to be served by an outdoor amenity area to the west and drop-off parking space to the south.

Block B occupies the central portion of the site. It comprises four built elements arranged in a general U-shaped format to the sides and rear of Cypress Grove House. The four built elements are linked by external walkways at upper floor levels. Block B ranges in height from 3 storeys at its eastern end (the two built elements flanking either side of the protected structure) to a maximum of 5 no. stories at its western extent, reaching a maximum parapet height of approximately 16.2m. Internally, Block B accommodates 46no. apartment units (7no. 1-bed and 39no. 2-bed). Block B together with Cypress Grove House are arranged around a central

courtyard identified as an area of communal open space that is accessible via external breaks in the block.

Block C located at the southeast corner of the site, comprises two built elements linked at third floor level by an external walkway. The larger of the two elements, fronts onto the existing access road serving Cypress Grove South, facing towards the side of No. 12 Cypress Lawn. It ranges in height from 3-storeys at its southern end to 5 storeys at its northern end. The smaller, three-story element (annex) faces onto the proposed access road. Collectively, Block C accommodates 32no. apartment units (15no. 1-bed and 17no. 2-bed).

Block D is a five-storey apartment block with the upper floor set back from its southwest elevation. It accommodates 23no. apartment units (9no. 1-bed and 14no. 2-bed).

Block E is a four-storey apartment block with the upper floor set back from its southern elevation. It accommodates 18no. apartment units (7no. 1-bed and 11no. 2-bed).

Block F is a four-storey apartment block with the upper floor set back from its southern elevation. It accommodates 15no. apartment units (8no. 1-bed and 7no. 2-bed).

- 2.4. Blocks D, E and F together with House nos.18-25 and 82-88 are within the walled garden area of the subject site. The remaining 5no. apartments (4no.1-bed and 1no. 4-bed). are to be accommodated with a refurbished and repurposed Cypress Grove House (Protected Structure - RPS Ref. 222).
- 2.5. Works proposed to Cypress Grove House, include for the retention and refurbishment of the principal 3 no. storey over basement building. All ancillary buildings / structures to the south and southwest of the main house are to be demolished as is the three-storey projection and external staircase to the north (side) elevation. External alterations would include for new/reinstated opes to the side (north) and rear (west) elevations of the structure. Internal alterations are proposed across all floors of the main building, these include the removal of internal partitions, upgraded secondary stairwell, and provision of a lift. No additional extensions are proposed to same.

- 2.6. The development will be accessible to pedestrians, cyclists, and vehicles via the existing site entrance at Cypress Lawn (south). Additional pedestrian access will be provided from a new entrance on Cypress Lawn (north), with access to pedestrians and cyclists also provided from a new entrance on Cypress Grove South.
- 2.7. The internal roadway layout comprises a looped route around Cypress Grove House and Block B with a cul-de-sac serving House units 9-17 at the northern end of the site and 2no. cul-de-sacs leading into the walled garden at the southern end. Parallel and perpendicular surface parking, with intermittent planting would be provided off internal roadways.
- 2.8. The red line extends to the public road network to facilitate connection to the existing surface water sewer at Cypress Lawn (north) and to facilitate connections to the existing public water supply and sewer at Cypress Road.
- 2.9. The following table presents a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application documentation.

Table 2.1: Development Statistics	
Gross Site Area	2.66ha
Net Site Area	2.0ha
Demolition	1200 sq. m
Gross Floor Space	18,608.74sqm proposed 698.42sqm retained (protected structure)
Creche	359.7 sq. m (with capacity for 58 no. childcare places)
Density	86uph
Plot Ratio	0.93
Site Coverage	35%
No. Residential Units	171
No. of Houses	24 (14%)
No. of Apartments	147 (86%)
Unit Type / Mix	See Tables 2.2 and 2.3 below

Dual Aspect units	77% of Apartments (113no.)
Building Height	2-5 storeys
Car Parking	106no. car parking spaces (including 1no drop off space for the creche) inclusive of visitor and EV parking
Cycle Parking	354 no. cycle parking spaces (ratio 0.61) inclusive of 12no. covered bicycle parking spaces to serve the creche (staff and visitors).
Public Open Space	5,860 sq. m (22% net site area)
Communal Open Space	c. 3,586 sq. m

2.10. The following Tables provide a breakdown of house type and unit mix:

Table 2.2 – Unit Type					
Type	No. of Units Provided			% (approx.)	
4 Bed House	24			14	
1 Bed apartment	55			32	
2 Bed apartment	91			53	
4 Bed apartment	1			1	
Total	171			100	

Table 2.3 – Unit Mix					
Unit Mix	1 Bed	2 Bed	3 Bed	4 Bed	Total
Total Units	55	91	0	25	171
% Mix	32%	53%	0%	15%	100%

2.11. The following table provides a breakdown of Unit Types and Bedspaces.

Table 2.4 – Unit Types and Bedspaces						
Unit Type / Occupancy	1-bed/	2-bed/	2-bed/	3-bed /	4-bed/	Total

	2P	3P	4P	5P	7P	
House	-		-	-	24	24
Apartment	55	2	89	-	1	147
Unit Type Total	55	2	89	-	25	171
Total Bedrooms	55	4	178	-	100	337
Total Bedspaces	55	6	356	-	175	592

2.12. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Planning Report and Statement of Consistency
- Response to LRD Opinion
- Community and Social Infrastructure Audit
- EIA Screening Report (EIASR)
- Architectural Design Statement
- Housing Quality Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- Stage 1 Road Safety Audit
- Infrastructure Design Report
- Site Specific Flood Risk Assessment (SSFRA)
- Construction and Environmental Management Plan (CEMP)
- SuDS Operation and Maintenance Plan (SOMP)
- Landscape Design Rationale (incl. Green Factor Calculation)
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Arboricultural Assessment and Impact report and associated Appendices
- Archaeological Assessment
- Architectural Heritage Impact Assessment
- Building Lifecycle Report
- Daylight and Sunlight Assessment Report
- Operational Waste Management Plan

- Resource Waste Management Plan
- Townscape and Visual Impact Assessment
- Verified Views
- Climate Action and Energy Statement
- Outdoor Lighting Report

3.0 Planning Authority Opinion

3.1. Proposals for the development of the subject site were considered at Section 247 meetings with the Planning Authority held on the 6th of March 2025 and 12th of June 2025. Subsequently, an LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 4th of September 2025 between the applicant and the planning authority. The planning authority issued its formal LRD Opinion on 1st December 2025 and advised that the documentation submitted, did constitute a reasonable basis on which to make an application subject to specified further considerations and amendment. A copy of the LRD Opinion has been included as part of the application documentation.

3.2. The LRD Opinion highlighted those areas in which the particulars submitted were deemed lacking or which require further consideration by the applicant as part of a future planning application. These items are summarised as follows:

- Robust demonstration that the preservation of all trees to be retained is compatible with SuDS measures proposed on site. The overall site layout and design should ensure the long-term viability of all trees identified for retention,
- Revised particulars, to demonstrate the following alterations to overall scheme layout and detail, to reflect any amendments required as per above item:
 - Achievement of appropriate separation distances
 - Reconsideration of built form along the northern site boundary to include appropriate siting and design of Block A to ensure no adverse impact on Category A trees and mitigate potential for overlooking. Provision of adequate rear garden depths for houses.
 - Reduction in the overall massing of proposed Block B,
 - Demonstration of consideration of the massing and form of Block C

- Consideration of refinement of height and massing of apartment block elements within the walled garden (Blocks D, E and F).
- Clarity regarding proposed apartment building storey numbers,
- Provision of screening treatment to the southwestern elevation of the fourth-floor level terrace/balcony element on the western elevation of proposed Block F to mitigate undue overlooking of private amenity space areas serving Cypress Grove South and Templeogue Wood properties.
- Reconsideration of setback distances of proposed dwelling house units from the south and southwest site boundaries, to mitigate potential impacts (visual impact and overlooking) on adjacent properties.
- Demonstration of adequate private amenity space for housing units,
- Clarification on unit types
- Consideration and response to all items identified in the SDCC Architectural Conservation Officer report.
- A full Ecological Impact Assessment (EclA), to address all issues identified in the report of the Heritage Officer
- Demonstrate detail of interface with the adjoining public realm and existing built form, to include CGI images of the existing environment and proposed development in the context of same.
- A fully detailed Sunlight and Daylight and Assessment for the scheme,
- Breakdown of public open space provision, on drawings and in tabular form,
- Demonstration of/justification regarding private open space provision for apartment units to be accommodated within Cypress Grove House.
- Justification of the density, height and unit mix proposed.
- Provide details of all materials proposed,
- Address all items raised in the reports of SDCC Roads and Public Realm Departments

- Demonstration that the scheme would promote the ease of movement within the site, provide for a consistent street edge along with a variety in the building massing and facades, and provide for a pedestrian and cyclist friendly environment.
- Demonstration that underground pipes and pipes through open space areas are avoided, that above ground SuDS are maximised, that road gullies are minimised.
- Details of the proposed creche/childcare facility and demonstrate that it is capable of accommodating the childcare spaces proposed. Provide clarity on the set down / parking facilities proposed
- Submit a Community and Social Infrastructure Audit and Energy Efficiency and Climate Change Adaptation Design Statement.
- Ensure consistency with regard to labelling/identification of all elements of the scheme across full suite of plans and particulars submitted.

3.3. Pursuant to Article 16A (7) of the Planning and Development Regulations 2001 (as amended), the applicant was notified that in addition to the requirements as specified in Articles 23, the following information (in summary) should be submitted with any LRD application for permission:

- Updated Development Statistics Table/Schedule of Accommodation
- Housing Quality Assessment
- Schedule of Accommodation
- Architectural Design Statement
- Detailed CGIs of development during summer and winter
- Fully detailed Sunlight and Daylight Analysis,
- Shadow Assessment of existing environment and proposed development.
- Relevant microclimate studies in accordance with QDP7 Objective 7.
- Green Infrastructure Plan.
- Green Space Factor Calculations.

- Street Tree Planting Plan.
- Landscape Scheme,
- Tree Management Plan
- Tree and Hedgerow Protection & Arborists Report.
- Exercise equipment detail.
- Taking in charge plan
- Ecological Impact Assessment (EclA).
- Stage 1 and 2 Road Safety Audit
- SUDs Strategy and Management Plan.
- Flood risk mapping and Assessment.
- Confirmation of Feasibility and Statement of Design Acceptability from Uisce Eireann.
- Appropriate Assessment Screening Report, and NIS as required.
- Environmental Impact Assessment (Screening) Report.
- Archaeological Impact Assessment and Method Statement.
- Building Lifecycle Report.
- Community and Social Infrastructure Audit.
- Part V Proposals.
- Phasing strategy.
- An updated Construction and Environmental Management Plan to include a developed Construction Traffic Management Plan.
- Public Lighting Design, to be agreed with the Public Lighting Section in SDCC

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. South Dublin County Council (SDCC) did, by order dated 19th of February 2026, decide to grant permission for the proposed LRD subject to 37 no. conditions.
- 4.1.2. Most of the attached conditions are standard for a scheme of the nature and scale proposed (financial, procedural, construction, operational, and technical). Condition 2 requires the applicant to undertake several amendments to the scheme, including reductions in the height of apartment blocks, the omission of apartments and dwelling houses and alterations to layout, which were deemed necessary by the planning authority to ensure the protection of the built heritage of Cypress Grove House and the amenities of adjacent residential properties. As clarified by Condition 3, the amendments required under Condition 2 would result in a reduction in the number of units from 171 (as proposed) to 132 (as per PA decision). Condition 4 requires further amendments deemed necessary by the planning authority to ensure the protection of historically important trees, the maintenance of Green Infrastructure corridors, DMURs compliance and alignment with SDCC SuDS Guidance. For convenience of the Commission, I have included the wording of Conditions 2, 3 and 4 below.

Condition 2 Amendments

Prior to the commencement of development, the applicant, owner or developer shall submit revised plans that incorporate all of the following amendments for the written agreement of the Planning Authority:

(a) Northern portion of site

- (i) Omission of the second-floor level of Block A (3 no. units comprising apartment units 01A (1-bed unit); 02A (1-bed unit); and 03A (2-bed unit)).
- (ii) Omission of House nos.13-17 inclusive (comprising 5 no. 4-bed dwelling house units) and repositioning of remaining dwelling house units (nos.9-12) and Block A (amended as per above) along the northern site boundary to demonstrate full compatibility with required setbacks from Tree nos.61 and 65

as per the SDCC Public Realm report pertaining to this application, and ensuring the retention of hedgerows/unbroken GI corridors along the northwest, north and northeast site boundary. The revised layout in this location shall maintain minimum demonstrated setback distances from the northern subject site boundary and demonstrate that all dwelling house units along the northern site boundary are served by private amenity space in full accordance with the 2024 Compact Settlement Guidelines (i.e.: 50sqm for a 4-bed house unit).

The roadway to the south of Block A and dwelling house units shall be amended accordingly in line with the above. Any residual areas as a result of said amendment shall be incorporated into the surrounding public realm area/s, as appropriate.

(iii) Provision of obscure glazing, with such obscure glazing to be maintained in perpetuity, in above ground floor level north-facing windows serving WC/en-suite areas in Block A.

(iv) Provision of high-level windows (minimum cill level 1.8m above finished floor level) to above ground floor level north-facing opes serving bedroom areas in Block A.

(b) Central area of site

(i) Omission of the second-floor level of Block B (12 no. units comprising apartment units 12-B1, 12-B2, 13-B1, 13-B2, 14-B1, 14-B2, 15-B1, 15-B2, 16-B1 and 16-B2 (all 2-bed units); and units 17-B1 and 17-B2 (1-bed units)).

(ii) Provision of high-level windows (minimum cill level of 1.8m above finished floor level) in lieu of full height windows to the southern elevation of 1-bed apartment units in Block B1 (northern element of Block B) serving living room areas of said units.

(c) Southeastern area of site

(i) Omission of the first-floor level of Block C (8 no. units comprising apartment units 07C, 10C and 13C (all 1-bed units), and units 08C, 09C, 11C, 12C and 14C (all 2-bed units)).

(ii) Omission of House no.88, with the resultant western (side) elevation of House no.87 to include obscure glazing to any opes at first and second floor levels, with such obscure glazing to be maintained in perpetuity, and the residual space incorporated into the surrounding public realm area/s or private amenity space area serving House no.87, as appropriate.

(iii) Provision of obscure glazing, with such obscure glazing to be maintained in perpetuity, in above ground floor level west-facing windows in the annex element of Block C (serving apartment living room area) to the rear of House no.83.

(d) Southwestern area of site

(i) Omission of the first-floor level of Block D (5 no. units comprising apartments 07D and 08D (1-bed units) and 05D, 06D, and 09D (all 2-bed units)).

(ii) Omission of third floor level apartment in Block E (1 no. unit comprising 2-bed0 apartment unit 15E) with proposed principal access door to said unit replaced with a window fitted with obscure glazing, with such obscure glazing to be maintained in perpetuity.

(iii) Provision of screening elements (angles louvers or similar) to above ground floor balcony elements on the southern elevation of Block E mitigate direct overlooking to the south of this block.

(iv) Omission of the first-floor level of Block F (4 no. units comprising apartment units 04F, 05F, 06F, 07F (2 no. 2-bed units; and 2 no. 1-bed units).

(v) Provision of screening elements (angles louvers or similar) to above ground floor southeast-facing balcony elements serving apartment units at the southern extent of Block F.

REASON: To ensure the protection of the built heritage of Cypress Grove House and the amenities of the existing adjacent residential properties, and in the interests of the proper planning and sustainable development of the area.

Condition 3

The development hereby permitted relates to 132 no. units overall (reduced from 171 no), comprising 18 no. 4-bedroom dwelling house units (reduced from 24 no.), and 114 no. apartment units (reduced from 147 no. units) including for 44 no. 1-bedroom units, 69 no. 2-bedroom units, and 1 no. 4-bedroom unit.

REASON: In the interest of clarity and orderly development

Condition 4

(a) Prior to the commencement of any works on site, the applicant/owner/developer shall submit the following for the written agreement of the Planning Authority:

(i) A revised layout and tree protection plan to ensure the long-term retention and protection of the two large Category A trees no 61 and no.65. The revised proposals shall apply a precautionary buffer equivalent to that used for veteran trees within the submitted Veteran Tree Management Report. Where a road is demonstrably unavoidable within the RPA, it shall be constructed using a no-dig cellular confinement system as proposed, under continuous arboricultural supervision and subject to prior written agreement with the Planning Authority. Protective fencing shall be installed prior to site works and maintained for the duration of construction, and no storage, trafficking or compaction of soils shall occur within the protected area.

(ii) A revised layout plan to demonstrate the retention of hedgerows along the northwest, north and northeast site boundary to prevent fragmentation of the GI corridors along said boundaries.

(iii) Revised plans demonstrating the provision of an additional 3 no. street trees along each of the internal scheme roadways located within the walled garden area of the site (to the east and northwest of Blocks D, E and F, comprising 6 no. additional trees overall), to comply with DMURs standards in terms of street tree planting.

(iv) SuDS details to align with the SDCC SUDs Guidance document for inlets, outlets, low flow channels and to ensure appropriate access for maintenance.

(b) Prior to the commencement of any work on site, Tree/hedgerow Protection must be erected in accordance with BS 5837:2012 and must be agreed on site with the

SDCC Parks Superintendent. The submitted tree protection fencing photograph is not acceptable as it does not meet the required standard.

REASON: To safeguard historically important trees, maintain GI corridors, ensure DMURs compliance and to align with SDCC SuDS Guidance.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The report of the planning authority was prepared by the Senior Executive Planner (SEP) and dated 19/02/2026. The opening sections of the report set out the statutory basis and background context for the assessment of the proposed LRD detailing relevant national and local planning policy, the reports of internal consultees and prescribed bodies and the third-party submissions received. The LRD is then assessed under the following headings: Legal Interest / consent; Principle of Development – Zoning and Council Policy; Quality Design and Healthy Placemaking; Visual and Residential Amenity and Built Heritage; Open Space and Green Infrastructure; Sustainable Movement' Infrastructure and Environmental Services; Environmental Health; Archaeology and Climate Adaptation. The following points are noted from the assessment:

- *Legal Interest / Consent:* - The SEP considers the application documentation and is satisfied that the applicant has demonstrated sufficient legal interest to make an application.
- *Zoning and Council Policy:* - the demolition of existing structures on site (as proposed) is acceptable in principle. The development of this site for residential and childcare use would accord with the zoning objective for the lands and would, subject to compliance with relevant planning considerations, be acceptable in principle.
- *Quality Design and Healthy Placemaking:* - The design and layout of the scheme remain substantially unchanged from that presented at pre-planning stage. As per the application drawings, apartment Blocks E and F are 3-4 storey in height, not 4-5 storey as indicated in the development description.

Additionally, House Type 2 (accounting for 1no. unit) is a two-storey, not three storey. Following assessment, the Case Planner is generally satisfied with the proposed layout and urban design of the subject development, and considers that the connectivity, passive surveillance provided at public realm, public open space, communal open space and at street level, as generally acceptable.

- *Under the subheading of Building Height and Density*, the SEP considers the proposed density at 86uph to be acceptable at this location and that the height of the scheme, 3-5 storeys may be acceptable subject to further assessment.
- *Visual and Residential Amenity and Built Heritage*: - the assessment raises various concerns regarding the impact of the proposed development on the residential amenities of neighbouring properties, on the built heritage of Cypress Grove House and on existing mature trees. The lack of private open space for some of the proposed housing units and the limited separation provided distance between some of the proposed residential units is also noted. Following assessment, the Case Planner was satisfied that the issues of concern could be adequately addressed by way of amendments to the design / layout presented and that these amendments could be achieved by way of condition.
- In terms of housing mix, the SEP notes that the proposed scheme is contrary to SDCDP Policy H1 Objective 12 which requires a minimum of 30% 3-bed units. This deviation from the standard is justified having regard to SPPR 1 of the 2025 Apartment Guidelines.
- *Open Space and Green Infrastructure*: - under this heading the Case Planner considers the report of the Public Realm and Parks Department and their concerns regarding the impact of the development on two veteran trees and the fragmentation of Green Infrastructure corridors and determines that these concerns can be adequately addressed by way of design amendment. Condition 2 of the PA decision relates.

- No significant issues / concerns are raised under the headings of Sustainable Movement; Infrastructure and Environmental Services; Environmental Health; Archaeology; or Climate Adaptation.
- Section 7 of the report covers environmental considerations. In terms of Appropriate Assessment, the report considers that, having regard to the nature of the proposed development and the context of the subject site relative to designated European Sites, that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects on the Natura 2000 Network and that appropriate assessment is not required. On Environmental Impact Assessment, the report considered that having regard to the detail and layout of the proposal, that there is no real likelihood of significant effects on the environment arising from the proposed development, by itself or in combination with other projects. The need for Environmental Impact Assessment is not required.
- The report concludes with a recommendation to grant permission as per final PA decision.

4.2.2. Other Technical Reports

- **Roads Department:** - No significant issues raised. Recommends conditions in the event of a grant of permission. Conditions 13, 20 and 34 of the PA decision relate.
- **Architectural Conservation Officer (ACO):** - This report considers the applicants response to the advice given at pre-planning stage. It identifies several design issues which, in the opinion of the ACO, have not been adequately addressed in the scheme presented and includes recommended conditions to address these concerns in the event of a grant of permission. These outstanding issues include in brief:

Block B, due to its mass and bulk remains dominant and requires further design changes to allow for a more sensitive overall design and form. The ACO recommends introducing some new design elements and more detailed consideration on materiality (brick finishes, cladding etc and colour palettes) to improve the front elevations of Block B and allow for a greater level of design to complement the protected structure.

Block C completely dominates along the front site and is in opposition with Cypress Grove House as the prominent building. The scale, mass and position of a number of large block elements which make up block C need to be refined and scaled down to give more emphases to the Protected Structure and its setting.

Block D, E and F (Walled Garden): the arrangement of blocks within the walled garden, which provides a step-up in height / volume towards the centre of the development, encroaches on the protected structure with no visible or tangible link or views being developed to connect the walled garden with the protected structure, needs to be re-examined. The height of buildings towards the centre of the development should be reduced and a design element introduced to support connections of this area with the main house. Details on the level of intervention and loss of original built fabric to the walled garden should be included in the Conservation Plan – Method Statement.

Protected Structure: a detailed Conservation Plan including full and proper Schedule of Works and Method Statement should be submitted prior to the commencement of development. A Safety Statement should be submitted for agreement and approval.

Phasing of Proposed Development – the ACO recommends that the proposed changes to the Protected Structure to allow 6 no. self-contained apartments should be carried out as part of the first phases and that no occupancy in the new apartment blocks or houses take place until such time the new units within the Protected Structures are also completed and ready for occupancy.

Proposed new Development – Design, scale and materiality: A Schedule of Materials should be submitted for agreement and approval.

- **Public Realm**: - This report raises concerns regarding the impact of the development on 2 very substantial veteran trees and the fragmentation of Green Infrastructure in two locations. They consider that permanent buildings and other hard infrastructure such as parking courts should be excluded from within a minimum 25 m stand-off distance of the identified trees, in order to safeguard long-term rooting environments, soil structure and hydrology. They

recommend conditions in the event of a grant of permission. Condition 4 of the PA decision relates.

- **Waste Management:** - No significant issues raised. Recommends the standard RWMP condition. Condition 32 of the PA decision relates.
- **Housing:** - No significant issues raised, Recommends the standard Part V condition. Condition 30 of the PA decision relates.

External Consultants:

- **South Dublin Childcare Committee:** - Raises concerns regarding the internal layout of the creche – insufficient nappy changing and sanitary facilities, sleep room is not sufficient.
- **Public Lighting:** - Notes that the lighting design presented does not meet SDCC requirements due to the use of 2700 CCT, which is not acceptable and that CCT alone is not appropriate to address any environmental concerns. The report also notes the lack of an electrical infrastructure design drawing. Condition 20 of the PA decision addresses public lighting.
- **Environmental Health Officer:** - Recommends the submission of further information in the form of a Noise Impact Assessment and revised CMP (construction hours). The issues raised were addressed by way of condition in the PA's grant of permission. Condition 21 relates.

4.3. Prescribed Bodies

- **Department of Housing, Local Government and Heritage (DHLGH):** - On the issue of nature conservation the report recommends a condition that would omit the use of commercially sourced 'wildflower' in favour of the promotion of the germination of wildflowers from the existing site. (Condition 6 of the PA decision relates).

On the issue of Archaeology, the report recommends the inclusion of conditions requiring pre-construction archaeological testing. (Condition 23 of the PA decision relates).

On the issue of Built Heritage, the report has regard to the policies and objectives of the SDCCDP in relation to Built Heritage and historic demesnes (Policy NCBH19 and its associated Objectives; Policy NCBH23 and Policy NCBH25); to the SDCC Building Height and Density Guide 2022 and to statutory guidance, Architectural Heritage Protection Guidelines for Planning Authorities (2011). The report raises concerns regarding the impact of the proposal, in particular Blocks B, C, D, E and F on the architectural heritage character and special interest of the protected structure, Cypress Grove House and recommends that further information be requested to address these concerns.

- **Transport Infrastructure Ireland (TII):** - Requests that in their assessment of the application, the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system". [*Planning Inspector Note: There is no light rail network planned for this area*]

- **Uisce Eireann (UE):** Report confirms that a Confirmation of Feasibility CDS24009426 has been issued to the applicant advising that water and wastewater connections are feasible subject to upgrades as follows:

Water connection - approximately 70m of a new 150mm ID main, from the existing 12" CI main on Cypress Road to the site, is required. A bulk meter with associated telemetry system needs to be installed on the line. The developer will be required to fund the works. The fee will be calculated at a connection application stage.

Wastewater Connection - approximately 70m of a network extension, from the existing 300mm sewer on Cypress Road to the site, is required. The developer will be required to fund the works. The fee will be calculated at a connection application stage.

The report recommends conditions in the event of a grant of permission.

Condition 11 of the PA decision relates.

4.4. Third Party Observations

4.4.1. The planning authority received several (c. 85) third party submissions during the course of their assessment of the application. The main issues raised in the submission are covered in the third-party grounds of appeal and observations received and can be summarised as follows:

- Impacts of increased traffic and congestion. The adequacy of the local road / transportation network to accommodate the scale of development proposed.
- Inadequate car parking and overreliance on bicycle use.
- Housing mix and tenure: too many 1- and 2-bedroom apartments. Social housing should be spread out rather than clustered.
- Impacts during construction.
- Impacts on the residential amenity of existing properties contrary to zoning objective.
- Impacts on natural heritage and biodiversity including the loss of trees and habitats.
- The proposed scheme due to the height, scale and density of development proposed would constitute overdevelopment of the site.
- Design quality – inadequate private open space for proposed houses.
- Access for emergency service vehicles.
- Impacts on Built Heritage - Impacts on the character, setting and internal fabric of the Protected Structure (Cypress Grove House) site, and its curtilage.
- Lack of adequate social, community and transport infrastructure in the area to support the scale of development proposed.
- Drainage and Surface water management and flood risk management.
- Lack of consultation with residents.
- Concerns raised regarding the location of the creche and proposed pedestrian access with potential for unregulated parking on Cypress Grove North/Cypress Lawn.

- Concerns raised regarding the choice of brick colour and use of black cladding.

5.0 Planning History

5.1. Subject Site (Cypress Grove House, Cypress Lawns, Dublin 6W)

S01A/0164	Permission granted for the retention of adjoining hall
S00A/0184	Permission granted for Internal alterations to provide sanitary accommodation and rear exit door.
S99A/0535	Permission granted for conversion of two existing cottages to student accommodation, two new entrances and windows to buildings.
ED17/0030	Missionaries of Africa Provincilate, Cypress Grove Road, Templeogue, Dublin 6W Provide the facility free of charge to the local GAA Club. Declared Exempt and Declared Not Exempt.

6.0 Policy Context

6.1. South Dublin County Development Plan 2022-2028

- 6.1.1. The South Dublin County Development Plan 2022-2028 (as varied), hereafter referred to the SDCDP is the operative plan for the area. The SDCDP was amended by Variation 1 on the 9th of March 2026. Variation 1 comprises the Clondalkin Local Planning Framework. The Commission will note that at the time of assessment, Proposed Variation No.2 of the SDCDP, is underway. The statutory public consultation process has concluded, and a Chief Executive's Report on the submissions received, has been prepared and issued to the Elected Members for their consideration as part of the statutory planning process. South Dublin County Council have advised that a decision on Variation No.2 is due imminently with a special meeting to be held on the 19th of June 2026 at which time members may resolve to make the variation, refuse to make the variation, or make the variation with modifications. For clarification, the following assessment considers the local policy context in effect at the time of writing this report, up to the date of its

completion on the 15th of June 2026. However, for information purposes I have included further commentary on proposed Variation 2 of the SDCCDP in section 6.2 below.

6.1.2. Zoning:

The appeal site is on lands zoned '*RES*' with the associated land use objective to *protect and / or improve residential amenity*. Residential use is permitted in principle with the RES zone while *Childcare facilities are listed as a land use that is Open for Consideration*'.

6.1.3. The SDCCDP comprises 12 chapters, the following of which considered relevant in this assessment:

Chapter 2 Core Strategy and Settlement Strategy. This chapter sets out the growth strategy for South Dublin County in line with National and Regional planning policy, identifying a need for an additional 15,576 new homes by the end of the plan period. The Settlement Strategy outlined in Chapter 2 identifies Templeogue as being part of the 'Wider Dublin City and Suburbs Area'.

Chapter 3 'Natural, Cultural and Built Heritage' aims to protect and enhance the key heritage assets which have shaped the County. Section 3.5.2 refers to protected structures. Policy NCBH19 and its associated objectives are considered relevant. The site is within the 'Urban' landscape character area, which is not defined as an 'area of sensitivity'.

Chapter 4 'Green Infrastructure' (GI) promotes the development of an integrated GI network working with and enhancing existing biodiversity and natural heritage, improving resilience to climate change and enabling the role of GI in delivering sustainable communities to provide environmental, economic and social benefits. It includes policies for the 5 key themes of Biodiversity (GI2), Sustainable Water Management (GI3), Climate Resilience (GI5), Human Health and Wellbeing (GI6), and Landscape, Natural, Cultural and Built Heritage (GI7).

Chapter 5 'Quality Design and Healthy Placemaking' aims to create a leading example in sustainable urban design and healthy placemaking that delivers attractive, connected, vibrant and well-functioning places to live, work, visit, socialise

and invest in. It aims to deliver sustainable neighbourhoods through 'The Plan Approach'. It outlines that the Plan (Appendix 10) includes a Building Height and Density Guide (BHDG) with performance-based criteria for the assessment of developments of greater density and increased height. The approach to building heights will be driven by context.

Chapter 6 'Housing' aims to ensure the delivery of high quality and well-designed homes in sustainable communities to meet a diversity of housing needs within the County. Section 6.7 promotes high quality design and layout in new residential developments and includes a range of objectives in this regard. Policy H7: Residential Design and Layout, Policy H8: Public Open Space, Policy H9: Private and Semi-Private Open Space, Policy H10: Internal Residential Accommodation, and Policy H11: Privacy and Security: Section 6.8 refers to Residential Consolidation in Urban Areas, Policy H13 promotes residential consolidation and sustainable intensification at appropriate locations.

Chapter 7 'Sustainable Movement' aims to increase the number of people walking, cycling and using public transport and reduce the need for car journeys. It includes a range of policies and objectives aimed at integrating sustainable transport and land-use planning and promoting sustainable/active transport modes. Policy SM7 is to implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation.

Chapter 8 'Community Infrastructure and Open Space' aims to create healthy, inclusive and sustainable communities where all generations have local access to social, community and recreational facilities, and parks and green spaces. Standards for Public Open space are set out in Table 8.2.

Chapter 11 'Infrastructure and Environmental Services' aims to create an environment characterised by high quality infrastructure networks and environmental services to ensure the health and wellbeing of those who live and work in the County, securing also the economic future of the County. Policy IE2: Water Supply and Wastewater, Policy IE3: Surface Water and Groundwater, Policy IE7: Waste Management are considered relevant.

Chapter 12 Implementation and Monitoring, sets out the development standards and criteria for new development within the plan area.

Development Management Standards: - The Development Management Standards most relevant in the assessment of this LRD include the following:

- *Section 12.6.7 Residential Standards*
- *Section 12.6.10 Public Open Space*
- *Section 6.7.4 Car Parking Standards: - The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:*
 - *The proximity of the site to public transport and the quality of the transport service it provides. This should be clearly outlined in a Design Statement submitted with a planning application,*
 - *The proximity of the development to services that fulfil occasional and day to day needs,*
 - *The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,*
 - *The ability of people to fulfil multiple needs in a single journey,*
 - *The levels of car dependency generated by particular uses within the development,*
 - *The ability of residents to live in close proximity to the workplace,*
 - *Peak hours of demand and the ability to share spaces between different uses, à Uses for which parking rates can be accumulated, and*
 - *The ability of the surrounding road network to cater for an increase in traffic.*
- *Section 12.11.1 (iii) Sustainable Urban Drainage System (SuDS):*

6.1.4. **Land Use Zoning Map 6** identifies a protected structure Cypress Grove House (RPS Ref. 222), within the boundaries of the site.

6.1.5. **Appendix 10** - South Dublin County's Building Height and Density Guide is relevant

6.1.6. **Noted Policies and Objectives**

I have reviewed the SDCDP and the Policies and Objectives I consider most relevant in the assessment of this application are: -

Policy NCBH19: Protected Structures: - Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

NCBH19 Obj.1: To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and attendant grounds of structures identified in the Record of Protected Structures.

NCBH19 Obj.2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011 or any superseding documents) including the principles of conservation.

NCBH19 Obj. 3: To address dereliction and to welcome, encourage and support the rehabilitation, renovation, appropriate use and sensitive re-use of Protected Structures consistent with *RPO 9.30 of the RSES*.

NCBH19 Obj.4: To support alternative uses for Protected Structures including former institutional sites in order to provide continued security of

the heritage value of these buildings, attendant grounds and associated landscape features....

- NCBH19 Obj.5:* Natural, Cultural and Built Heritage (NCBH) To prohibit demolition and inappropriate alterations of Protected Structures unless in very exceptional circumstances.
- NCBH19 Obj. 6:* To ensure that any works to upgrade the energy efficiency of Protected Structures and historic buildings are sensitive to traditional construction methods and materials and do not have a detrimental physical or visual impact on the structure. Regard should be had to the DAHG publication 'Energy Efficiency in Traditional Buildings' (2010).
- NCBH11 Obj. 3:* To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area
- NCBH24 Obj.2* To prohibit demolition or full replacement, where there are re-use options for historic buildings in order to promote a reduction in carbon footprint.
- Policy H7:* Residential Design and Layout
- Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.
- Policy H9:* Private and Semi-Private Open Space

Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments.

H9 Obj.1: To ensure that all private open spaces for houses and apartments / duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring.

H9 Obj.2: To ensure that the design and layout of new apartments, or other schemes as appropriate, ensures access to high quality and integrated semi-private or communal open space that supports a range of active and passive uses.

Policy COS5: Parks and Public Open Space – Overarching Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County.

COS5 Obj. 1: To support a hierarchy of multi-functional, accessible parks and public open spaces across the County in line with Table 8.1, based on existing populations and planned growth in accordance with the overall standard of 2.4ha per 1,000 population.

Policy GI2: Biodiversity

Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES)

GI2 Obj.2 To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.

Policy QDP10: Mix of Dwelling Types Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

IE3 Objective 2: To maintain and enhance existing surface water drainage systems in the County and to require Sustainable Drainage Systems (SuDS) in new development in accordance with objectives set out in section 4.2.2 of this Plan including, where feasible, integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

6.2. Proposed Variation No. 2 to the SDCDP

Proposed Variation No. 2 to the South Dublin County Development Plan 2022-2028 (the Development Plan) is intended to respond to recent changes in National planning policy, namely the publication of the National Planning Framework First Revision and the publication of Ministerial Guidelines published under Section 28 of the Planning and Development Act 2000 (as amended), including primarily:

- NPF Implementation: Housing Growth Requirements - Guidelines for Planning Authorities, 2025 and
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities 2024 (*Compact Settlement Guidelines*)

The proposed variation proposes changes to the written statement, maps and appendices of the SDCDP including changes to population and housing growth targets, land use zoning objectives for a number of identified lands to facilitate residential uses and changes to, and/or additions of, policies, objectives and measures to support and facilitate the activation of existing zoned lands for residential use are proposed. I have reviewed proposed Variation No. 2 and I consider that the changes most relevant in the consideration of this appeal are as follows:

- *Increased Population and Housing Targets*: it is proposed to increase the 2040 Housing target from 32,000 to 47,000.
- *Density*: - Densities of up to 150 dph to be open for consideration at 'accessible' suburban / urban extension locations in line with the Sustainable Residential Development and Compact Settlement Guidelines (2024).
- *Public Open Space*: Revised minimum Public Parks and Public Open Space standards (Table 8.2). The proposed revised standards require a minimum of 10% of the net site area for 'New Residential Development on Lands in Other Zones' including mixed use' lands. The standard for minimum 20% of the site area for institutional lands / 'windfall' site is to be omitted. While a new standard of 20% of the gross site area for *Sensitive Sites* is to be introduced. This new standard is to be determined by the Council based on context and site-specific considerations. '*Sensitive sites*' are described as sites that

contain significant heritage, landscape or recreational features and sites that have specific nature conservation requirements.

- *Private Open space*: Proposals for new houses must meet the minimum private open space standards outlined in SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines (2024), or as may be superseded.
- *Separation Distances*: new standard to align with SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines (2024), which requires that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.

6.3. Regional Plans/Policies

Eastern and Midland Regional Spatial and Economic Strategy 2019- 2031 (RSES)

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The following RPOs are of note:

RPO 7.40 'Local authorities shall include policies in statutory land use plans to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro fitting of energy efficiency measures in the existing building stock and energy efficiency in traditional buildings...

RPO 9.30 Support the sensitive reuse of protected structures.

6.4. National Plans / Policies

Project Ireland 2040 – National Planning Framework, First Revision (April 2025), (NPF)

The National Planning Framework (NPF), initially published in 2018 and revised in 2025, sets out a high-level strategy for the planning and development of Ireland to 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 National Strategic Outcomes (NSOs) that include: Compact Growth (NSO1), Sustainable Mobility (NSO4), Enhanced Amenity and Heritage (NSO7), a Low Carbon and Climate Resilient Society (NSO8) and the Sustainable Management of Water, Waste and Environmental Resources (NSO9).

National Strategic Outcome No. 1 of the NPF relates to Compact Growth. The aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. This is supported by National Planning Objectives that target 50% of new housing growth that take place in the five cities and 30% within other settlements,⁵ to be delivered within the existing built-up footprint, respectively.

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

Aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Plan is built around two pillars ‘Activating Supply’ and ‘Supporting People’, with four key priorities under each pillar.

Climate Action Plan (CAP) 2025: -

Climate Action Plan 2025 builds upon last year’s Plan 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.

Climate Action Plan 2024 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the

built environment sector. The Commission must be consistent with the Plan in its decision making.

Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030:

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

6.5. Section 28 Ministerial Guidelines:

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2025) (the 'Apartment Guidelines') set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. These Guidelines include the following Specific Planning Policy Requirements (SPPRs):

- SPPR 1 notes that there will be no restriction within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments and that there shall be no minimum or maximum requirements for apartments with a certain number of bedrooms.

- SPPR 2 provides minimum floor areas for studios (32sqm), 1 bed (45sqm), 2 bed (63sqm), and 3 bed (76sqm).
- SPPR 3 requires a minimum of 25% dual aspect apartments.
- SPPR 4 requires ground level floor to ceiling heights to be a minimum of 2.7m.
- SPPR 5 notes that there is no requirement for a minimum number of units per floor per core.
- SPPR 6 notes that the provision of new communal, community and cultural facilities within apartment schemes shall only be required in specific locations identified within the development plan.
- SPPR 7 relates to shared accommodation/co-living development and
- SPPR 8 relates to student accommodation.

The Urban Development and Building Height Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines'): - set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines): set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. Applicable policy for the proposed development includes:

- Section 3.3: It is a policy and objective of these Guidelines that residential densities in the range 40dph to 80dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

- Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility to public transport options and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Policy and Objective 3.1 requires that the recommended density ranges are applied and that, where appropriate, these density ranges are refined further using the site-specific criteria.
- Policy and Objective 4.1 require the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
- Section 5.3: requires the achievement of residential standards:
 - SPPR 1 – Separation Distances requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses and duplexes above ground floor level.
 - SPPR 2 – Minimum Private Open Space specifies new standards for houses (3 bed 40sqm, 4 bed+ 50sqm), and private open space for duplexes remains as per the Apartment Guidelines (see below).
 - Policy and Objective 5.1 recommend a public open space provision of between 10%-15% of net site area.
 - SPPR 3 – Car Parking specifies the maximum allowable rate of car parking provision based on types of locations (e.g., 2 no. spaces per dwelling for intermediate and peripheral locations).
 - SPPR 4 – Cycle Parking and Storage requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight, indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022,

a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

6.6. **Also of note:**

- Architectural Heritage Protection Guidelines for Planning Authorities (2011). These guidelines provide a framework for preserving historic and architecturally significant structures, guiding planning authorities and property owners in Ireland. The guidelines are designed to assist planning authorities and others in complying with Part IV of the Planning and Development Act 2000, which governs the protection of architectural heritage. Their aim is to ensure that structures of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest are preserved for future generations. The guidelines also support sustainable development by promoting the regeneration and continued use of historic buildings, maintaining traditional building skills, and enhancing community well-being.
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Design Manual for Urban Roads and Streets (DMURS) (December 2013- as updated).
- The Development Management Guidelines for Planning Authorities (2007)

6.7. **Built Heritage:**

Cypress Grove House is listed in the NIAH (RegNo.11216040) as being of regional importance.

Description: Detached five-bay three-storey former country house, built 1761. Rendered, ruled and lined walls. Timber sash windows throughout. Double-leaf timber panelled door with large sidelights, framed by slender engaged columns and all under wide, simple radial fanlight

having internal iron grille. Hipped slate roof behind parapet, with three rendered chimney stacks. Wings and extensions with external exit stair. Further outbuildings and chapel developed from steading.

Appraisal This substantial Georgian former country house was built by Mr Paine for Sir William Cooper and retains much original fabric including an impressive doorway.

6.8. Natural Heritage Designations

There are no designated natural heritage sites within the boundary of the appeal site or within the immediate vicinity of the site.

7.0 The Appeal

7.1. Third Party Grounds of Appeal

Four, third-party appeals have been received in respect of South Dublin County Council's notification of decision to grant permission for the proposed LRD. All four appeals were submitted by or on behalf of residents of the local area. The appellants are:

1. Stephanie O'Keefe, resident of Cypress Grove North, whose property directly adjoins the northern boundary of the application site. The main issue of concern raised in this appeal relates to the potential impact of the proposed / permitted development on the amenities of adjacent residential properties in Cypress Grove North, by way of overlooking / reduced privacy, overbearing, increased traffic, loss of established screening and ecological uncertainty. Additional concerns are raised regarding the decision-making process, in particular the scale of deletions and amendments required by condition.
2. Submission by Vantage Planning on behalf of local residents (Joanne Griffin and Others). The main issue of concern raised in this appeal relates to the removal of existing trees and vegetation along the northern boundary of the site (the boundary with Cypress Grove North) and its replacement with a new built form. The appeal highlights the importance of this natural boundary as a

Green Infrastructure Corridor and its contribution to the character and setting of Cypress Grove House, to local biodiversity and to the residential amenity of adjoining properties. It is contended that this feature should be retained, in full, and incorporated into the scheme. The case is made that no development should occur along the northern boundary of the site.

3. Andrew Doyle, resident of Cypress Grove south whose property directly adjoins the southern boundary of the application site. The main issue of concern raised in this appeal relates to the height, scale and design of apartment Block E, and its potential impact on the residential amenities of adjacent properties in Cypress Grove South, by way of visual dominance / overbearing, overlooking and loss of privacy.

4. Submission by RMLA Planning Consultants on behalf of Residents of Cypress Grove North and Others (Brian Carroll and Others) This appeal raises various concerns regarding the proposed development and its potential impacts on built heritage, natural heritage, biodiversity, residential amenity, traffic, parking and drainage. It also raises issues of procedural fairness and transparency in the decision-making process, particularly the decision of the planning authority to grant permission subject to material alteration by way of condition. This appeal submission includes in its appendices, a detailed critique of proposed Block E which it alleges contributes to overshadowing, visual dominance and massing inconsistency. The case is made that the height of Block E should be reduced in a similar manner to Blocks D and F.

The issues raised in the third-party grounds of appeal can be grouped and summarised as follows:

Procedural and other Issues:

- *Public Notices:* - The adequacy of the public notices is questioned. The public notices do not reflect the fact that the protected status of Cypress Grove House extends to all structures and features within its curtilage.

- *Decision making process:* - Concerns raised regarding the fairness, integrity and transparency of the decision-making process in this instance, having

regard to the extent of pre-planning consultations between the applicant and the planning authority, the speed with which the decision was reached and the extensive use of conditions attached to the grant of permission. It is contended that this creates a reasonable perception that the decision to grant planning permission had effectively been predetermined.

- Concerns have also been raised regarding the approach taking by the planning authority in granting permission for the proposed scheme. It is contended that the scale of the deletions and amendments required by condition is indicative of the fact that the scheme is fundamentally flawed and should have been refused. It is further contended that the planning authority effectively granted permission for a development subject to substantial redesign without affording third parties the opportunity to assess or comment on the revised scheme and that this has resulted in a degree of uncertainty for third parties.
- It is contended that the material changes introduced by way of condition have not been subject to appropriate environmental assessment and that procedural rights guaranteed under the Aarhus Convention have not been upheld.
- Conversely, it is contended that the amendments required by way of condition do not go far enough to address the issues raised in the planning authority's assessment of the application including the concerns of the Parks and Public Realm Department.

Principle of Development:

- While the need for new infill development to meet the current housing demand is noted, it should be carried out in a sustainable manner with due regard given to the context, location and setting of any such development. In this instance, due regard should be given to the existing protected structure on the site and its location within a low-density suburban area, framed by significant landscape and green infrastructure.
- It is contended that the proposed development would be contrary to the 'RES' zoning as it would, due to its scale, density, height and layout adversely affect

the established residential character of the area and would not adequately protect the amenities of adjoining properties.

Impacts on Built Heritage:

- Concerns are raised regarding the impact of the proposed development on the protected structure, Cypress Grove House, its setting and curtilage including its walled garden and natural landscape features, contrary to current planning policy and guidelines (Architectural Protection Guidelines (2011)).
- Blocks B, D and E (in particular) would, due to their height, scale and layout, detract from the architectural and historical significance of Cypress Grove House and would undermine its visual primacy within the site and its relationship with the walled garden.
- The demolition of any original outbuildings including the Chapel, which was adapted from the original farm building, would materially and adversely affect the character of Cypress Grove house and undermine its protected status and significance in the community.
- Converting the main house into apartments would destroy the legibility of the original floor plan and important internal features of the house that are of architectural significance.
- The removal of existing woodland corridor at the northern boundary would detract from the character and setting of the protected structure.
- The conditions attached to the grant of permission, fail to fully mitigate the concerns raised in the reports of SDCC's Architectural Conservation Officer and DHLGH.

Impacts on Natural Heritage and Biodiversity

- Concerns are raised regarding the impact of the proposed development on the existing landscape structure of the site, in particular, the loss of mature trees, boundary vegetation and green infrastructure corridor at the northern boundary of the development site.
- Concerns raised regarding the potential impact of the proposed development on local biodiversity, in particular on bats. The loss of potential bat roost is noted.

- The adequacy of the proposed mitigation measures to address these impacts is also questioned.
- Regarding the decision of SDCDP, it is contended that Condition 4 as attached to the PA grant of permission is ambiguous and insufficient to ensure the retention of the existing treeline as a continuous canopy structure.
- The development permitted by SSDC would result in the loss of a veteran tree labelled #69 on the application TCYP001-DR-C-CMK-ARB-002, Rev D, issued 15/12/25, which should be retained.

Impacts on Existing Residential Amenity

- It is contended that the proposed development (and the development as permitted by SDCCD) would due to its height, scale, mass, layout and design; due to the loss of existing vegetation and trees from the northern boundary and due to increased traffic and activity on site, adversely impact the residential amenities of neighbouring properties by way of overlooking / loss of privacy, overbearance / visual intrusion and noise / disturbance, contrary to the RES zoning objective.
- Concerns are raised regarding the height, scale, mass and design of proposed apartment Block E in the context of surrounding residential development. It is contended that the amendment introduced under Condition 2(d)(ii) requiring the omission of a single third-floor apartment does not adequately address concerns of overlooking, overshadowing and overbearing / visual impact. The case is made that that the entire third floor of Block E should be removed, similar to the decisions reached for Blocks A, B, C, D and F.
- The omission of House No. 88 (Condition 2(c)(ii)) is welcomed, however, it is contended that House No. 87 still presents a visual massing bulk to rear gardens on Cypress Grove South which should be addressed by way of appropriate screening.
- Concerns have also been raised regarding noise and nuisance impacts during both the construction and operational phases of the development. This includes operation noise from the creche.

Design Quality:

- Condition 2 stipulates that all dwellings house units along the northern site boundary are served by private amenity space in full accordance with the 2024 Compact Settlement Guidelines, this guideline has been applied to houses on the northern boundary but not to houses within the walled garden - Houses within the walled gardens should be provided with private amenity space in accordance with the standards set out in the 2024 Compact Settlement Guidelines.

Access, Traffic and Parking:

- Concerns have been raised regarding the nature and volume of vehicular traffic that will be generated by the proposed development at both construction and operational phases, and the adequacy of the local road and transport networks to accommodate same.
- The proposed development will result in significant car borne traffic, given the lack of public transport options and lack of retail and other services in the area
- It is contended that the proposed development will intensify the potential for a traffic hazard on the local access road and its junction with the R817
- It is contended that the proposed development increase journey times along Cypress Grove Road at peak hour contributing to traffic congestion in the area.
- Concerns raised regarding the veracity of the applicants Traffic and Transport Assessment.
- Concerns are raised regarding the quantum of car parking proposed, which is considered insufficient at this location and likely to result in overflow parking to neighbouring estates, the adjoining public road network and to the green area to the front of Cypress Grove House. Overspill parking would have practical consequences for manoeuvrability, safety, refuse collection, service access and emergency response.
- The proposed creche facility will increase traffic at peak times. Its location, close the proposed pedestrian access at the northeast corner of the

development, will result in unregulated parking and non-residential traffic movements at a bend where inadequate sightlines inevitably occur, resulting in traffic hazard.

Public Drainage Capacity:

- The development of this site as proposed would significantly alter the natural drainage system of the site. The proposed development must include a sustainable drainage system that is demonstrably adequate to mitigate the risk of flooding to existing properties. Tree retention is important in this regard.
- No internal report on surface water drainage was received and there was evidence of surface water retention and flooding after recent storms.

7.2. Applicant Response to Third Party Appeals:

The applicant's response to the issues raised in the four third-party appeals was received on the 14th of April 2026. The response is structured around the principal grounds of appeal advanced by the appellants which are addressed under thematic headings. The applicant's response can be summarised as follows:

- Principle of Development (Zoning): - residential development is permitted in principle within the RES zoning. The height and density of the scheme is supported by national and local planning policy and guidance and has due regard to the receiving environment including urban character, built heritage, landscape and residential amenity.
- Protected Structure: - The proposed development includes for repair, conservation, refurbishment and adaptive reuse of Cypress Grove House, thereby securing its long-term use and maintenance.
- Neither SDCCs Architectural Conservation Officer or DHLGH raised any objection to the proposed works or to its integration within the wider development.
- The scheme has been informed by a conservation-led design approach, supported by the Architectural Heritage Impact Assessment and Townscape and Visual Impact Assessment.

- The Planning Authority accepted the principle of development within the curtilage of Cypress Grove House and its assessment confirms that the proposed development does not adversely affect its character or setting.
- Scale, Height and Massing: - The proposed development site at 2.67ha represents a substantial infill opportunity within an established and accessible suburban area. In this context it is neither appropriate nor consistent with national Policy to assess the development solely by reference to the prevailing two-storey character of adjoining properties.
- The proposed scheme has been designed in accordance with national and regional planning policy and guidance, incorporating a clear and deliberate hierarchy of scale across the site. Lower-scale development is provided at sensitive boundaries, particularly adjacent to existing residential properties while taller elements are located within the deeper parts of the site where their visual impact is moderated by distance, layout and landscaping.
- The scale, height and massing of the proposed development is appropriate to the site and its context, and the grounds of appeal do not justify refusal of permission or the additional reductions required by condition.
- Residential Impact: - the applicants are satisfied that the potential impacts of the proposed development on the residential amenities of neighbouring properties were comprehensively assessed as part of the planning application.
- The Daylight and Sunlight Assessment was undertaken in accordance with established BRE Guidance and demonstrates that the proposed development does not give rise to significant adverse impacts on surrounding residential properties.
- In relation to privacy and overlooking, the development incorporates appropriate separation distances, orientation and façade treatments sufficient to ensure that direct overlooking is appropriately controlled and that acceptable levels of privacy are maintained.
- In terms of visual impact, outlook and potential overbearing effects the overall design strategy ensures that lower scale development is provided at sensitive

boundaries with taller elements set back within the site this approach combined with retained and proposed landscaping ensures that the development does not result in unacceptable levels of enclosure or visual dominance when experienced from adjoining properties

- The TVIA confirms that the magnitude of change from surrounding residential viewpoints is generally low and that the resulting visual effects are not significant.
- While the appellant plays a significant emphasis on the removal or alteration of existing boundary vegetation it is noted that the proposed development includes substantial new landscaping and planting which will provide an enhanced and more structure green interface over time.
- *Landscape, Trees and Green Infrastructure:* - matters relating to landscape, trees and green infrastructure were considered in the Landscape Design Report, Arboricultural Impact Assessment and Ecological Impact Assessment.
- The existing vegetation along the northern site boundary does not comprise a native hedgerow but a belt of mature Norway spruce of limited ecological diversity. The character of this boundary is therefore not representative of a typical native hedgerow or high-value green infrastructure corridor.
- The proposed development includes the provision of new, structure northern boundary incorporating native hedgerow planting, native tree species and understory planting which will establish a more diverse and resilient green corridor over time.
- In relation to tree protection, the scheme has been designed to enable the retention of key Category A trees and incorporates recognised best practice in arboricultural protection to ensure the long-term health and stability of those trees.
- The proposed scheme provides a significant quantum of public and communal open space, together with extensive new planting throughout the site, contributing to an overall enhancement of landscape structure and green infrastructure provision.

- The proposed scheme will result in a net improvement in both quality and functionality of green infrastructure on the site.
- Biodiversity: - The impact of the proposed development on biodiversity was considered in the application documentation, notably the Ecological Impact Assessment and Appropriate Assessment Screening. The applicant acknowledges that the site provides foraging habitat for bats and includes trees with roost potential but is satisfied that the design and mitigation strategy presented is sufficient to ensure that the conservation status of the species is not adversely affected. A bat derogation licence, issued by the National Parks and Wildlife Service, accompanies the applicants first party appeal.
- Traffic Parking and Access: - The application documentation includes a Traffic and Transport Assessment (TTA) which considers traffic generation, junction capacity, parking provision and access arrangements. The TTA concluded that the proposed development can be accommodated on the surrounding Road network without giving rise to significant adverse impacts.
- A Road Safety Audit of the proposed access arrangements was carried out. This provides an independent assessment of potential safety issues. Neither the planning authority nor SDCC Road Department raised any objection to the proposal on traffic and road safety grounds.
- The conditions attached to the permission, including the requirement for a Construction Traffic Management Plan and updated swept path analysis would ensure that the vehicle movements associated with the development are appropriately managed having regard to the receiving road network.
- This is an accessible suburban area, served by existing and planned future public bus services and benefiting from access to local services and facilities. The location therefore supports a reduced reliance on private car usage.
- The level of car parking proposed aligns with national and local policy objectives, promoting sustainable transport and reducing car dependency in accessible locations. It is supported by a significant quantum of bicycle parking and potential for mobility management measures.

- Concerns regarding overspill parking and traffic management are adequately addressed in the conditions attached to the grant of permission. The submission of a Construction Traffic Management Plan, a Car Parking Management Plan and Mobility Management Plan as required, will ensure that traffic and parking are effectively managed for both the construction and operation operational phases of the development.
- The proposed access arrangements were assessed by the planning authority, and no objection was raised in principle.
- Conditions in the Grant of Permission: - Regarding the conditions attached to the grant of permission and the allegation that the planning authority granted permission for a scheme that requires substantial redesign, without affording third parties an opportunity to assess or comment on the revised scheme, the applicant notes that the planning authority granted permission for a defined development and attached conditions in the exercise of its statutory functions.
- The use of conditions is a standard and well-established mechanism within the planning system to secure mitigation, detailed design refinement and compliance with relevant standards.
- The existence of conditions does not indicate that the development was fundamentally unacceptable. Rather, it reflects the planning authorities position that certain matters could be address through further refinement and compliance at pre-commencement stage.
- While the applicant does not agree with certain elements of the conditions (as outlined in the First-party appeal) this does not undermine the planning authority's overall conclusion that the development is acceptable in principle.
- Environmental Impact Assessment: - An Environmental Impact Assessment Screening Report was submitted with the application. This document was used to inform the planning authority's determination that the proposed LRD would not be likely to give rise to significant environmental effects and that the preparation of an Environmental Impact Assessment Report was not required. The principal modifications required by condition relate to reductions in scale and quantum of development and do not introduce new or more intensive

forms of development. As such the development permitted does not give rise to any additional or more significant environmental effects than those assessed as part of the original application.

7.3. First Party Grounds of Appeal

7.3.1. A first party appeal has been lodged on behalf of the applicants, Templeogue Development Limited. This first-party appeal seeks for the removal or amendment of Conditions 2, 3 and 4 as attached to South Dublin County Councils notification of decision to grant permission. The appeal is supported by:

- A planning appeal report prepared by Stephen Little and Associates. This document sets out the grounds for the first party appeal, addressing each component of Condition 2, which in turn address the details provided in Conditions 3 and 4. It also outlines an alternative layout proposal.
- Architectural pack illustrating alternative scheme for consideration by the Commission.
- Landscape, Arboricultural and Ecological appeal response prepared by Gannon and Associates, Landscape Architects with input from Altmar Environmental Consultants and CMK Urban Forestry Consultants.
- Derogation License licence (DER-BAT-2026-60) issued by National Parks and Wildlife Service on the 29th of January 2026

7.3.2. The First Party grounds of appeal can be summarised as follows:

- It is contended that the original 171 no. unit scheme represents an appropriate, policy compliant and balanced response to the opportunities and constraints of the site and that the amendments sought under Conditions 2, 3 and 4 have resulted in unnecessary reductions in scale, unit quantum and design parameters which are not necessary to protect residential amenity, the setting of the protected structure or the character of the surrounding area.
- Planning authority's own assessment acknowledges that the proposed development is acceptable in principle and that many elements of the scheme including the overall layout housing provision, open space strategy and accessibility of the site are consistent with national and local planning policy

- The technical assessments submitted with the application including the TVIA, Daylight and Sunlight Assessment, Architectural Heritage Impact Assessment and the Landscape Strategy, confirmed that the development as proposed can be accommodated on site without giving rise to significant adverse impacts on neighboring properties or the historic setting of Cypress Grove house.
- The following points are noted
 - **Block A:** It is submitted that the omission of the second-floor level of Block A required by Condition 2(a)(i) is not necessary to avoid adverse visual impacts on adjoining properties in Cypress Grove North, as the design of this structure as presented, together with the additional obscure glazing and high-level window treatments required under condition 2(a)(ii) and (iii) provide an appropriate and proportionate response to this issue.
 - **House No's 13-17:** it is submitted that the omission of these houses as per the requirements of Condition 2(a)(ii) is not necessary to secure the protection of trees 61 and 65 or the enhancement of green infrastructure along the northern boundary. The proposed development already incorporates appropriate arboricultural protection measures along with new planting that will improve the ecological value of the site boundary.
 - **Block B:** It is submitted that the proposed height and massing of Block B do not undermine the architectural prominence or setting of Cypress Grove House and that the omission of an entire floor level represents a disproportionate response which would materially reduce the residential yield of the scheme without delivering a meaningful heritage benefit.
 - **Block C:** It is submitted that the omission of an entire floor from Block C is not necessary to address the concerns of the planning authority in respect of built heritage and visual amenity. It is contended, having regard to the design evolution of the scheme, the retention of existing vegetation along Cypress Grove South frontage, and the findings of the submitted heritage and visual impact assessments, that the height and massing of Block C is appropriate. However, in the event that the Commission is of the opinion that some modification is warranted, it is submitted that a more

proportionate response would be the omission of the uppermost floor level only.

- **Block D:** It is submitted that the height of Block D is appropriate to its location within the development site and that it does not detract from the visual prominence of the protected structure.
- **Block E:** it is submitted that the design of Block E was carefully considered having regard to the relationship between the development and neighbouring residential properties and that the siting layout and orientation of this Block were developed to ensure appropriate separation distances and to retain residential amenity. Notwithstanding, the applicant is willing to accept the omission of the third-floor level apartment within Block E, as required by condition 2.
- **Block F:** it is submitted, having regard to the mitigation measures incorporated into the design, the separation distances achieved and the findings of the technical assessments submitted with the application, including the Daylight and Sunlight Assessment, that the proposed 4 Story height of Block F represents an appropriate and proportionate response to the site context and that the omission of an entire floor level is not considered necessary in the interests of proper planning and sustainable development.
- **House No.88:** It is submitted that House No. 88 as proposed, due to the separation distances available and the screening afforded by the existing c3.8m high boundary wall, would not give rise to adverse impacts on neighbouring residential amenities.
- Notwithstanding the applicant's position that the development has originally proposed represents the most coherent and appropriate design response to the site, the applicants have submitted an alternative layout scenario as part of their first party appeal. In accordance with the information provided, the purpose of this exercise is to demonstrate how the scheme could be amended to respond to certain matters raised by the planning authority while continuing to deliver a high-quality residential development and maintaining an efficient use of service urban land.
- The potential amendments are summarized below:

Alternative Design Response:

- *Omission of Block A*; - the omission of apartment Block A at the northern end of the development site is proposed in response to the planning authorities concerns regarding the height and visual impact of this block along the northern boundary and in response to the commentary of the parks and public realm department regarding the protection of the category A tree and reinforces the green infrastructure corridor along the northern boundary
- *Enhanced landscaping buffer and protection of category A trees*: - the removal of Block A allows the northeastern portion of the site to remain largely open and landscaped providing a more generous buffer around the retained category A tree and responding directly to the park and parks and public realm department commentary regarding the protection of this important landscape feature.
- *Retention and extension of the northern terrace houses*: - The terrace of dwelling houses along the northern boundary is retained and extended through the addition of two further houses facilitated by the omission of Block A.
- *Reduction in height of Block B*: - The omission of the upper floor level within Block B is proposed in response to the planning authority's concerns regarding the scale of development within the historic setting of the house.
- *Relocation of the creche facility* - The childcare facility originally proposed within Block A is relocated to Block C.
- *Relocation of drop-off area and parking adjustments*: - in response to the relocation of the childcare facility the associated drop-off pickup area has been relocated adjacent to Block C with minor adjustments to the internal parking configuration and circulation arrangement. Overall parking provision within the development remains unchanged.
- *Introduction of a 2-story house*: - house number 88 has been revised as part of the alternative layout scenario with the previously proposed 3 story dwelling replaced with a 2-story dwelling house thereby reducing the overall scale of the development along the southern boundary of the site.
- *Revised residential unit numbers*: - as a result of the changes outlined above the alternative layout provides a revised total of 156 residential units

representing a reduction of 15 units from the originally proposed scheme this equates to an overall residential density of approximately 78 filings per hectare.

7.4. **Planning Authority Response**

The planning authority's response to the issues raised in the grounds of appeal can be summarised as follows:

- The planning authority confirms its decision and states that the issues raised in the appeal have been covered in the Chief Executives Order.

7.5. **Observations**

7.5.1. Three observations have been received from:

- Gillian Ryan – Resident of Cypress Grove South:
- John and Irina Hallissey - Residents of Templeogue Wood
- Tom Croke and Others - Residents of Templeogue Wood

7.5.2. Gillian Ryan – Resident of Cypress Grove South:

The issues raised in the observation of Gillian Ryan are substantially covered in the third-party grounds of appeal which are set out in section 7.1 above and can be summarised as follows:

- Negative impact on residential amenity by way of overlooking / loss of privacy; overbearing / visual impact, devaluation of property.
- The proposed scheme, due to its height, scale and intensity would be out of character with the established suburban form of development in the area.
- The application fails to demonstrate compliance with Development Plan objectives relating to the protection of residential amenities and with National Guidelines on building height, privacy and livable neighbourhoods. Any flexibility sought under national policy has not been sufficiently justified.

- A grant of permission would establish a negative precedent for further high-intensity development in the area.
- The proposed scheme will increase traffic during both construction and operational phases, heightening road safety risks and contributing to congestion on the local road network. The capacity of the local road network to accommodate additional traffic is questioned.
- Car parking is insufficient and will lead to overspill parking onto surrounding residential streets. The proposal does not include adequate parking provision for construction workers.
- The proposal must include a sustainable drainage system to adequately mitigate the risk of flooding to existing properties.
- Concerns raised regarding the impact of the development on local bat populations. The mitigation measures outlined in the EclA are reactive rather than preventative and do not avoid the primary impact: the deliberate destruction of a confirmed bat roost.
- Concerns raised regarding the impact of the proposed development on local biodiversity including owls, butterflies, moths, hedgehogs, wintering birds and bees.
- Concerns raised regarding the loss of trees on site and the mitigation necessary to protect those trees that are to be retained.
- Concerns raised regarding the impact of the proposed development on built-heritage – the protected structure of Cypress Grove House and its curtilage.
- The loss of trees has the potential to impact on the health and well-being of residents.
- Construction activity on site has the potential to generate noise and dust that will impact on the health and wellbeing of residents.
- Lack of social and community infrastructure in the area to accommodate the scale of development proposed.

7.5.3. John and Irina Hallissey and Tom Croke and Others

The observations from John and Irina Hallissey and Tom Croke and Others have been lodged in response to the applicants first party appeal and relate specifically

sections 5.4.1.2 and 5.4.3.2 of the applicants submission which address the amendments to Blocks D and F at the southwestern end of the development, required under condition 2 as attached to the planning authority's decision. The observation of John and Irina Hallissey includes aerial imagery and photographs taken from within their property (rear garden area). The issues raised can be summarised as follows:

- The Observers do not support the applicants First Party Appeal seeking the omission of Condition 2, particularly the required amendments to the height and design of Apartments Blocks D and F. The Observers are of the opinion that decision of the planning authority in this respect was reasonable and justified.
- It is submitted that the first-party appeal fails to acknowledge the concerns raised by the planning authority and third parties in protecting built heritage of the site and the residential amenities of adjoining properties.
- It is contended that the proposed scheme fails to provide an appropriate transition between existing two-storey houses and the proposed 4 storey apartment blocks and that the construction of Block F as a 4 storey building as proposed by the applicant would fail to minimise the impact of the development on the amenities of adjoining properties by way of overshadowing, overlooking and visual intrusion.
- The proposed development would adversely affect the character and setting of Cypress Grove House, a protected structure. The heights of Blocks D and F would compete with the prominence of the protected structure and would adversely impact on views of the structure from the walled garden.

7.6. Further Responses:

7.6.1. Further submissions were received from:

- Stephanie O'Keefe
- Vantage RMLA Planning Consultants on behalf of local residents (Joanne Griffin and Others).

Both submissions were submitted in response to the First-party appeal. The issues raised can be summarised as follows:

7.6.2. Stephanie O’Keefe:

- It is submitted that the first party appeal does not overcome the fundamental deficiencies identified in the permitted schemes but rather reinforces the conclusion that the proposal as originally submitted constituted over development of a sensitive site and was not suitable for permission.
- The inclusion of an alternative layout proposal represents a material departure from the permitted scheme. It would be inappropriate and contrary to fair procedures for the Board / Commission to have regard to this revised layout in determining the appeal.
- The applicant’s contention that the conditions imposed by the planning authority are excessive and should be removed or modified is disputed. The case is made that the amendments required under condition 2 constitute a fundamental reconfiguration of the scheme, giving a clear indication that the development, in its submitted form, did not represent proper planning and development.
- The applicant alternative design proposal seeks to reinstate development along the northern boundary. It is submitted that this position is flawed as it is predicated on a reduced protection zone for specimen trees contrary to arboricultural best practice.
- The First Party Appeal fails to recognise the collective value of the northern boundary vegetation as a functioning ecological corridor and established landscape buffer.
- The first party appeal does not adequately address concerns regarding the impact on the development on residential amenity, relying instead on mitigation measures (obscure glazing, screening and separation distances) that do address the fundamental issue of inappropriate proximity and scale. The proposed replacement boundary would fail to provide equivalent value in terms of biodiversity, screening and amenity benefit.

- The sensitivity of the site, in terms of its built heritage, and proximity to existing residential properties etc, requires a restrained landscape-led design approach that has not been achieved.
- The first party appeal reinforces previously raised procedural concerns while the submission of a revised layout at appeal stage further undermines transparency, public participation and procedural fairness.
- It is submitted that the planning process to date is defective in law. The planning authority granted permission for a scheme that requires substantial redesign and whose essential characteristics remain unresolved pending post permission agreement. This is further compounded by the First Party Appeal seeking to remove conditions and to introduce a revised layout that has not been assessed or subject to public participation. To have regard to such a revised scheme would be contrary to fair procedures and would undermine the statutory planning process including public participation rights as recognised in the Aarhus Convention.

7.6.3. Joanne Griffin and Others

- This submission is lodged in response to the applicants first party appeal against conditions and includes commentary on the third-party appeals noting the concerns raised broadly align with those outlined in the appeal of Joanne Griffin and Others
- The submission disputes several contentions made in section 3, *Strategic Planning Context* of the first-party appeal, namely that the proposed development responds to the objectives of the SDCCDP, that the area is served by a high-capacity public transport network and that the density of development proposed is appropriate for this area.
- The submission reiterates concerns regarding the applicant's proposal to remove and replace existing vegetation (including trees and lower-level shrubs) along the northern site boundary. It is contended that the applicants fail to recognise the amenity and environmental/ecological importance of this boundary. The conclusion of the Gannon and Associates Report that the proposed replacement planting will improve screening for neighbouring

residential properties and strengthen ecological connectivity along the site is disputed as is the veracity of the mitigation measures for root protection of specimen trees.

- The appellants therefore do not support the applicants appeal for the reinstatement of House No's 13-17 and for the addition of Houses No's 7 and 8 and instead request that all development along the northern boundary be omitted.
- Regarding the alternative proposal submitted in support of the First Party Appeal, the case is made that this submission does not constitute a proposed revised scheme for consideration by ACP but an alternative scenario presented by the applicant to address the fundamental concerns of the planning authority that caused it to include conditions that significantly modify the proposal without opportunity for further public participation. It is submitted that any consideration by ACP regarding the merits of this 'alternative layout' as a replacement of the original proposed development would be unlawful.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including all 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:

- Technical and Procedural Matters
- Principle of Development – Zoning
- Design Quality
- Residential Amenity (Existing)
- Built Heritage
- Natural Heritage and Biodiversity
- Impact on Bats
- Overdevelopment of the Site (Density and Building Height)

- Unit Mix
- Traffic and Transportation
- Parking
- Drainage, Green Infrastructure and Flooding
- Other Matters

8.2. Technical and Procedural Matters:

8.2.1. Third Parties raise various perceived technical and procedural issues in respect of the proposed LRD which I will address under separate headings below. I would first highlight that it is my opinion that procedural matters, such as the determination as to the adequacy (or otherwise) of the public notices and the subsequent validation (or not) of a planning application, are, generally, the responsibility of the Planning Authority, which in this instance took the view that the submitted documentation (including public notices) satisfied the minimum regulatory requirements. I would also add that it is my opinion that any alleged grievances relating to the planning authority's handling of an application are not a matter for Commission whose function and responsibilities do not extend to the role of Ombudsman.

Public Notices

8.2.2. The adequacy of the development description as set out in the public notices is queried. The concern is that while the notices acknowledge the protected status of Cypress Grove House, they fail to acknowledge that the protection extends to all structures and lands within its curtilage.

8.2.3. In response, I note that the development description as outlined in the public notices is clearly indicative of the fact that the proposed scheme relates to a protected structure, thereby meeting the legislative requirements set out in the Planning and Development Act 2001 (as amended). In my opinion, the description of the subject proposal, as set out in the notices, provides for a sufficient and reasonable explanation of the nature of extent of the development proposed, for the benefit / notification of third parties. I am further satisfied that any perceived discrepancies did

not impinge upon or prejudice third party rights in respect of submitting observations or appealing the planning application.

Decision Making Process:

- 8.2.4. Third parties have raised concerns regard the fairness, integrity and transparency of the decision-making process, having regard to the extent of pre-planning consultations between the applicant and the planning authority, the speed with which the decision was reached and the extensive use of conditions attached to the grant of permission. It is contended that this creates a reasonable perception that the decision to grant planning permission had effectively been predetermined.
- 8.2.5. Concerns have also been raised regarding the approach taking by the planning authority in granting permission for the proposed scheme. It is contended that the scale of the deletions and amendments required by condition is indicative of the fact that the scheme is fundamentally flawed and should have been refused. It is further contended that granting permission for the proposed LRD subject to substantial redesign by way of condition undermines public participation in the planning process, contrary to proper planning and that the material changes introduced by way of condition have not been subject to appropriate environmental assessment and that procedural rights guaranteed under the Aarhus Convention have not been upheld.
- 8.2.6. In response, I note that the LRD process is governed by the Planning and Development (Large Scale Residential Developments) Act 2021. This legislation introduced a structured pre-application consultation and planning process for large scale residential projects. The pre-application consultation stage involves two steps. Firstly, applicants are required to seek standard pre-application consultation as currently mandated for developments of this scale under section 247 of the Planning Act. The second stage an “LRD meeting” with the relevant planning authority for the purpose of receiving an “LRD opinion” as to whether the proposals constitute a reasonable basis for submitting an LRD planning application. The intention of this detailed LRD pre-application consultation is to minimize the need for “further information” requests at the subsequent planning application stage.

- 8.2.7. Details of the pre-application consultation carried out in respect of this proposed LRD, including SDCC's '*LRD Opinion*' are available to view in full on SDCC's website. The application documentation includes a *Planning Report and Statement of Consistency* which provides details of the pre-planning consultations that took place, and the applicants '*Response to the LRD Opinion*'. Further details on the pre-planning consultations are included in SDCC's planning report and summarised in Section 3 of this report. Overall, I am satisfied, based on the information available on file, that the pre-application consultation was completed in accordance with the legislation.
- 8.2.8. I note that SDCC decided to grant permission for the proposed LRD subject to 37 no. conditions. The conditions attached to the grant of permission include several amendments to the scheme which, if implemented, would result in a reduction in the number of units from 171 (as proposed) to 132 (permitted). The decision of the planning authority is now subject to both first- and third-party appeals. The issues raised in these appeals will be considered in this assessment and in the making of a decision by the Commission. For clarification, the following assessment is based on the LRD as originally presented to the planning authority. Additionally, the proposal has been screened for Appropriate Assessment (AA), Water Framework Directive (WFD) and Environmental Impact Assessment (EIA). The screening determinations are presented in sections 9.0, 10.0 and 11.0 below and are to be read in conjunction with Appendices of this report.

Conclusion: Technical and Procedural

- 8.2.9. I have considered the technical / procedural issues raised in the grounds appeal. I am satisfied that the information / documentation submitted with the applicant is sufficient to permit, at least, the making of a valid application and that no substantial legal, technical or procedural issues arise that would preclude the Commission from deciding this appeal.

8.3. Principle of Development: - Zoning

- 8.3.1. The proposal is for a Large-Scale Residential Development (LRD) comprising 171no. residential units and a childcare facility (creche) on lands zoned '*Existing Residential RES*' in the South Dublin County Development Plan 2022-2028 (SDCDP). The objective for this zoning is to protect and improve residential amenity.
- 8.3.2. Residential is listed as a use class that is permitted in principle within this zoning. Childcare facilities are listed as '*open for consideration*'. Land uses that are listed as '*open for consideration*' may be acceptable subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in this Plan. In my opinion, a childcare facility is an appropriate ancillary use to the primary residential use proposed and its provision within this scheme would support the sustainable development of these lands as envisaged in the SDCDP. As such, subject to compliance with the relevant policies, standards and requirements of the South Dublin County Development Plan 2022-2028, including those related to protection of built heritage noting the Protected Structure on site, the principle of the proposed development is acceptable at this location.
- 8.3.3. Regarding the above, I note that the subject site comprises a protected structure, Cypress Grove House (RPS Ref: 222) and its curtilage. Section 3.5.2 of the SDCDP, including *Policy NCBH19* and its associated Objectives deal with protected structures. Essentially, while development proposals that affect a protected structure and its setting are permissible in principle under the SDCDP, any such development should be sympathetic to the structures special character and integrity and should be appropriate in terms of architectural treatment, character, scale and form. The demolition and inappropriate alteration of Protected Structures is prohibited unless in very exceptional circumstances.

Conclusion – Principle of Development:

- 8.3.4. The development of this site for residential and childcare uses as proposed is acceptable in principle; however, any such development should not be at the

expense of the character / or established setting of the protected structure or, as per the zoning objective, the residential amenity of adjoining properties. These issues shall be considered in detail later in this report. The issue of demolition is considered under the heading of 'Built Heritage'.

8.4. Design Quality.

- 8.4.1. In this section I intend to provide a general overview of the proposed LRD and to assess same against the relevant development management standards set out in the in the current South Dublin County Development Plan (SDCDP) and in relevant Section 28 Guidelines. This is to ensure that the proposed scheme would deliver a high-quality living environment for future residents in accordance with *SDCDP Policy H7: Residential Design and Layout*. The potential impacts of the proposed LRD on the residential amenities of existing properties in the area and on the protected structure of Cyress Grove House and its curtilage are to be considered under separate headings below.
- 8.4.2. The section 28 guidelines most relevant in the assessment of this appeal are the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (Compact Settlement Guidelines) and the 2025 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines). It is of relevance to note that where specific planning policy requirements (SPPRs) are stated in the Section 28 Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan.
- 8.4.3. On the issue of residential amenity for future occupants, third parties have raised concerns regarding the provision of adequate private open space for the proposed houses. Reference is made in the grounds of appeal to Condition 2 (a)(ii) as attached to the planning authority's decision, which requires that all dwelling house units along the northern site boundary be served by private amenity space in full accordance with the 2024 Compact Settlement Guidelines. The appellants request that the relevant standard set out in the Compact Settlement Guidelines be applied

to all proposed housing units and not just to those houses along the northern boundary.

- 8.4.4. The application documentation includes an Architectural Design Statement (ADS), Housing Quality Assessment (HQA), Daylight and Sunlight Assessment, Landscape Design Rationale, Townscape and Visual Impact Assessment (TVIA) supported by Verified View Photomontages and CGI imagery, all of which I have considered in this assessment.
- 8.4.5. I have included a description of the proposed development in Section 2 above. In brief, the proposal is for a Large-Scale Residential development (LRD) comprising a total of 171 no. residential units in the form of 24no. houses and 147no apartments and a childcare facility (Crèche) with capacity for 58no. children.
- 8.4.6. Save for 1 no. 2 no. storey detached house in the northwest corner of the site (House Type B, Unit No. 17), all proposed houses are three-storey and are arranged in terraces of between 4 to 8 units. The 3 storey dwelling houses (House Type A) are designed to read as 3-storey to the front and 2-storey to the rear. 142no. of the 147no. apartments are arranged in 6no blocks ranging in height from three to five storeys. The remaining 5no. apartments are to be accommodated with a refurbished and repurposed Cypress Grove House. All new structures are of a contemporary design. Brick, in a variety of colours, is proposed as the primary façade material on all new buildings, this is acceptable as a low maintenance and durable façade solution. The DHLGH in their report to the planning authority, raised concerns in relation to elements of the design (cladding materials and predominantly horizontal fenestration with recessed balconies) and positioning of Blocks B and C. They considered that Block B on its own and cumulatively with Block C would compete visually with the protected structure. This matter is discussed in greater detail under separate heading below.
- 8.4.7. In terms of the quality of accommodation on offer, I have assessed the plans and particulars submitted in support of the application including the Housing Quality Assessment and I am satisfied on the basis of the information provided that all residential units meet or exceed the relevant minimum requirements in terms of unit

size, floor area, ceiling height and internal storage and that suitable arrangements have been made within the scheme for bike and bin storage. Of the 147no. apartment units proposed 113no are dual aspect, this equates to 78%, thereby exceeding the minimum standard of 25% set out under SPPR 3 of the Apartment Guidelines (2025).

Separation Distances (Material Contravention identified)

- 8.4.8. It is a requirement of the SDCDP (section 12.6.7 Residential Standards) that all proposals for residential development, particularly apartment developments and those over three storeys high, provide acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces.
- 8.4.9. The SDCDP refers to the guidance set out in the Urban Design Manual (2009) and sets, as a benchmark for development, a requirement for a minimum clearance distance of 22 metres, between opposing windows including in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. Additionally, *Policy H11, Objective 4* of the SDCDP seeks to ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.
- 8.4.10. I have reviewed the plans and particulars submitted in support of this application and I note that there are instances where the benchmark 22m separation distance prescribed in the SDCDP, is not achieved. These are as follows:
- The separation distance between opposing apartment units at the western end of Block B is shown at c. 11m, with opposing elevations incorporating vertical slit windows to bedrooms and larger windows serving kitchen and living areas.

- The separation distance between west-facing windows in the western annex element of Block C (serving apartment living room area) and the rear of House no.83 is shown at c. 13.5m.

8.4.11. Separation distances of 11m and 13.5m between opposing habitable windows falls significant short of the 22m standard set out in the SDCCDP. I consider this deviation in standard sufficient to be deemed a **material contravention** of the SDCCDP; however, I do not recommend that planning permission be refused on this issue, instead I consider it reasonable in this instance to recommend that the Commission, should it be of a mind to grant permission, invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).

8.4.12. My reasoning for this is based on the more up-to-date guidance on separation distances set out in the 2024 '*Sustainable Development and Compact Settlement Guidelines* (Compact Settlement Guidelines), and the fact that planning authorities and An Coimisiún Pleanála, are required under Section 28 of the Planning and Development Act 2000 (as amended) to apply specific planning policy requirements (SPPRs) stipulated under Section 28 Ministerial Guidelines.

8.4.13. With regard to the above, it is a specific planning policy requirement (SPPR 1) of the Compact Settlement Guidelines that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. SPPR 1 further states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

8.4.14. In both circumstances outlined above, the separation distance between opposing windows serving habitable rooms is less than the prescribed 16m. However, I note that the affected windows within apartment Blocks B and C are secondary windows to the habitable room to which they serve and that each of these habitable rooms are served by additional larger window on its primary front elevation. As such I believe

that affected windows could be easily adapted or redesigned to prevent overlooking without compromising the amenity value of the habitable rooms and that this could be achieved by way of condition should the Commission be of a mind to grant permission. The Commission will note that this approach was taken by the planning authority in their grant of permission as follows:

- Conditions 2(b)(ii) requires the provision of high-level windows in lieu of full height windows to the southern elevation of the 1-bed apartment units in Block B1 (northern element of Block B) serving living room areas of said units
- Condition 2(c)(iii) requires the provision of obscure glazing in above ground floor level west-facing windows in the annex element of Block C.

8.4.15. In my opinion, the use of opaque glazing in all affected windows would be sufficient to ensure an appropriate level of privacy is achieved.

Outdoor Amenity Space

8.4.16. The provision of open space that is appropriately designed and located is described in the SDCCDP as key element of high-quality residential environments. The SDCCDP includes various policies, objectives and standards for private and semi-private /communal and public open space.

8.4.17. In terms of private open space, it is an objective of the SDCCDP (*'H9 Objective 1'*) to ensure that all private open spaces for houses and apartments / duplexes including balconies, patios, roof gardens and rear gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring. The quantitative standards for private open space for houses and apartments are set out in Chapter 12, Tables 12.20 and 12.21 respectively.

Private Open Space – Houses (Material Contravention Identified)

8.4.18. As set out in Table 12.20, the minimum private open space standard for houses with 4 or more bedrooms is 70sq.m. I have reviewed the plans and particulars submitted

in support of the application, including the applicants Housing Quality Assessment (HQA) and I note that the private amenity areas for 21 of the 24 no. houses proposed within this scheme (namely House No's 10-16; 18-24 and 82-88) fall below this minimum standard with private amenity areas for these houses ranging from 40.02 sq. m to 65.25 sq. m. The extent of deviation from the prescribed standard is I consider sufficient to be deemed a **material contravention** of the SDCDP.

8.4.19. To justify the deviation in the SDCDP standard for private amenity space for Houses, the applicants rely on 2024 Compact Settlement Guidelines, under which it is a specific planning policy requirement (SPPR 2) that houses with 4 or more bedrooms are provided with a minimum private amenity area of 50sq.m. SPPR 2 allows for a further reduction below the minimum standard where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). In such cases the planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves.

8.4.20. When the reduced standard of 50 sq. m is applied, 14 of the 24 no. houses proposed remain deficient in private open space. The houses affected are House No's 14 to 16 (incl.); No's 19-24 (incl.) and No's 83-87(incl.).

8.4.21. The case is made in the application documentation that the quality and quantity of communal and public open space proposed within this scheme is sufficient to ensure that all residents, including those in houses with smaller private gardens, will have access to high-quality, safe, and well-integrated outdoor spaces.

8.4.22. I have reviewed the plans and particulars submitted in support of the application and I note that the quantum of both communal and public open space areas proposed within this scheme far exceed the minimum standards required and I am satisfied that these spaces would contribute to the level of residential amenity for future occupants. While the proposed scheme does not include dedicated communal / semi-private open space for houses; I note that houses within the walled garden, namely House No's 19-24 (incl.) and 83-87(incl.) would have access to areas of

communal open space around Blocks D, E and F, which could satisfy the requirements of SPPR2.

8.4.23. However, house no's 14, 15, 16, at located at the northern end of the development, do not have the same advantage in terms of accessibility to communal / semi-private open space. The dedicated private amenity areas for House nos.14, 15 and 16, range in size from 40.26 sq. m to 43.47 sq. m. and are all north facing. It is of relevance to note that the rear garden areas for House nos.14, 15 and 16 (in addition to House No's 9, 10, 11, 12, 13, 17 and 88) failed the study on '*Sun on Ground in Proposed Outdoor Amenity Areas*' carried out as part of the Daylight and Sunlight Assessment Report, with over half the area achieving less than two hours of sunlight on March 21st. In my opinion these spaces due to their limited size, northern orientation and lack of available sunlight, are substandard and would fail to provide an adequate level of residential amenity for future occupants. The Commission will note that the planning authority reached a similar decision in their assessment of the application and that these units were omitted from the permitted scheme (Condition 2(a)(ii)). The Commission, should it be of a mind to grant permission, may wish to take a similar approach to that of the planning authority and invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).

Private Open Space - Apartments: (Material Contravention Identified)

8.4.24. The minimum standard for private open space for apartments is set out in Table 12.21 of the SDCDP. The standards here align with those of the 2025 Apartment Guidelines. I have reviewed the plans and particulars submitted in support of the application including the applicants HQA and I am satisfied that the quantitative standards for private open space for apartments in Blocks A, B, C, D, E and F are met or exceeded in all cases.

8.4.25. The proposed scheme does not include for the provision of private amenity areas for the 5no. apartments within the refurbished Cypress Grove House. As the SDCDP does not allow for a deviation from the minimum standards set out in Table 12.21, I consider this to be a material contravention of the of SDCDP. However, I do not

recommend that planning permission be refused on this issue, instead I consider it reasonable in this instance to recommend that the Commission, if it is minded to grant permission, invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).

8.4.26. With regard to the above, I refer the Commission to the provisions of the 2025 Apartment Guidelines which under section 3.8, allow for a relaxation in the standard of private open space for apartments in cases where high quality, usable communal open space is provided with a further relaxation permissible for building refurbishment schemes. In this instance I note that the affected units are to be accommodated within Cypress Grove House, a protected structure, the number of affected units is small representing only 3.5% of the total number of apartments proposed and these units would have access to areas of high quality communal and public open space, sufficient to ensure an adequate level of residential amenity for future occupants.

Communal Open space

8.4.27. In addition to private open space, the SDCDP under *H9 Objective 2* seeks to ensure that the design and layout of new apartments, or other schemes as appropriate, ensures access to high quality and integrated semi-private or communal open space that supports a range of active and passive uses. The quantitative standard for communal open space is set out in *Table 12.21 Minimum Standards for Apartments* of the SDCDP and aligns with the standards set out in the 2025 Apartment Guidelines.

8.4.28. As per the information submitted in support of the application and appeal the proposed scheme includes for the provision of 3,586 sq. m. of communal open space which would far exceed the quantitative standard set out in table 12.21 of the SDCDP and Appendix 1 of the Apartment Guidelines which I equate at c. 921 sq. m.

8.4.29. Three areas of communal open space are proposed, these areas range in size from 920 sq. m to 1,434sqm. All communal open space areas are located adjacent to the apartment blocks so that they are readily accessible for residents; they will benefit

from a high level of passive surveillance and high levels of sunlight throughout the year. In my opinion the quantum and quality of communal open space proposed within this scheme would accord with the provisions of the SDCDP and no issue of material contravention arise.

Public Open Space

- 8.4.30. With regard to public open space provision, the SDCDP in sections 8.7 and 12.6.10 sets an overall standard of 2.4 hectares per 1,000 population. Within that standard the plan requires a minimum of 10% of the site area for '*New Residential Development on Lands in Other Zones*' including mixed use' lands, and a contribution towards or provision of the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population.
- 8.4.31. The proposed scheme will deliver approximately 5,860 sq. m of public open space which equates to c. 22% of net site area, thereby exceeding the minimum required standard of 10%.
- 8.4.32. 2.4 hectares of public open space per 1,000 population equates to 24sqm per person. As per *COS5 Objective 5*, the proposed scheme has the potential occupancy rate of 307 which equates to an overall public open space requirement of 7,368 sq. m. with a resultant shortfall of 1,508sqm. The SDCDP 2026-2028 Development Contribution Scheme, includes a mechanism for the payment of a financial contribution in lieu of all or part of the open space requirements for a particular development, subject to a pro rata rate of €1,395,000. The applicable contribution for the proposed scheme would equate to €208,692. This matter could be addressed by way of condition if the Commission is of a mind to grant permission. It should be noted that the scheme as amended by Condition 2 of the planning authority's grant of permission, was not subject to a condition in this regard as the overall quantum of public open space required equated to 5,664 sq. m, which is less than that provided (5,860 sq. m).

Conclusion: Design Quality:

8.4.33. Save for House nos.14, 15 and 16, where a shortfall in both the quantitative and qualitative standard for private open space has been identified, I am of the opinion that subject to some minor design alterations as discussed, the proposed scheme would provide a good standard of residential amenity for future occupants.

8.5. Residential Amenity (Existing).

8.5.1. The Existing Residential (RES) land-use zoning objective pertaining to the site seeks “*to protect and / or improve residential amenity*”. The potential impact of the proposal on the residential amenities of existing properties in the area is therefore a key consideration in assessing the proposed development. However, it is my opinion that the development of this site for new residential development, will alter the context of the site and the receiving environment and a degree of impact on the residential amenities of existing properties is inevitable. I therefore submit that any impacts identified must be balanced against the need to develop serviced infill sites at higher and more sustainable densities in accordance with nationally and regionally adopted strategies and the overarching principles of the Development plan which seeks to promote consolidation and sustainable intensification of development within urban settlements, including Policy CS6 and its associated objectives.

8.5.2. Third parties, as residents of the local area, have raised concerns in relation to the potential impact of the proposed development, on the residential and visual amenities of adjoining residential properties by way of overlooking / loss of privacy; overbearing / visual intrusion and loss of light / overshadowing. Additional, more general concerns have been raised regarding potential impacts of noise and disturbance during both the construction and operational phases of the development and in relation to the devaluation of property.

8.5.3. The SDCDP in *Section 12.6.7 Residential Standards*, states that all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and

open spaces. The SDCDP refers to the guidance set out in the Urban Design Manual (2009) and sets, as a benchmark for development, a requirement for a minimum clearance distance of 22 metres, between opposing windows including in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. More-up-to date guidance on separation distance is set out in the 2024 *Sustainable Development and Compact Settlement Guidelines* (Compact Settlement Guidelines), which, under SSPR1, prescribes a reduced standard of 16m between opposing first floor windows.

- 8.5.4. The plans submitted in support of the application demonstrate that the SDCDP benchmark 22m separation distances, is exceeded in most cases. The noted exception being the distance between proposed apartment Block E and No.23A Cypress Grove South, which is shown at only 9.406m. However, in this case, it is of relevance to note that the reduced separation distance between Block E and No. 23 A Cypress Grove South is mitigated through design and orientation and the avoidance of directly opposing windows / balconies. Therefore, in my opinion, the scheme as presented accords with the provisions of the SDCDP in respect of separation distances and block layout and does not give rise to material contravention.
- 8.5.5. Notwithstanding the separation distances achieved, I note that the planning authority in their assessment of the application determined that proposed apartment Blocks A, E and F and House No. 88, have the potential to negatively impact the amenities of neighbouring properties, by way of overlooking and / or overbearing / visual impact. I will discuss each of the issues raised by the planning authority in more details below.
- 8.5.6. I have examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority, and I have visited the site and surrounding area, in my opinion, Blocks B, C and D and House Numbers: 18-25 and 82-86 due to their siting relevant to site boundaries and adjacent built form, separations distances and intervening land uses, would be unlikely to give rise to significant adverse impacts on the amenities of existing adjacent properties by way of overlooking or overbearing visual impact. I

proposed to consider potential impacts of overshadowing / loss of light, construction noise and disturbance and operation noise and disturbance under separate sub-headings.

Apartment Block A:

- 8.5.7. *Block A* comprises an 'L' shaped mixed-use (residential and childcare) building at the northeast corner of the development site, c1.4m from the northern site boundary, at its closest point. The northern boundary at this location, the shared boundary with No's 38,40, 42, 44 and 46 Cypress Grove North, is defined by a block wall, c.1.8m in height on the development side. A new boundary hedge is also proposed along this boundary. This new hedgerow will replace an existing band of mature woodland that extends along the site's northern boundary.
- 8.5.8. Block A ranges in height from 1 to 4 -storeys, reaching a maximum ground to parapet height of c. 13.15m. The western wing of Block A, the element backing onto No's 38 and 40 Cypress Grove North, is single storey with a ground to ridge height of c.5.9m. The relationship between Block A and opposing dwellings in Cypress Grove North is illustrated on Contextual Elevation 01 (drawing No. 2420-Cypress Grove-SW-PLA-10-Planning).
- 8.5.9. The planning authority in their assessment of the application formed the opinion that Block A due to its height and proximity to the northern boundary would have a negative visual impact on neighbouring properties in Cypress Grove North. To address this perceived impact, the planning authority included as a condition of their grant of permission (Condition 2 (a)(i)) that Block A be reduced to a maximum of 3-storeys though the omission of the second-floor level. If implemented this alteration would result in the loss of 3 no. apartment units.
- 8.5.10. I have considered the plans and particulars submitted in support of the application and visited the site. I acknowledge that Block A, due to its height and proximity to the northern boundary, together with the loss of the existing woodland setting, will alter the outlook from the rear of existing dwellings in Cypress Grove North. However, I am of the opinion that the design strategy presented, together with the separation

distances available, is sufficient to mitigate undue visual impact from neighbouring properties and that any residual impact would be within the norms of acceptability for residential areas, having regard to current development management standards.

- 8.5.11. As demonstrated on the plans and elevation drawings, the upper floor levels of Block A have been set back from the building's north elevation, increasing the separation distance from the northern site boundary to c.6m at first and second floor levels and c.7.5m at third floor level. This stepped back arrangement facilitates separation distances greater than 22m at upper floor levels between Block A and opposing upper floors of dwellings on Cypress Grove North, exceeding the standards set out in both the SDCDP (22m) and the Compact Settlement Guidelines (16m). Additionally, I note that upper floor windows serving habitable rooms in the northern elevation of Block A are proposed as either high level windows (set 1.7m above FFL) or are to be fitted with obscure glazing, thereby ensuring no direct overlooking occurs.

Apartment Block E

- 8.5.12. *Block E* comprises 4-storey apartment building situated within the walled garden at the southern end of the site, approximately 9.5m from the shared boundary with No's 19 and 21 Cypress Grove South. The southern boundary at this location comprises the southern wall of the walled garden which extends to a height of c.3.8m. Block E is shown to a ground to parapet height of 13.2m. The relationship between Block E and opposing dwellings in Cypress Grove South is illustrated on Contextual Elevation 03 (drawing No. 2420-Cypress Grove-SW-PLA-12-Planning).
- 8.5.13. The planning authority in their assessment of the application formed the opinion that Block E due to its height, design (which incorporates a number of balcony's and windows in its south facing elevation), and proximity to the southern site boundary would unduly impact the amenities of adjacent properties in Cypress Grove South, by way of overlooking and visual impact.
- 8.5.14. To address these concerns, the planning authority in their grant of permission, (Condition 2 (d)(ii) and 2(d)(iii)) conditioned that Block E be amended through the

omission of the south facing apartment at third floor level (Unit 15E) and though the provision of screening elements (angles louvers or similar) to above ground floor balcony elements on the southern elevation. I note that third parties to this appeal are of the opinion that the alterations to Block E required under condition 2 are not sufficient to address overlooking and amenity impacts on neighbouring properties and that they have requested that the entire third floor of Block E be omitted.

8.5.15. As detailed on the application drawings, a separation distance of >28m is available between Block E and the upper floor levels of opposing houses in Cypress Grove South, far exceeding the standards set out in both the SDCCDP (22m) and the Compact Settlement Guidelines (16m). The third-floor level (fourth storey) is set back c. 3.9m from the southern elevation, increasing the available separation distance at this level.

8.5.16. While the southern elevation of Block E does include several inset balconies and windows serving habitable rooms, in my opinion the separation distances available are sufficient to mitigate undue impacts of overlooking and overbearing / visual amenity. Although I do accept that a degree of perceived overlooking will remain.

8.5.17. I would not support the provision of screening elements such as angled louvers to upper floor level balconies as per the requirements of Condition 2 (d)(iii). In my opinion, such a design intervention has the potential to unduly impact the usability and amenity value of these outdoor spaces and the adjoining habitable rooms, though loss of light etc.

8.5.18. On balance, I have no significant objection to the height or design of Apartment Block E as proposed, in terms of its impact on the existing residential amenity.

Apartment Block F:

8.5.19. Block F, a 4-storey apartment building (with the top-floor set back from its southwest facing elevation) is situated within the walled garden at the southern end of the site, c. 9.4m from No. 23A Cypress Grove South. No.23A Cypress Grove South is an infill dormer style dwelling on an irregular shaped plot of land that includes an

elongated area of private open space that extends along the southwest boundary of the application site and to the rear of existing houses on Templeogue Wood. The relationship between Block F and No.23A Cypress Grove South, is illustrated on Contextual Elevation 04 (drawing No. 2420-Cypress Grove-SW-PLA-13-Planning).

8.5.20. In assessing Block F, the planning authority considered the relationship between it and neighbouring residential properties, in particular, No.23A Cypress Grove South. The planning authority had regard to the design and orientation of Block F and considered that while these elements would help to mitigate direct overlooking from southeast facing balconies, additional screening elements should be provided to balconies. The planning authority also concluded that the height of Block F should be reduced to a maximum of three stories to protect the visual amenities of neighboring properties. This alteration if implemented would result in the loss of 4no. apartments. (Conditions 2(d)(iv) and (v) relate).

8.5.21. I have considered the plans and particulars submitted in support of the application and appeal and I have inspected the site. In my opinion the design and orientation of Block F as presented, is sufficient to ensure no adverse impacts on neighbouring properties by way of overlooking. Block F would be visible from the northern elevation of No. 23A in Cypress Grove South and would alter the outlook from same; However, having regard to the layout and configuration No. 23A, the orientation and position of the dwelling relative to the northern boundary wall, the height of this wall at c.3.8 m and the separation distance available between No. 28 and Block F, I consider that on balance, the degree and scale of impact arising would not be significant and would not warrant the redesign of Block F.

House No. 88:

8.5.22. House No.88 comprises a three-storey end-of terrace house within the walled garden at the southern end of the site, c. 2m from the southern boundary with No's 11 and 13 Cypress Grove South. The southern boundary at this location is defined by the southern wall of the walled garden which extends to a height of c. 3.8m.

8.5.23. The planning authority determined that House No. 88, due to its height (c. 11m) and proximity to the southern boundary, would have a negative overbearing / visual impact on adjacent properties in Cypress Grove South. To address this concern, House no.88 was omitted from the scheme by way of condition (Condition 2(c)(ii)). Third parties have welcomed the omission of House No.88 but have requested the provision of additional screening to reduce the visual mass House No. 87.

8.5.24. I accept that House No. 88 due to its height, largely blank southern façade and the limited separation distance to the site boundary, will alter the outlook from the rear of No's 11 and 13 Cypress Grove South; however, I note that both No's 11 and 13 Cypress Grove South are served by relatively long garden areas (>13m) which in my opinion should help to moderate the overbearing visual impact of the proposed House No. 88. The relationship between No.88 and No's 11 and 13 Cypress Grove South would not be unusual in modern day housing schemes and on this basis, I do not agree with the planning authority's decision to omit House No.88. Should the Commission disagree with my opinion this regard I note that the applicants have as part of their alternative design proposal, suggested the option of replacing House No.88 with a two-storey house, thereby reducing the height and mass of the structure as viewed from neighbouring properties. This matter could be addressed by way of condition if the Commission are of a mind to grant permission.

Overshadowing / Loss of Light:

8.5.25. In designing new development, it is important to safeguard the daylight to nearby buildings. The application documentation includes '*A Daylight and Sunlight Assessment Report*' (DSAR) which includes an assessment of the impact of the proposed development on neighbouring properties and amenity spaces.

8.5.26. The DSAR was prepared using the methodology's set out in the British Standard: Lighting for Buildings – Part 2: Code for Practice for Daylighting and BRE 209, '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*', Third Edition 2022, by P. J. Littlefair (BRE 209). It is of relevance to note that the SDCCP in *section 12.6.7 Residential Standards – Sunlight / Daylight* states that *Residential Developments shall be guided by the quantitative performance approaches and*

recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance [emphasis added]. The submitted Daylight and Sunlight Assessment Report would accord with the SDCDP in this regard.

8.5.27. The DSAR comprises a number of tests to determine the impact of the proposed development on neighbouring properties, the result of which are outlined in Section 3.0 'Analysis of Impact Assessment Results' and summarised below.

Effect on Vertical Sky Component (VSC):

8.5.28. VSC is a measure of how much direct daylight a window is likely to receive/ a measure of how much of the sky can be seen at a given point. A proposed development could potentially have a negative effect on the level of daylight that a neighbouring property receives, if the obstructing building is large in relation to its distance from the existing dwelling. Such an effect would be noticeable if:

- The VSC value of a window drops below the guideline value of 27%; and
- The VSC value is less than 0.8 times the existing value.

8.5.29. The effect of the proposed scheme on VSC was assessed for 33 no. windows/rooms across neighbouring properties in Cypress Grove North, Cypress Grove South and Cypress Lawn. 32 of the 33no. windows / rooms tested recorded only a negligible level of impact. The remaining window, a ground floor window serving No. 44 Cypress Grove North (ref:CG44b), recorded a '*minor adverse*' impact. For reference, No. 44 Cypress Grove North is situated to the north of proposed Apartment Block A.

8.5.30. The SDAR notes that this window is located under what appears to be an opaque canopy. An additional assessment using a 'no-balcony' (no-canopy) scenario was completed, the results of which presented a 'negligible' level of impact, indicating that the canopy is a contributing factor to the '*minor adverse*' level of effect of VSC.

Effect on Annual / Winter Probable Sunlight Hours (APSH / WPSH).

8.5.31. APSH/WPSH is a measure of sunlight that a given window may expect to receive over the period of a year. A proposed development could potentially have a negative effect on the level of sunlight that a neighbouring property receives, if the obstructing building is located to the south and is large in relation to its distance from the existing dwelling. This can be determined if the distance of a proposed development is less than three times its height from an existing dwelling, or if the angle from an existing window to the proposed development subtends 25° to the horizontal when measured in a perpendicular section.

8.5.32. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

8.5.33. Further to this the BRE advise that the sun lighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and,
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.5.34. The effect of the proposed scheme on APSH/WPSH was assessed for 13 no. windows/rooms on existing properties across Cypress Grove North and on the property 12 Cypress Lawn. As per BRE guidance, only south facing windows were considered. The results presented indicate that 12 of the 13 windows tested were

compliant for APSH and all 13 compliant for WPSH. Notably the one window where a '*minor adverse effect*' was observed, was the same ground floor window serving No. 44 Cypress Grove North that recorded a '*minor adverse effect*' on VSC. This again is attributed to the existing opaque canopy.

Sun On Ground (SOG) Existing Outdoor Amenity Areas:

- 8.5.35. This study assessed the effect the proposed development would have on the level of sunlight in the rear gardens of the neighbouring properties. BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half the area should receive at least two hours of sunlight on March 21st.
- 8.5.36. The SOG assessment was carried out on 12 properties, namely No's 38, 40, 42, 44, 46, 48, 50, 52, 54 and 56 Cypress Grove North, No.12 The Manor and No.11 Cypress Lawn. The assessment found that all 12 gardens and amenity spaces tested were compliant with the BRE standard illustrating limited overshadowing impact as a result of the proposed scheme.
- 8.5.37. *Conclusion Overshadowing / Loss of Light:* I have considered the SDAR submitted and visited the site. I am satisfied that the SDAR provides a comprehensive assessment of the potential daylight / sunlight impacts of the proposed development on neighbouring properties. I am further satisfied that the assessment was carried out in accordance with recognised standards and I have no objection to the methodology used or assumptions made. Based on the information presented I am of the opinion that the proposed scheme would not give rise to any undue impact on neighbouring properties by way of overshadowing / loss of light.

Construction impacts

- 8.5.38. Concerns have been raised by third parties regarding the impact of the proposed scheme during construction. It is alleged that the combination of construction traffic, intensified activity and construction disturbance will seriously injure the residential amenity of adjoining properties. While I acknowledge that the construction phase of a

development is likely to give rise to nuisance (noise, dust, construction traffic etc) that could affect the residential amenity of properties in the area, this would be for a limited duration, and it is standard practice to impose conditions that seek to ensure that the associated nuisances are controlled to lessen amenity impact.

Operational Noise and Disturbance:

8.5.39. Concerns have also been raised that the development of this site as proposed would, through the introduction of new residential units, a childcare facility and extensive internal roadways, would significantly increase noise levels within this quiet, established suburban area. Again, while I accept that the proposed development would alter and intensify the use of the site and that this would give rise to increased noise levels etc, this would be the case for all new development and I have no reason to believe that the proposed scheme would result in levels of noise or nuisance beyond the norms of a built-up residential area.

Devaluation of Property

8.5.40. Observers to this appeal are concerned that the development of this site as proposed would result in a depreciation in the value of property in the area. However, having regard to the assessment and conclusions set out above I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Conclusion: Impacts on Existing Residential Amenity

8.5.41. In conclusion, I am satisfied that sufficient information has been provided with the application and appeal to allow for a comprehensive and thorough assessment of the impacts of the proposal on properties within the vicinity of the site. I submit that the impacts identified must be balanced against the need to develop infill sites at higher and more sustainable densities in accordance with nationally and regionally adopted strategies and the overarching principles of the Development plan, which seeks to promote consolidation and sustainable intensification of development within urban

settlements, including Policy CS6 and its associated objectives. Such strategies do have the potential to impact the amenities of neighbouring properties. In this instance I consider that the proposed development would alter the outlook from neighbouring properties, particularly those in Cypress Grove North and Cypress Grove South and would give rise to a degree of perceived overlooking. However, I submit that the degree and scale of impacts arising would be within the norms of acceptability for modern day residential areas and would be acceptable in allowing for the development of the site.

8.5.42. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the enjoyment or value of property in the vicinity. Accordingly, the proposed development would comply with the zoning objective for these lands, as contained in the SDCDP and the proposed development should not in my opinion be refused or amended for reasons relating to impacts on neighbouring amenities. No issue of material contravention arises.

8.6. **Built Heritage.**

8.6.1. Another key consideration in the assessment of this appeal is the impact of the proposed scheme on the built heritage characteristics of the site.

8.6.2. As set out in section 7 above, third parties and observers to this appeal are of the opinion that the proposed development fails to adequately protect the architectural, historic, and spatial integrity of Cypress Grove House, its curtilage, and its associated landscape features. Additionally, the Department of Housing, Local Government and Heritage (DHLGH) in their report to the planning authority expressed concerns regarding the mass, scale, design, material finish and positioning of Apartment Blocks B and C and their potential impact, individually and cumulatively on the character of Cypress Grove House. They also expressed the opinion that the three apartment blocks proposed within the confines of the Walled Garden, Blocks D, E and F, do not respond to the orthogonal setting and that the layout of development within the walled garden does not appear to provide for any residual sense of the current space.

- 8.6.3. The planning authority in their assessment of the application, had regard to the comments of the DHLGH and to the report of SDCC's Architectural Conservation Officer (ACO). They acknowledged and confirmed the concerns raised by both the DHLGH and ACO in relation to the form and design of apartment Blocks B, C, D, E and F and their relationship with Cypress Grove House but concluded that these concerns could be adequately addressed though a reduction in the height of these Blocks and that this could be achieved by way of condition (condition 2 relates).
- 8.6.4. Conversely, it is submitted in the applicants First Party appeal that the amendments required under Condition 2 represent a disproportionate response to the issues raised, having regard to the technical assessments submitted with the application including the Architectural Heritage Impact assessment (AHIA) and Townscape and Visual Impact Assessment. The applicants are of the opinion that the development as proposed can be accommodated on site without significant adverse impacts on the historic setting of Cypress Grove House. However, without prejudice to their position, the applicants have presented an alternative layout scenario as part of their first party appeal. This alternative design scenario includes for a reduction in the height of Block B, though the omission of the upper floor level.
- 8.6.5. In this section I proposed to consider that the impact of the proposed development on the built heritage of Cypress Grove House and its curtilage including those issues raised in the assessment of the application and in the submissions to this appeal. The impact of the development on the landscape setting of Cypress Grove House, in particular the loss of the woodland corridor at the northern end of the development to facilitate the construction of Block A and House No's 9-17, will be considered under the separate heading of "*Natural Heritage and Biodiversity*".

Policy Provisions (General):

- 8.6.6. The proposed development site comprises Cypress Grove House and its curtilage which includes a range of buildings to the south and west of the main house, a mature landscape setting and walled garden. Cypress Grove House is listed as a Protected Structure (RPS Ref: 222) in the SDCCDP and is recognised as being of

regional architectural interest in the National Inventory of Architectural Heritage (NIAH Ref: 11216040).

- 8.6.7. As stated in the Planning & Development Act, 2000 (as amended), a protected structure includes the interior, land lying within the curtilage and any other structures lying within that curtilage and their interiors and all fixtures and features which form part of the interior or exterior of any structure. It is the stated policy of SDCDP (*Policy NCBH19- Protected Structures*), to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.'
- 8.6.8. The objectives listed under *Policy NCBH19* seek to ensure the protection of all listed structures including their curtilages and attendant grounds, to ensure that all development proposals that affect a Protected Structure and its setting are sympathetic to the structures special character and integrity and are appropriate in terms of architectural treatment, character, scale, and form. The objectives support the rehabilitation, renovation, appropriate use and sensitive re-use of Protected Structures but prohibit demolition and inappropriate alterations unless in very exceptional circumstances.
- 8.6.9. Further guidance on development that affects protected structures is set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Architectural Heritage Impact Assessment

- 8.6.10. The application documentation includes Architectural Heritage Impact Assessment (AHIA), an Architectural Design Statement, Townscape and Visual impact Assessment with verified views and CGI imagery. The AHIA includes details on the historical background of the property, a statement of significance, schedule of works and method statement, heritage impact assessment and photographic survey. The following points from the AHIA are noted:

- As evidenced by John Rocque's 1760 Map of Dublin County, a structure has existed on the site of Cypress Grove House since at least the middle of the 18th century. However, the AHIA suggests that this earlier structure / house was replaced by a larger structure in or around 1820.
- The 1864 edition of the Ordnance Survey of Ireland indicates that the property was developed largely during the early 19th century to include an elaborate garden setting, including a walled garden, a large man-made pond, outbuildings, glass houses, amidst numerous cypress trees.
- The property remained relatively intact until the second half of the 20th century, when it was partially broken up to accommodate the development of a large estate of suburban houses. The house retained a sizeable plot (c.2.66ha) including the walled garden and several old specimen trees dating back to the 18th and 19th century.
- Around 1961, the property was acquired by the White Fathers Missionaries of Africa, the current owners of the property. The AHIA indicates that the property was modified and repurposed at this time to serve as the headquarters for the missionary body and to improve residential accommodation within the house. The stable yard was also modified and extended to include additional accommodation and a small chapel.
- The AHIA describes the house as it currently exists as an attractive, but heavily modified, early 19th century house, built over the foundations of a mid-18th century house.

Assessment:

8.6.11. The proposal seeks to develop Cypress Grove House and its attendant grounds for residential and childcare uses. The proposal includes for the demolition of existing buildings / structures totalling 1,200 sq. m (as stated); and the repair and refurbishment of Cypress Grove House and its conversion for residential use in the form of 5no. self-contained apartments. The remaining 166no. residential units and creche are to be located within the grounds of Cypress House, including on lands within the confines of the walled garden.

8.6.12. As previously established, the development of these lands for residential and childcare use is acceptable in principle; however, in accordance with SDCCDP Policy NCBH19 and its associated objectives, the scheme must be carefully considered to ensure no adverse impact on the setting, character or appearance of Cypress Grove House or its curtilage, directly or indirectly. *To illustrate the impact of the proposed scheme on Cypress Grove House and its curtilage, as discussed in more detail below, I refer the Commission to the view of the architectural model provided on page 30 of the applicant's architectural design statement in addition to the TVIA and associated CGI imagery.*

Works of Demolition:

8.6.13. The structures proposed for demolition include:

- The range of buildings to the south and west of Cypress Grove House. It would appear from the information contained within the AHIA that these structures encompass the remains of the original stables and carriage houses for Cypress Grove House but that these historic structures were substantially altered and extended during the 1960s and later, to contain a chapel and living accommodation for the missionaries. The nature and extent of what remains of the original structures is unclear.
- A three-storey projection (extension) to the north (side) of Cypress Grove House along with the removal of the external steel fire escape stairs attached to same. The AHIA refers to this feature as a three-storey extension to the north elevation of Cypress Grove House that contains toilets and shower rooms and provides emergency access to an external fire escape stair attached to the north elevation. The AHIA states that this extension possibly contains some 19th century masonry in its external walls, but it has been fully rebuilt during the late 20th century to provide services to all the bedrooms. It is I consider relevant to note that the historic maps included in the AHIA, including the extract from the 1864 edition of the Ordnance Survey of Ireland, show a similar rectangular projection to north (side) elevation of the house, indicating that this feature is original to the house.

- Ancillary sheds and outbuildings including a car-port of modern block work construction.

8.6.14. As previously noted and as clarified in *Section 3.5.2 Protected Structure of the SDCDP*, where a structure is protected under the Record of Protected Structures, the protection includes (unless otherwise stated) the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. On this basis, it is my opinion that the protected status attributed to Cypress Grove House extends to the proposed structures for demolition.

8.6.15. It is an objective of the SDCDP (*NCBH19 Objective 5: Natural, Cultural and Built Heritage*) to prohibit demolition and inappropriate alterations of Protected Structures unless in very exceptional circumstances. The Commission will note that the SDCDP does not elaborate on what constitutes a “very exceptional circumstances”. Regard is also had to SDCDP *NCBH24 Objective 2* which seeks to prohibit demolition or full replacement, where there are re-use options for historic buildings in order to promote a reduction in carbon footprint.

8.6.16. The Architectural Heritage Protection Guidelines advice caution when considering proposals to demolish parts of protected stating that these parts may be of importance to the cumulative historic interest of a building. The Guidelines go on to state that where partial demolition of a protected structure is proposed, the onus should be on the applicant to make a case that the part whether or not it is original to the structure – does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure.

8.6.17. I note that no objections to the proposed works of demolition were raised by the planning authority or by SDCC’s Architectural Conservation Officer in their assessment of the application and that the DHLGH in their report to the planning authority, stated that the demolition of the existing reworked courtyard buildings and other ancillary structures is acceptable. However, in view of the policy provisions and

guidance outlined above, I am not satisfied that a sufficient case has been made in the application to justify the extent of demolition proposed.

8.6.18. I accept from the information provided in the AHIA and my observations during site inspection (external only) that Cypress Grove House and its ancillary structures have been modified and extended over the years and that much of the original features may have been lost. However, the evidence would suggest that the proposed works of demolition have the potential to result in the loss of structures /elements / features original to Cypress Grove House. A degree of uncertainty exist in this regard. In my opinion the documentation on file, including the AHIA, is lacking in sufficient detail regarding the structures identified for demolition, how they contribute to the special character of Cypress Grove House and what impact, if any, their demolition would have on the protected structure. Furthermore, with reference to *NCBH24 Objective 2*, I am not satisfied that it has been demonstrated in the application documentation that these structures could not be reused to promote a reduction in carbon footprint.

8.6.19. Therefore, to permit the demolition of existing structures on site, in the absence of sufficient information and justification and where alternatives to demolition have not been ruled out, would in my opinion adversely affect the character of the protected structure and would therefore be contrary to policies and objectives of the SDCDP including *Policy NCBH19 Objective 5* and *Policy NCBH24 Objective 2*, and would be contrary to the proper planning and development of the area.

Works to Cypress Grove House:

8.6.20. The proposal includes for the repair and refurbishment of Cypress Grove House and for its conversion for residential use in the form of 5no. self-contained apartments.

8.6.21. As per the information provided in the AHIA, Cypress Grove House is a three storey over basement former country house, built of rendered brick masonry with a slated hipped roof, rendered chimney stacks, and smooth rendered external walls. The south gable elevation is covered by vertically hung natural slates. The principal front elevation has five bays of windows, with the ground floor entry in the central bay which consists of a double leaf pair of panelled timber doors, of recent vintage,

flanked by wide sidelights, and topped by a segmentally arched fanlight. Internally, the house has the layout and architectural features that would be commonly found in medium to large suburban houses of the same period. The first and second floors underwent substantial intervention over the last century and a half, with the loss of many or the original architectural features. Larger rooms were sub-divided with timber stud partitions and bathrooms added in the small northern projection at all levels.

8.6.22. The proposed works to Cypress Grove House (following works of demolition) include the removal of late-20th century internal partitions and service stair, and the installation of new services and fire safety measures throughout the house. New kitchens and toilet rooms will be created within each of the apartments, along with well-appointed sitting/dining rooms and bedrooms. The surviving historic internal building fabric are to retained and repaired. Externally, the works include the provision of additional vertical hung slates to the southern gable to cover the area exposed by the demolition of the single storey addition.

8.6.23. The AHIA includes an indicative Method Statement and Schedule of Works. It is stated that a final method statement and schedule of works will be prepared on foot of necessary opening up and investigation works in determining the overall level of works that will directly impact on the original fabric.

8.6.24. I would welcome, in principle, the renovation and repair of Cypress Grove House and its conversion for use as residential apartments and I am satisfied that such works are adequately supported by the policy provisions set out in the SDCCDP, notably *NCBH19 Objective 3* which seeks to welcome, encourage and support the rehabilitation, renovation, appropriate use and sensitive re-use of Protected Structures. However, as the proposal would involve works/ changes to the built fabric of the protected structure, I consider that it requires careful consideration and assessment to ensure that the proposed works are sympathetic to the structures special character and integrity and are appropriate in terms of architectural treatment, character, scale and form , in accordance with *SDCCDP NCBH19 Objective 2*.

8.6.25. With regard to the above, it is my opinion that the information submitted in support of the application, including the AHIA, is limited and is lacking in detail. I consider that a development of the nature and scale proposed should include a more detailed Conservation Report, to include (in so far as reasonably possible) a room-by-room account, a full and detailed description and methodology of all works, including all works of demolition and works relating to the insertion of services, ventilation etc, along with an overall assessment of impact of the those works on the special character and appearance of the protected structure and, where necessary, mitigation for same.

8.6.26. I note that the ACO in their report to the planning authority did identify a deficiency in the information submitted in support of the application but considered that this deficiency could be addressed by way of condition (Condition 9 of the planning authority's decision relates), However, in my opinion the information currently available is not sufficient to ascertain that the proposed development would not negatively impact on the appearance, interior or overall character of the protected structure and I would recommend that permission be refused on this basis.

Apartment Block B:

8.6.27. Block B comprises a part three-storey part five storey apartment block made up of four built elements linked by external walkways at upper levels. The four built elements are arranged in a 'U' shaped format to the sides and rear of Cypress Grove House. The lower three storey elements, flank either side of the protected structure with a separation distance of c. 2.1m, the width of a pedestrian pathway. The taller five storey elements are positioned further west and to the rear with a break in the western elevation facilitating views to and from the protected structure. However, I note that these views are interrupted, unnecessarily in my opinion, by the upper floor external walkways.

8.6.28. I have no objection in principle to an arrangement of subsidiary blocks either side of Cypress Grove House; however, as noted by the DHLGH, in any such arrangement,

Cypress Grove House should remain the dominant structure. I am not satisfied that this is achieved

8.6.29. In my opinion, Block B as presented, in particular the two flanking elements to the side of Cypress Grove House, due to their height, form and design detailing, the limited set back from the front elevation of the house and the limited separation distances to either side, would detract unduly from the prominence of Cypress Grove House and its special character and setting. I agree with the opinion expressed by DHLGH that the house is treated more akin to a street building to be knitted into a building line, than as a former country house. Furthermore, I am not satisfied that a reduction in the height of Block B would be a sufficient design response to address this concern.

Apartment Block C.

8.6.30. Block C comprises a 3 to 5 storey apartment block at the south-east (front) corner of the site. This structure, due to its height, mass, prominent position at the entrance to the development and forward of the front elevation Cypress Grove House, will be highly visible within this setting. I would agree with the opinion expressed by DHLGH, that this structure, particularly when considered with Block B has the potential to compete visually with Cypress Grove House and to detract from its special character and setting. I would also agree with the comments of the ACO that a building at this location needs to be of architectural interest that sets the quality of the new build within the curtilage of protected structure. While I acknowledge that design is subjective, and that the design of apartment Block C (and Block B) as presented would be acceptable in a variety of circumstances, having reviewed the plans and particulars submitted with the application (including the TVIA and associated CGI imagery) and having inspected the site I am not satisfied that the design of this structure (as with Block B) responds appropriately to the unique character and/or setting of the protected structure. In my opinion Block C reads as a separate standalone structure rather than a structure that has been designed to 'fit' within the historic curtilage of a protected structure. Again, I am not satisfied that a reduction in the height of Block C would be a sufficient design response to address this concern.

Walled Garden and Apartment Blocks D, E and F

- 8.6.31. The walled garden associated with Cypress Grove House occupies the southwestern end of the site encompassing an area of c0.75ha. The enclosed garden area, currently accessible via openings in the north and east, is laid out in grass with a small shed located at the northwest corner. While none of the originally landscape features have been retained, the Walled Garden is I consider an important feature of Cypress Grove House, contributing to its character and landscape setting.
- 8.6.32. As proposed, the old garden walls are to be substantially retained save for two new openings in the northern elevation to facilitate vehicular and pedestrian access. In my opinion, the application documentation is lacking in detail on the condition of these historic walls, on the level of interventions required to facilitate the proposed works and to secure the long-term retention of the retained walls and, on the impact of the loss of the original built fabric.
- 8.6.33. The proposed scheme would see the enclosed garden area developed with a row of terraced houses along the east and west boundaries and three apartments' Blocks (Blocks D, E and F) located towards the centre of the walled garden and bounded by pockets of communal open space.
- 8.6.34. The planning authority in their assessment of the application identified Block D due to its height (5 storey) and position relative to Cypress Grove House as the primary issue of concern. They concluded that a reduction in the height of Block D by one storey and a consistent maximum 4-storey height across the scheme, would be sufficient to address their concerns and the concerns of the ACO and DHLGH regarding the cumulative impact of Blocks within the walled garden area of the site.
- 8.6.35. While I would not disagree with the planning authority regarding the height strategy presented and its impact on the character and setting of Cypress Grove House, my main concern regarding the development of the walled garden is the overall extent of development proposed and in particular the failure of the proposed scheme to retain any sense of this historic space as a walled garden. While I accept that the lands within the walled garden are suitable for development, the proposed scheme would

see development throughout the space with only fragmented areas of open space between apartment blocks. In my opinion this arrangement would detract from the character and setting of the walled garden. I note similar concerns were raised by the DHLGH which stated in its report to the planning authority that apartment blocks D, E and F do not respond to the orthogonal setting and that the layout does not appear to provide for any residual sense of the current space.

Conclusion: Built Heritage

8.6.36. In conclusion, I am of the opinion that the proposed development would unduly affect the setting, special character and appearance of Cypress Grove House, a Protected Structure and its historic curtilage, both directly and indirectly. As such the proposed development would be contrary to SDCCP Policy NCBH19- Protected Structures and its associated objectives (namely NCBH19 Objectives 1, 2, 4 and 5) and to SDCCP *NCBH24 Objective 2* and I recommend that permission be refused on this basis.

8.7. Natural Heritage and Biodiversity:

8.7.1. Third parties have raised concerns regarding the impact of the proposed development on the existing landscape structure of the site, in particular, the loss of the existing woodland corridor that extends along the site's northern boundary, the boundary with Cypress Grove North. It is contended in the grounds of appeal that this woodland corridor functions as a green infrastructure corridor (GI Corridor) supporting local biodiversity; that it contributes to the character and setting of Cypress Grove House and to visual and amenity value of neighbouring properties. It is further contended that the conditions attached to the grant of permission namely, Conditions 2(a)(ii) and 4(a)(ii), are too vague and imprecise to ensure the retention of the green infrastructure corridor, to the detriment of the site and wider environs.

8.7.2. The planning authority in their assessment of the application and informed by the report of SDCC's Public Realm section, considered that the proposed scheme had the potential to negatively impact two substantial specimen trees (Plain trees) and to

result in the fragmentation of the GI corridor at the northern end of the site. They concluded that to adequately address these concerns it would be necessary to amend the scheme through the omission of House No's 13-17 (incl.) and the repositioning of House Numbers 09 -12 (incl.) and Block A. Condition 2(a)(ii) of the planning authority's decision relates. Condition 4(a) part (i) and (ii) of the planning authority's decision requires the submission of a revised site layout (and tree protection plan) to ensure the long-term retention and protection of the two identified specimen trees and the retention of hedgerows along the northwest, north and northeast site boundary to prevent the fragmentation of the GI corridors.

- 8.7.3. It is submitted in the First party appeal that the amendments required under Condition 2(a)(ii) represent a disproportionate response to the issues raised, having regard to the arboricultural and ecological evidence submitted with the application and that these amendments are not necessary to secure the protection of the two identified trees or the enhancement of green infrastructure along the northern boundary.
- 8.7.4. The application documentation includes an Arboricultural Assessment & Impact Report (AAIR) incorporating a Tree Protection Method Statement, Veteran Tree Management Report; an Ecological Impact Assessment (EclA) and a Landscape Design Strategy. The applicants first party appeal is also supported by additional commentary from the projects Landscape Architects, Environmental Consultants and Urban Forestry Consultants on Conditions 2(a)(ii) and 4(a)(ii). I have considered these documents in the following assessment.

Arboricultural Assessment & Impact Report:

- 8.7.5. Cypress Grove House is set within a manicured lawn interspersed with mature trees and ornamental planting and bounded by a woodland corridor that commences at the northeast corner of the site and extends along the site's northern and western boundaries stopping at the northern boundary of the walled garden that occupies the southeast portion of the site. A separate band of mature trees exists at the southeast corner of the site.

- 8.7.6. As detailed in the AAIR, a total of 104 trees were surveyed at the proposed development site. Most of the trees surveyed (58%) are deemed in the AAIR to be of moderate quality and value and aside from two veteran Oak trees at the western end of the site, most of the large mature specimens are believed to have been planted within the last 100 years as ornamental varieties.
- 8.7.7. 32 of the surveyed trees are to be removed to facilitate the development of the site, this includes 11no. Category U trees which are recommended for removal based on arboricultural best practice. Among the trees identified for removal is a significant Robinia (*Robinia pseudoaccacia*) at the northern end of the development site. This tree is described in the AAIR as having an important historical connection to the early years of Cypress Grove House and as noted in the EclA, contains two bat roosts. In accordance with AAIR, there is extensive decay at the base of this tree, and it is not deemed safe for retention. While the loss of this tree is regrettable, due to its historic, amenity and biodiversity value, I am satisfied that its removal on safety grounds is justified. The potential impact of the proposed scheme on local Bat populations is discussed under a separate heading below.

Loss of Northern Woodland Corridor:

- 8.7.8. Also identified for removal is the section of the woodland corridor that extends along the northern boundary of the site for a distance of c. 110m. This woodland corridor, identified in the AAIR as '*Vegetation Group 2*' and in the EclA as '*WD3- Mixed Conifer Woodland*', consists predominantly of Norway Spruce (*Picea abies*) with a scrub understory and set behind an ornamental hedge (*Griselinia littoralis*), also identified for removal. In accordance with AAIR, there has been very limited management of these trees with the result that the condition of the trees is mixed with inter-tree competition leading to trees of low quality.
- 8.7.9. The proposal seeks to remove this woodland habitat and to replace same with new native hedgerow planting, native trees and understory planting, set behind a low-level wall (c0.5m high). This new hedgerow is proposed along the southern side of the existing boundary wall, to the rear boundary of House No's 9-17 and Block A.

- 8.7.10. As previously noted, the loss of this woodland corridor is one of the main issues of concern raised by third parties and is of particular concern to residents of Cypress Grove North. Neither the planning authority nor SDCC's Public Realm Section objected to the removal of the woodland habitat; however, they were concerned that the proposed scheme as presented would result in the fragmentation of the GI corridors along the western, northern and eastern boundaries. I note that it is an objective of the SDCCDP (*GI2 Objective 2*) to *"protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process..."*.
- 8.7.11. Regard is also had to NCBH11 Objective 3 which seeks *to protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.*
- 8.7.12. The case is made in the first party grounds of appeal, that the existing woodland habitat along the northern boundary consists primarily of non-native ornamental planting and shrubs that do not display the structural composition or species diversity typically associated with a native hedgerow corridor and that its replacement with a new native hedgerow will establish a more structured and bio-diverse green corridor that will enhance habitat connectivity, strengthen the green infrastructure network within the site and provide additional visual screening for neighbouring properties.
- 8.7.13. The northern woodland corridor currently provides an attractive backdrop to the rear of existing houses in Cypress Grove North, and its removal together with the introduction of new built form within the grounds of Cypress Grove House would undoubtedly alter the outlook from these properties. However, this is not an uncommon consequence of infill development in residential areas and in my opinion

any visual impact in this context would be adequately mitigated through the implementation of appropriate landscaping and boundary treatment. Similarly, while the loss of this woodland corridor and the provision of new infill development within the curtilage of Cypress Grove House would alter the character and setting of the protected structure, the impact of same could be appropriately mitigated through well considered design and landscaping. The impact of the development on the character and setting of Cypress Grove House is considered in greater detail in section 8.6 of this report.

8.7.14. In terms of biodiversity impacts, the applicants EclA identifies the existing treeline and woodland habitats on site as having a moderate value to biodiversity on a local scale. The longer grassland provides suitable habitat for pollinators, thereby increasing prey abundance for foraging bats and birds. No rare or protected habitats were noted on site during the field survey. The EclA states that the removal of these habitats will result in a loss of species of low biodiversity importance; however, it also acknowledges that the existing scrub, woodland and mature trees on site provide a substantial nesting foraging resource for birds and foraging area for bats and that as such mitigation needs to be in place to protect these habitats.

8.7.15. The EclA considers the project design including the biodiversity protection and enhancement features in the landscape strategy (including retention and protection of existing trees, the planting of an additional c133no trees, the provision of bird and bat boxes etc) and considers that these enhancement measures, in combination with the proposed lighting design and the application of the standard construction and operational phase controls, would be sufficient to mitigate significant effects on biodiversity.

8.7.16. I have considered the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority, and I have inspected the site. I accept, based on the information available, that the existing woodland corridor along the northern boundary of the site is comprised mainly of non-native trees and shrubs with limited biodiversity value. I also accept that the replacement of this non-native woodland with a new native planting would, in theory, have long-term benefits for local biodiversity. However, I

am not satisfied that the applicants have adequately demonstrated, either as part of the application documentation or as part of their first party appeal, that the planting strategy proposed along the northern boundary is sufficient to mitigate the loss of existing woodland corridor or to ensure the maintenance of the GI corridor along the western, northern and eastern boundaries. My concerns in this regard as follows:

- The proposed scheme would see the existing well established woodland corridor replaced with a narrow, confined hedgerow (albeit of native species) to the rear of proposed House No's 9-17 (incl.) and to the rear of Block A. The new hedgerow will be held in private ownership by multiple parties; therefore, its retention and long-term maintenance cannot be guaranteed.
- As evidenced by Boundary Treatment (Dwg. No.25111_CypressGrove_BT_I), the proposed new native hedgerow would be interrupted in several locations by the proposed boundary fence (Boundary Type 1 - concrete post and timber panel fence) to the side gardens of House No's 9 to 17. I am concerned that this would restrict the movement of wildlife along the corridor.
- While the proposed new native hedgerow is shown to extend along the northern boundary to the rear of Block A, I am concerned that the limited separation distance available between Block A and the northern boundary wall (c. 1.4m at its closest point), together with the limited quantum of sunlight that this restricted area is likely to achieve, would inhibit the establishment, growth and long-term retention of the corridor at this location.
- As evidenced by the Landscape Masterplan (Dwg.No.25111_CypressGrove_LP_I), the proposed scheme would result in a clear break in the GI corridor at the northwest corner of the site, to west of proposed House No. 17 (House Type B). The proximity of this house to the western boundary, prohibits the continuation of the GI Corridor at this location.

8.7.17. In light of the above, I consider that the proposed scheme as presented would have a negative impact on local biodiversity and would be contrary to the objectives of the SDCCDP, notably GI2 Objective 2 and NCBH11 Objective 3.

Loss of Tree No.69.

8.7.18. Third parties have also raised concern regarding the loss a mature Oak tree at the northern end of the site, just south of the ornamental hedge (*Griselinia littoralis*), identified as Tree No.69 on the applicants *Tree Constraints Drawing (Dwg. No. TCYP001-DR-00-CMK-ARB-001)*. This tree is referred to in the grounds of appeal (Joanne Griffin and Others) as a veteran tree; however, I note that AAIR classifies this tree as a Category B tree of moderate quality and value with identified signs of decay. While I agree that this is an attractive tree, it does not, in my opinion, have the same grandiose quality or landscape presence as other trees identified for retention within the grounds of Cypress Grove House and I am of the opinion that its removal could be justified to facilitate appropriate infill development at this location. I note that the proposed scheme includes for the retention of 61no. trees and for the planting of approximately 133no. additional trees which would help to mitigate the loss of this, and other trees identified for removal.

Retention and Protection of Existing Trees.

8.7.19. The remaining 61no surveyed trees are to be retained. The AAIR notes that the retention of these trees will require remedial crown works for clearance over roadways and adjacent to proposed buildings and the use of a cellular confinement system below road and path surfaces.

8.7.20. Notwithstanding the tree protection measures outlined in the AAIR and the accompanying Tree Protection Method Statement, SDCC's Public Realm Section in their report to the planning authority (Feb. 2026) raised concerns regarding the negative impact of the development on 2 substantial Plane trees (genus *Platanus*) located towards the northeast corner of the site and identified on *Tree Constraints Drawing (Dwg. No. TCYP001-DR-00-CMK-ARB-001)* as Tree No. 61 and Tree No. 65.

8.7.21. Public Realm, while acknowledging the classification of these two trees as Category A specimens, notes their very large crown spreads, trunk diameter and prominence within historic landscaped grounds and considers that they may be of comparable age to identified veteran trees at the site and that they are likely to be among the largest and most significant specimens in the county. As such, they contend that

these trees represent irreplaceable landscape and biodiversity assets, that warrant a greater level of protection than that proposed by the applicant. My understanding of the SDCC's Public Realms position on this matter is that they are of the opinion that these two Plain trees (Tree No's 61 and 65) should, due to their age, size and landscape heritage and biodiversity value, and notwithstanding their identification as Category A trees, be treated as Veteran Trees and protected as per the methodology set out in the applicants *Veteran Tree Management Report*.

- 8.7.22. The applicants *Veteran Tree Management Report* calls for root protection areas (RPAs) greater than 5 m beyond the canopy or 15 times stem diameter which would in the case of Tree No's 61 and 65 equate to an RPA of c. 24.75 m. Public Realm note that compliance with this methodology would necessitate the omission of Block A along with all hard-standing infrastructure such as parking etc from within 25m of these trees.
- 8.7.23. Conversely, the applicants as set out in their first party appeal, are satisfied that the Category A classification afforded to these trees appropriately reflects their high landscape value and long-term retention potential. They note that the design and tree protection strategy for the scheme was developed having regard to the Category A classification and associated arboricultural guidance with reference to *British Standard BS5837-2012 Tree Protection Guidelines*. They contend that the RPA currently afforded to these trees, together with the tree protection measures outlined in the Tree Protection Method Statement, which include the use of no-dig construction techniques, the installation of tree protection fencing prior to the commencement of works and arbocultural supervision during construction, is sufficient to ensure the long term health and stability of all retained trees.
- 8.7.24. The applicants first party appeal is supported by additional commentary from the protects Urban Forestry Consultants who were also responsible for the preparation of the AAIR and its associated documents. The consultants estimate the age of the two Plain trees at between 150-200 years but state their opinion that these trees do not meet the definition of veteran trees as they do not exhibit "significant decay or hollowing in the trunk or major limbs or have large dead branches". While they acknowledge that these trees are likely among the largest and most significant

specimens in the County, they note that other specimens, with these veteran characteristics, exist elsewhere in the Country. They also include in their submission, photographs to illustrate how large mature specimen trees have been successfully integrated into housing projects.

8.7.25. I have considered the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority, and I have inspected the site. I accept, based on the information presented by the applicants that the two identified Plain trees, No's 61 and 65 do not display all the stated characteristics of veteran trees. However, I would agree with the position of SDCC's Public Realm Section, that these trees due to their age, size and quality and due to their contribution to the landscape heritage and biodiversity value of the site, warrant a greater level of protection than currently proposed, not only to ensure their long term health and stability but also to retain their significance in this landscape and as part of the curtilage of a protected structure. In my opinion the layout of the proposed scheme, in particular the positioning Block A and its associated hard infrastructure, is not sufficient in this regard.

Conclusion: Natural Heritage and Biodiversity:

8.7.26. In conclusion, I am of the opinion that the proposed LRD as presented fails to respond appropriately to the existing natural landscape heritage landscape features of the site.

8.7.27. The design and layout of the scheme as presents fails to adequately recognise the landscape heritage and amenity value of two substantial specimen trees (Plain trees), their contribution to the landscape character of the site and to the setting of the protected structure and fails to ensure that proper provision is made for their protection and management, contrary to. It also fails to protect and enhance the biodiversity and ecological value of the existing GI network by failing to adequately mitigate the loss of the woodland / green infrastructure corridor at the northern end of the site. The proposed scheme would therefore be contrary to the objectives of the SDCCDP, notably NCBH11 Objective 3 and GI2 Objective 2.

8.8. Impact on Bats:

- 8.8.1. It is contended in the GOP that the proposed development will have a significant ecological impact on local Bat Populations and that the mitigation measures outlined in the EclA are reactionary rather than preventative and do not avoid the primary impact, the deliberate destruction of a confirmed bat roost.
- 8.8.2. The Ecological Impact Assessment (EclA) submitted with the application includes a Bat Fauna Impact Assessment (BFIA) which considers the impact of the proposed LRD on bats informed by desk and field-based assessments.
- 8.8.3. At dusk bat detector surveys were carried out onsite on the 3rd and 23rd of June 2025 and on the 4th of September 2025. during the active bat season in June & September. Four bat species were recorded during the site survey, namely Leisler's bat (Lesser Noctule (*Nyctalus leisleri*)), soprano pipistrelle (*Pipistrellus pygmaeus*), common pipistrelle (*Pipistrellus pipistrellus*) and brown long-eared bat (*Plecotus auritus*). An individual Common pipistrelle (*Pipistrellus pipistrellus*) and an individual soprano pipistrelle (*Pipistrellus pygmaeus*) were recorded roosting in a single tree on a Robinia tree in the northern part of the development site.
- 8.8.4. The AAIR submitted in support of the application identifies this Robinia Tree as unsafe due to basal decay and has recommended its removal. A derogation to fell this tree and thus remove the roosting places for the two bats was successfully applied for to the National Parks and Wildlife Service (NPWS). A copy of this derogation (DER-BAT-2026-60) accompanies the applicants first party grounds of appeal. As per the conditions of the derogation, all works are to be completed between 29th January and 31st March 2027.
- 8.8.5. It is acknowledged in the Bat Survey that the introduction of new buildings will alter the local environment; however, foraging activity is expected to continue on site and as noted by the DHLGH, it is considered that other trees on site may provide suitable substitute roosting sites for these bats. The BFIA includes mitigation to reduce the impact on local bat population. The measures outlined include pre-felling inspections, sensitive lighting design including proposals for a light free zone, habitat

retention measures, and the enhancement provided by compensatory planting and bat boxes. The BFIA concludes that with these measures in place the overall impact on bats is deemed to be low adverse/negative/long term/not significant. I note that the DHLGH, in their report to the planning authority stated, with reference to the applicants EclA and BFIA, the derogation and lighting proposals, that these approaches are acceptable methods for mitigating the effects of the proposed development on bat species.

8.8.6. I am satisfied, on the basis of the information available, that the BFIA and associated field surveys were carried out by suitably qualified professionals in accordance with relevant legislation and best practice guidelines. It is evident from the information available that the site is utilised by foraging, commuting and roosting bats; however, I am satisfied that subject to mitigation as outlined in the EclA / BFIA, the proposed scheme would not have a significant adverse impact on local bat populations.

8.9. Overdevelopment of the site (Density and Building Height):

8.9.1. Third parties are of the opinion that the proposed LRD due to its density, height, and scale would represent an overdevelopment of this site in a manner that would be out of character with its historic setting and with the prevailing pattern of development in the area which is primarily characterised by low-medium density two-story houses.

8.9.2. The proposed development seeks to provide 171no. residential units in a mix of houses and apartments ranging from 3 – 5 storeys in height on a net site area of c. 2ha, resulting in a net density of 86no. units per hectare.

8.9.3. The SDCDP does not prescribe densities or building heights for the site instead it includes, in Appendix 10, a Building Height and Density Guide (BHDG) which contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. It is noted that the BHDG has regard to and is informed by all relevant Ministerial Guidance documents (and any amendments thereof) and Specific Planning Policy Requirements contained therein,

most notably the Urban Development and Building Heights Guidelines for Planning Authorities (2018).

- 8.9.4. In line with the requirements of *QDP8 Objective 1* of the SDCDP, Section 6.1.5 - Quality Design and Healthy Placemaking, Density and Building Heights, of the applicants '*Planning Report and Statement of Consistency*', provides a detailed response to each of the performance-based criteria set out in the BHDG. It also includes, in Appendix A, a detailed response to the provisions of SPPR 1 and 3 of the Urban Development and Building Heights Guidelines for Planning Authorities.
- 8.9.5. The case is made in the applicants *Planning Report and Statement of Consistency* that the density of development proposed is appropriate given the site's urban location and proximity to high-capacity public transport, which support sustainable, compact growth in line with the National planning policy and Section 28 Guidelines. It is contended that the scheme represents an efficient use of zoned, serviced land and contributes to housing supply in a manner that respects its context. It is further contended that building heights have been modulated across the site to respond sensitively to adjoining residential areas, with lower heights positioned at site boundaries and higher elements concentrated internally, where they define key routes and spaces and that the resulting layout supports high-quality residential amenity, generous open space provision, and integration with the surrounding neighbourhood.
- 8.9.6. I have reviewed the plans and particulars submitted in support of the proposed LRD and I have considered same against the criteria listed in SDCC's BHDG. I acknowledge that the proposed scheme does meet several of the listed criteria that would support an increase in density and height at this site, not least its location in a highly accessible and well serviced suburb of Dublin. However, I am not satisfied that all the listed performance-based criteria have been met, particularly, those listed under the headings of '*Setting*' and '*Distinctiveness*'.
- 8.9.7. As previously established in the earlier sections of this assessment, I am not satisfied that the proposed scheme responds appropriately to character of the receiving environment, particularly its setting within the curtilage of a protected

structure. In my opinion, the design strategy presented, would by way of its by its density, scale, building height and design, detract from rather than contribute to the visual setting, built heritage and natural and landscape features of the site.

Density

- 8.9.8. On the issue of density, I consider it relevant to refer to the 2024 Sustainable Development and Compact Settlement Guidelines which were introduced following the adoption of the current SDCCDP.
- 8.9.9. The Guidelines in Section 3.3 set out a series of settlement and area types and recommends density ranges that should be applied to each. Table 3.1 identifies three area categories within Dublin City and Suburbs. The planning authority in their assessment of the application considered that the site falls under the category of City - Suburban/Urban Extension.
- 8.9.10. Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. In my opinion, the proposed development site meets with the definition of a 'suburban' location.
- 8.9.11. It is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). The density of development proposed at 86 dph is marginally above the general density range applied at suburban locations but is well within the acceptable limit for accessible locations.
- 8.9.12. In addition to the density ranges outlined in section 3.3 of the Guidelines, section 3.4 recommends that the ranges should be refined having regard to: (Step 1) Proximity

and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.

- 8.9.13. Regarding 'Step 1', the Guidelines outline that while densities within the recommended ranges will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations.
- 8.9.14. Further guidance on 'Accessibility' is outlined in Table 3.8 of the Guidelines wherein an '*Accessible Location*' is defined as 'Lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. In this regard, the appeal site is within 200 metres (c.2-minute walk) of the F1 Dublin Bus Route which operates 24 hours a day, providing a high-frequency (7-15 minutes), cross-city service from Tallaght to Finglas, via the city centre and serving key communities like Templeogue, Firhouse, and Harold's Cross. The area is also served by Dublin Bus service routes 15, F2,65/65B and 82 which operate within 1300m (17min walk) of the subject site. Under Bus Connects the area will also be served by routes along the A-Spine (A1 and A3) which will operate at 12-to-15-minute frequency along the Templeogue /Rathfarnham to City Centre Core Bus Corridor Route. Accordingly, I am satisfied that the site would meet the definition of '*Accessible Location*'. This indicates that the site would be suitable for densities at or above the mid-density range.
- 8.9.15. Step 2 of the refining process requires an assessment of whether the quantum and scale of development can integrate successfully into the receiving environment. It goes on to state that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment. The guidelines note that historic environments (built and landscape heritage) can be particularly sensitive to change and state that the provisions contained within Part (IV) of the Planning and Development Act regarding architectural heritage and the requirement to protect the character and setting of a protected structure must also be considered. The guidelines also state that development proposals should seek to protect and

enhance important natural features (habitats and species) and should avoid the degradation of ecosystems.

8.9.16. As previously discussed, I believe the quantum and scale of development proposed cannot successfully integrate into the receiving environment without compromising the built heritage and natural and landscape features of the site. As such, I am not satisfied that the density of development proposed at 86uph is justified.

Conclusion: Overdevelopment of the site (Density and Building Height)

8.9.17. I have considered the plans and particulars submitted in support of the application in light of SDCC's BHDG and relevant Section 28 Guidelines, and I have visited the site. In my opinion, the design strategy presented, has the potential to significantly detract from the historic character (built and landscape heritage) of the site. On this basis and, in light of the identified deficiency in private open space provision for some of the proposed dwelling houses, I am opinion the opinion that the development of this site as proposed would constitute an over development of the site and I would recommend that permission be refused on this basis.

8.10. Unit Mix (*Material Contravention Identified*):

8.10.1. In terms of housing mix, regard is had to *section 5.2.8* and *Policy QDP10* of the SDCCDP which seeks to ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028. It is also a stated policy of the SDCCDP (*H1 Objectives 12*) that proposals for residential development provide a minimum of 30% 3-bedroom units with a lesser provision acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the

site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or

- the scheme is a social and / or affordable housing scheme.

8.10.2. The mix of units proposed within this LRD is set out in Tables 2.2 and 2.3 above. In brief, the proposed scheme provides for: 55no. 1-bed units (32%), 91no. 2-bed units (53%) and 25no. 4- bed units (15%).

8.10.3. Contrary to *H1 Objectives 12*, no 3-bedroom units are proposed. The scheme is not a social and / or affordable housing scheme, no unique site constraints have been identified that would prevent the provision of 3-bed units, and the application document fails to demonstrate a specific demand for the housing mix proposed, as such I consider that the housing mix proposed would represent a material contravention of the SDCDP. However, I do not recommend that planning permission be refused on this basis, instead I consider it reasonable in this instance to recommend that the Commission, if minded to grant permission, invoke its powers under section 37(2)(a) of the Planning and Development Act 2000 (as amended).

8.10.4. My opinion in this regard is based on the following:

- The proposed scheme comprises 171 no. units in the form of 147no. apartments and 24no. house. The majority of the units proposed (86%) are apartments. It is a Specific Planning Policy Requirement (SPPR1) of the 2025 apartment Guidelines that, with the exception of social housing developments, social/affordable housing provided for under Part V the Act or schemes to provide housing for older persons, there shall be no restrictions within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments. There shall be no minimum or maximum requirements for apartments with a certain number of bedrooms. SPPR further states that where any such restriction or requirement is set out within a statutory plan, this Specific Planning Policy Requirement shall apply to any single apartment scheme and there shall be no restriction in relation to the mix of unit sizes or types and there shall be no minimum requirements for apartments with a certain number of bedrooms within the development, except in the circumstances set out above.

- In my opinion the proposed scheme, which includes 1, 2 and 4-bedroom units offers an appropriate mix of housing type, size and tenure to meets the needs of the existing and future population of the area. The unit mix proposed includes smaller 1 and 2 bed apartments to meet the local demand from downsizers, singles, and young professionals and larger 4-bedroom houses to meet the demand for larger family units.

Further to the above, I note that the planning authority raised no objection to the housing mix proposed.

8.11. Traffic and Transportation:

- 8.11.1. As set out in section 7 above, third parties to this appeal have raised various concerns relating to traffic and transportation. The primary concern relates to the adequacy of the local road and transport networks to cater for the scale of development proposed. Concerns have also been raised in relation to the veracity of the applicants Traffic and Transport Assessment.
- 8.11.2. The applicants as set out in their response to the grounds of appeal are of the opinion that the traffic and transport matters raised were comprehensively addressed in the application documentation, including the submitted Traffic And Transport Assessment, which concluded that the proposed development can be accommodated on the surrounding local road network without giving rise to significant adverse impacts. They note that no significant traffic or transport issues were raised in the planning authority's assessment of the application
- 8.11.3. In addition to the Traffic and Transport Assessment (TTA) the application documentation includes a Mobility Management Plan, Infrastructure Design Report and Road Safety Audit all have which have been considered in this assessment. I proposed to address the concerns raised by third parties along with other traffic and transport related issues under the following sub-headings:
- Adequacy of the Local Transport Network:
 - Capacity of the Local Road Network.

- Adequacy of the TTA

Adequacy of the Local Road and Transport Network:

- 8.11.4. The proposed development site is located within the Dublin suburb of Templeogue, approx. 6km south of Dublin City Centre. The site is situated to the west of Cypress Grove Road (R817), a single carriageway road with pedestrian and cycle infrastructure on both sides. Pedestrian movements on Cypress Grove Road are facilitated by pedestrian crossings located just north of the junction with Cypress Park and at the junction of Cypress Grove Road and Templeogue Road to the south.
- 8.11.5. Cypress Grove Road comprises a relatively short stretch of the R817 (c. 685m) that connects with Templeville Road to the north and Templeogue Road to the south. Travelling northbound through the Wainsfort Roundabout, the R817 provides access to Dublin City Centre via Harolds Cross. Templeville Road (R112) to the north connects Templeogue with Walkinstown to the northwest and Rathfarnham to the east. While the Templeogue Road (R137) to the south connects Templeogue with Terenure and surrounds areas to the east and to the M50 to the west. This road has been identified as a Core Bus Corridor (CBC) for the Templeogue to City Centre Scheme.
- 8.11.6. In addition to the existing facilities on Cypress Grove Road, the area is well served in terms of pedestrian and cycle infrastructure with all the immediate routes leading to and from the subject site benefit from the provision of street lighting, pedestrian footpaths and cycle lanes. Templeville Road to the north is currently undergoing works as part of a broader initiative by SDCC to enhance active travel and infrastructure in the area. In accordance with the information available on SDCC's website (3rd June 2026) this scheme, referred to as Templeville Road Phase 2, is intended to provide greater cycle connectivity from Templeogue College to Dodder Greenway via Templeville Road, and includes junction upgrades to improve safety for all road users, including works at Wainsfort Roundabout.
- 8.11.7. As detailed in the applicants TTA, the area is served by public transport in the form of bus services with 5 bus routes operating within 1300m (17 minutes' walk) of the site, providing a total of 730 service trips per weekday. The closest bus stop is located approximately 180m (2-min walk) from the site entrance. This stop is currently served by the F1 bus route, which operates 24 hours a day with a peak frequency of

7–15 minutes, providing connections between IKEA and Tallaght. a further stop, c. 400m to the southwest, is served by the 15, 65 and 65B bus routes, which serve Ballycullen, Dublin City Centre, and Citywest. The 15 runs at a 10–15-minute peak frequency while the 65/65B runs at 1-hour frequency. Bus services in the area are also set to improve under BusConnects, notably, the site is close to a proposed BusConnects Core Bus Corridor (CBC) Templeogue / Rathfarnham to City Centre CBC which is expected to improve the bus journey times significantly, particularly city-bound buses during AM and PM Peak Periods This CBC is also intended to deliver improved walking and cycling facilities in the area.

8.11.8. On the Capacity of local transport / bus services, the applicants TTA utilises 2022 Census data to estimate the number of future residents of the scheme likely to utilise public transport. The TTA estimates that the proposed scheme will result in an additional 55 passengers at peak times which is expected to have minimal impact on the local bus network.

8.11.9. Vehicular access to the site from Cypress Grove Road is proposed via the residential cul-de-sac serving Cypress Lawn and Cypress Grove South, utilising the existing entrance to Cypress Grove House, which under the proposed scheme will take the form of a simple priority junction. Pedestrian only access is also facilitated at the northeast corner of the site via Cypress Lawn and via Cypress Grove South, to the front of apartment Block C.

8.11.10. In accordance with the application documentation the internal road network serving the development has been designed in line with DMURS and have been subject to a Stage 1 Road Safety Audit as part of the Planning Application process, with no significant outstanding issues identified. A swept path analysis was also conducted for the site. As observed by SDCC Road Department, the analysis shows refuse trucks crossing over a stop line and mounting the kerb in a number of locations. Some minor alteration to the road layout would be required to address this issue; however, I believe this to be a relatively minor design issue that could be addressed by condition in the event that the Commission is of a mind to grant permission.

8.11.11. Conclusion: - Overall, I am satisfied that the local road and transport networks are adequate to cater for additional residential traffic. I note that no significant issues

or concerns regarding the proposed access arrangements were raised by the planning authority or the Roads Department of South Dublin County Council (SDCC) in their assessment of the application and that no significant deviation from the standards set out in DMURS was identified. The area is well served in terms of pedestrian and cycle infrastructure and public transport with network improvements and infrastructure upgrades planned that will support long-term sustainable mobility in the area for existing and future residents.

Capacity of the Local Road Network for increased Traffic:

8.11.12. A Generation Survey was undertaken to assess the likely traffic impacts of the proposed development on the surrounding road network. This assessment, outlined in the TTA was informed by various traffic surveys conducted during the week Monday 10th February 2025 to Sunday the 16th of February 2025 and between the hours of 07:00 AM to 19:00 PM. The surveys undertaken included Junction Turning Counts (JTC), Automatic Traffic Counts (ATC) and Queue Length Surveys (QLS).

8.11.13. *JTCs were carried out at the following five junctions:*

- *J1 - Templeville Road R112/ Wainsfort Road R817/ Templeville Road R112/ Cypress Grove Road R817*
- *J2 - Cypress Grove Road R817 / Cypress Drive / Cypress Grove Road R817*
- *J3 - Cypress Grove Road R817 / Cypress Lawn(north)/ Cypress Grove Road R817*
- *J4 - Cypress Grove Road R817 / Cypress Lawn(south)/ Cypress Grove Road R817*
- *J5 - Cypress Grove Road R817/ Templeogue Road R137/ Old Bridge Road R817 / Templeogue Road R137*

8.11.14. Traffic growth rates were applied to background traffic using the TII Project Appraisal Guidelines (PAG). Development trips were generated using the TRICS database. Committed Developments close to the proposed development site were also included as part of the assessment.

- 8.11.15. The number of trips generated by the development was calculated for the AM peak hour, between 07:30-08:30, and the PM peak hour, between 16:30-17:30. The TTA estimates a total of 56 trips during the AM peak and 55 trips in the PM Peak.
- 8.11.16. A detailed traffic model was developed of the road and junction network. A traffic impact assessment was undertaken to determine whether the impact threshold of 5% was exceeded (as per the TII Traffic and Transport Assessment Guidance which recommended a 10% impact threshold for non-congested road networks and a 5% impact threshold for congested road networks).
- 8.11.17. The 5no. junctions were then assessed under the following scenarios:
- 2027 Opening Year (Do Nothing & Do Something);
 - 2032 Future Design Year Scenario (Do Nothing & Do Something); and
 - 2042 Future Design Year Scenario (Do Nothing & Do Something).
- 8.11.18. Results of the assessment indicate that all junctions are below the threshold of 10% threshold (for non-congested road networks) and Junctions 1, 2, 3, 4, and 5 are below the 5% impact threshold (for congested road networks) for further detailed junction analysis.
- 8.11.19. For the sake of robustness, further analysis using the TRL Software Junctions 10 was conducted at Junction 4 (Cypress Lawn / Cypress Grove Road). The results indicate that the proposed development would have minimal impact on junction 4, and that this junction would remain within capacity for all modelled scenarios (2027, 2032, 2042).
- 8.11.20. The TTA concludes that there are no traffic or transportation related reasons that should prevent the granting of planning permission for the construction of the proposed residential development of Cypress Grove House, Cypress Lawn, Templeogue, Dublin 6w
- 8.11.21. Notwithstanding the above, I note that the appellants (Brian Carroll and Others) have queried the veracity of the applicants TTA., alleging that:
- The TTA does not take account of the significant reconfiguration of the Wainsfort Roundabout (junction 1)
 - The statistics used in the data projections are outdated / no longer valid and estimates of vehicle users in the development are materially underestimated.

- Journey Times Along Cypress Grove Road will be materially increased as a result of the proposed development.

I will address each of these issues separately below.

Reconfiguration of the Wainsfort Roundabout (junction 1):

8.11.22. It is noted in the grounds of appeal (Grounds of Appeal) that the traffic surveys conducted to inform the TTA were conducted in February 2025, prior to the commencement of the Templeville Road Phase 2 Road Improvement Works, which include junction upgrade and the provision of concrete islands at the Wainsfort Roundabout (surveyed Junction 1). The appellants contend that the works at the roundabout, still ongoing at the time of the submission, have had a notable impact on traffic congestion and journey times in the area and that the TTA fails to address the new configuration of this junction and its effects on traffic congestion.

8.11.23. Following site inspection, I can confirm that upgrade works at and around the Wainsfort Roundabout have progressed and appear to be nearing completion. I consider it likely that these works, whilst ongoing, would have resulted in traffic disruption and congestion in the area. However, I also consider that the extent of this disruption is likely to decrease once the upgrade works are fully complete and users become more familiar with the new junction layout. While I cannot ascertain, on the basis of the information available, that the reconfiguration of the roundabout would not have any long term impacts on traffic movements in the area, I am satisfied that the applicants TTA as outlined above, has adequately demonstrated that the additional traffic likely generated by the proposed LRD would have minimal impact on the local road network and on Junction 1.

Use of Out-dated data from 2022 Census:

8.11.24. It is contended in the Grounds of Appeal that the TTA relies on outdated data from the 2022 Census which does not reflect current work practices. The Grounds of Appeal note that the 2022 Census collected data on the numbers of people working from home while still in the shadow of COVID-19 and that more recent data from the

Central Statistics Office indicates a significant decline in remote working in Ireland in recent years.

8.11.25. The Grounds of Appeal specifically references Table 2.3 of the applicants TTA which illustrates the estimated modal split for future residents of the scheme, stating that the figures provided in the table do not correspond with 2022 Census Statistics. However, the Commission will note that Table 2.3 included in the Grounds of Appeal (page 11) does not correspond with Table 2.3 as presented in the TTA submitted in support of the application. It would appear that Table 2.3 as included in the Grounds of Appeal is an extract from an earlier version of applicants TTA, presented at preplanning stage.

8.11.26. I have reviewed the TTA submitted with the application and I note the following. The TTA in Section 2.7 Public Transport Capacity, utilises data from the 2022 Census to establish the Modal Split for all Commuting Trips from existing residential developments in the local area. It then utilises these figures to determine the modal split for the proposed scheme. The purpose of this exercise was to ensure adequate capacity in the local public transport network to cater for the proposed LRD.

8.11.27. TTA estimates that 55 or 11% of future residents will utilise existing bus services for their daily commute with minimal impact on local bus services. The TTA further estimates (based on 2022 Census data) that 52 or 11% of future residents will work from home. While I accept that the number people working from home has decreased in recent years, I am satisfied, based on the figures presented in the TTA, that the proposed scheme would not have a significant impact on commuter traffic in the area or on the capacity of local bus services.

Increased Congestion / Journey Times on Cypress Grove Road.

8.11.28. It is contended in the Grounds of Appeal that the additional traffic movements generated by the proposed development will increase journey times on Cypress Grove Road, which is already at full capacity at peak times. The Grounds of Appeal estimate vehicle users in the scheme at 214. This figure is based on the number of units proposed (171) and the stated average car ownership rate in South Dublin (1.25 cars per household). The Grounds of Appeal calculates estimated journey

times along Cypress Grove Road to demonstrate the effect of an extra 30 -200 cars on the road network. They estimate that journey times on the Cypress Grove Road would increase by between 35% and 103% at peak times, depending on the number of future residents using their cars.

8.11.29. In response, I refer the Commission to the applicants TTA which utilises data from the TRICS database to estimate the potential level of vehicle trips that could be generated by the proposed development. The TRICS database is a recognised tool for transport planning in Ireland and is widely used by transport planning consultants and local authorities to assess the traffic impacts of a proposed development. The results indicate that the proposed LRD would generate a minimal level of trips during both the AM and PM Peak Hours and when added to the existing Base Flow traffic flow would have a minimal impact on surrounding junctions.

8.11.30. In addition to the above, I note that the proposed scheme is supported by a Mobility Management Plan which outlines various measures to encourage and support sustainable travel patterns amongst the users of the proposed development with the aim of reducing car usage/dependency while also helping to mitigate any transport impacts of the developments on the wider local community. The preliminary action plan outlined in section 7 promotes a total of 70 initiatives across the following 6 sub strategy themes: Monitoring and Management; Walking; Cycling; Public Transport; Private Car Strategy and Marketing and Promotion. The measures outlined include for the appointment of a Mobility Manager and the preparation of a parking management strategy for this site. Should the Commission be of a mind to grant permission, I would recommend the inclusion of a condition requiring the submission of a final MMP for agreement with the planning authority, prior to occupation.

Conclusion

8.11.31. I have considered the information submitted in the application and appeal including the applicants TTA and Mobility Management Plan in light of the issues raised in the appeal. While I accept that the proposed development will result in an increase in residential traffic in the area, I am satisfied that that the traffic analysis results presented in the TTA demonstrate that the local road network can

accommodate the volume of traffic likely to be generated by the proposed development and within the norms of an urban environment.

8.12. Car Parking Provision.

8.12.1. Third parties have raised concerns regarding the quantum / limited number of car parking spaces proposed within this LRD and the potential for overflow parking onto the surrounding road network, particularly in the vicinity of the proposed crèche.

8.12.2. The parking arrangements for the proposed scheme are outlined in the applicants TTA and detailed on the Roads Layout (Dwg. No: 240190-X-04-Z00-DTM-DR-DBFL-CE-1201 Rev. 2). In accordance with the details provided, the proposed scheme provides for a total of 105 no carparking spaces (ratio of 0.6 spaces / residential unit) and 1no. dedicated drop off space for the creche. The overall car-parking provision includes 22 no. EV spaces (20% of total), and 6 no. disabled parking spaces.

8.12.3. To determine the appropriate quantum of parking for this scheme, I refer Section 12.7.4 and tables 12.25 and 12.26 of the SDCDP which set out '*Maximum*' Parking rates for non-residential and residential development. Parking rates for South County Dublin are divided into two main categories, Zone 1 and Zone 2. Zone 1 is the general rate applicable throughout the County. Zone 2 includes more restrictive rates for applications within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a bus stop with a high-quality service). I note that car parking standards for Zone 2 are applicable in this instance. The following table details the relevant parking standards for Zone 2 along with a calculation of the maximum parking standard permissible for this development.

Dwelling type /Use	Size	Zone 2 Standard – Space per unit	No. of units/ Classroom	Max- spaces permitted SDCDP
Apartment /	1-bed	0.75	55	41.25

Duplex	2-bed	1	91	91
	3-bed+	1.25	1	1.25
House	3-bed+	1.5	24	36
Total Residential				169.5
Creche	6-classroom	0.5 per classroom	4	2
Total Max.				171.5

Table 8.1 Zone 2 Parking Standards

8.12.4. As per the above table, the quantum of car parking proposed for this scheme (105 spaces) falls below the maximum standard for Zone 2 (172 spaces) as set out in the SDCCDP 2022-2028. The Road Department of SDCC raised no objection to the quantum of parking proposed.

8.12.5. The SDCCDP, in section 12.7.4 supports a lower parking rate subject to the consideration of stated criteria (Refer to section 6.1.9 of this report for details). In my opinion the proposed development satisfactorily addresses these criteria, and on this basis, I have no objection to the rate of parking proposed. My opinion in this regard is based on:

- The proximity of the site to public transport in the form of bus services which have been shown in the applicant's TTA to be sufficient in both frequency and capacity to cater for the proposed development.
- The Social and Community Infrastructure Audit submitted in support of this application which demonstrates that the site is well placed in terms of availability of local services and amenities to support the day-to-day needs of future residents.
- The Mobility Management Plan submitted in support of the application and the various measures outlined in same to encourage and support residents to travel sustainably.
- As demonstrated above, the local road network is sufficient in design and capacity to cater for increased traffic.

8.12.6. Having regard to the site's location within an suburban area, its proximity to a public transport and to local services, I am satisfied that the provision of 105 no. spaces is acceptable in this instance and complies with the criteria set out in the Development Plan which allows for a reduced quantum of car parking below the maximum standards set out in Table 12.26 of the SDCCP 2022-2028. I am also satisfied that the parking strategy presented would accord with the provisions of the 2024 Compact Settlement Guidelines which supports reduced car parking ratios at all urban locations. Therefore, I have no objection to the level of parking provided for this LRD and I am satisfied that no material contravention issues arise.

8.12.7. Regarding the concern the proposed scheme would give rise to overflow parking onto neighbouring residential streets. I am of the opinion that this matter could be adequately addressed through the proper management of car parking facilities on site. In this regard, I refer the Commission to condition 14 as attached to the planning authority's grant of permission which requires the submission of a Car Parking Management Plan for agreement prior to the commencement of development, and I would recommend a similar condition in the event that the Commission is of a mind to grant permission.

8.13. **Drainage, Green Infrastructure and Flooding:**

8.13.1. Third parties note that the proposed development site, with a stated area of c. 2.66, consists largely of green open space and trees which constitute green infrastructure that act as a natural buffer that absorbs, stores and filters rainwater reducing surface water runoff from the site. The concern is raised that the development of this site as proposed would significantly alter the natural drainage characteristics of the site at a time when climate change is driving a shift toward increased rainfall with more frequent incidents of damage to private property due to flooding. It is contended that the development of this site must include a sustainable drainage system that is demonstrably adequate to mitigate the risk of flooding to existing properties. The grounds of appeal emphasise the importance of tree retention in this regard.

8.13.2. It is an objective of the SDCCP, *IE3 Objective 2*, to maintain and enhance existing surface water drainage systems in the County and to require Sustainable Drainage

Systems (SuDS) in new development in accordance with objectives set out in section 4.2.2 of this Plan.

- 8.13.3. The applicants' strategy for surface water drainage is outlined in the *Engineering Assessment Report* submitted with the application. The strategy sees the subject site (2.66ha) split into 2 no. catchments, Catchment 1 to the west and Catchment 2 to the east and north of the site, with each catchment incorporating various SuDS measures prior to discharge to the existing public surface water network and ultimate discharge to the River Dodder.
- 8.13.4. The Surface water runoff from the development is to be limited to greenfield runoff rates in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). The SuDS features proposed for the development include tree-pits, rain gardens and permeable paving. Collectively, these interventions are intended to mimic natural hydrological processes, align with best practice in sustainable urban drainage, and contribute to the resilience of the development in the face of climate change.
- 8.13.5. The site-Specific Flood Risk Assessment (SFRA) that accompanies the application identifies the site as being within Flood Zone C, with a low risk of flooding confirming its suitability for residential development. In accordance with the details provided in the SFRA, the surface water strategy for the site has been designed to accommodate a 1% AEP (Annual Exceedance Probability) storm event and includes climate change provision. Floor levels of houses are set above the 1% AEP flood levels by a minimum of 500mm for protection and all footpaths are designed to fall away from houses. For storms events, exceeding a 1% AEP (Annual Exceedance Probability) storm event, the development has been designed to provide overland flood routes along the various development roads towards green areas.
- 8.13.6. I note reference in the grounds of appeal to surface water retention and flooding on site after recent storm events. However, no evidence to support these claims have been submitted and none were observed on site at the time of inspection, which occurred during a period of heavy rainfall.

8.13.7. The documentation submitted in support of the application also included a Green Space Factor Calculation (GSF). GSF is a measurement that describes the quantity and quality of landscaping and green infrastructure across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to the amount of impermeable 'grey' space in a subject site. As a planning tool, this ratio is used to assess both the existing green cover within a site and the impact of new development, based on the quantity and quality of new green space provided. The Green Space Factor Calculation submitted in support of this appeal indicates that the proposed scheme achieves a score of 0.57 which exceeds the minimum required score of 0.5 permissible within the RES zoning, the proposal is therefore acceptable in this regard. Notably, this GI score is achieved in part due to the retention of existing trees on site.

Conclusion: Drainage, Green Infrastructure and Flooding

8.13.8. Following consideration of the information submitted with the application and appeal, including submissions received, I am of the opinion that the applicant's surface water strategy for the site is acceptable and in accordance with the objectives of the SDCDP. I am further satisfied that no issues of material contravention arise in respect of surface water management.

8.14. Other Matters:

Creche

8.14.1. The proposed childcare facility is to be accommodated at ground-floor level within Block A at the northeast corner of the site, close to the proposed pedestrian access off Cypress Grove North. This facility has a stated GFA of c.359.7 sq. m and is designed to accommodate c. 58 children places and 12 staff members. It is to be served by dedicated outdoor play area of 70sq.m. to the side (east), and cycle parking and set-down car parking space to the front (south). On the size of the Crèche, regard is had to the provisions of the 2001 Childcare Facilities Guidelines and the Apartment Guidelines, which indicate that the proposed development (excluding 1-bed units) would generate a demand for c. 31 no. childcare places, the

proposed facility is therefore adequately sized for the scheme. Overall, I have no objection to the location, scale or design of this structure.

8.14.2. I note that the Childcare Committees in their report to the planning authority (29th January 2026) raised various issues relating to the internal layout of the facility, including for example, the lack of adequate nappy changing and sanitary facilities and the lack of a dedicated milk sink. In my opinion the issues raised are of a minor nature that could be effectively addressed by way of condition should the Commission be of a mind to grant permission.

Water Services

8.14.3. In relation to water services, I note that Uisce Éireann, in their report to the planning authority, confirmed that a Confirmation of Feasibility (CoF) was issued to the applicant and that this document advised that both water and wastewater connections are feasible subject to upgrades. A copy of the CoF dated the 21st of February 2025 and a letter of design acceptance from Uisce Eireann issued on the 25th of November 2025 is appended to the applicants *Engineering Services Report*. The necessary upgrades identified by Uisce Éireann, comprising minor networks extensions (c70m) for both water and wastewater connections have been incorporated into the proposed scheme.

8.14.4. On the issue of capacity, I note that no issues of concern were raised by Uisce Éireann in their CoF or in their report to the planning authority. I have consulted Uisce Éireann's on-line capacity registers which indicates that capacity is available in wastewater network with potential capacity available to meet 2035 population targets subject to level of service (LoS) improvement. I am satisfied that the applicants' proposals for water supply and foul water drainage are acceptable and feasible subject to connection agreements with Uisce Eireann.

8.15. **Assessment Summary and Conclusion**

8.15.1. The proposal is for a large-scale residential development comprising 171 residential units and a childcare facility

- 8.15.2. South Dublin County Council (SDCC) did, by order dated 19th of February 2026, decide to grant permission for the proposed scheme subject to 37 no. conditions.
- 8.15.3. Most of the attached conditions attached to the grant of permission are standard for a scheme of the nature and scale proposed (financial, procedural, construction, operational, and technical). Condition 2 requires the applicant to undertake several amendments to the scheme which were deemed necessary by the planning authority to ensure the protection of the built heritage of Cypress Grove House and the amenities of adjacent residential properties. Further amendments would have resulted from condition 4 which sought greater the protection of historically important trees and for the maintenance of Green Infrastructure corridors. As clarified by Condition 3, the amended scheme if implement would result in a reduction in the number of units permitted from 171 (as proposed) to 132 (as per PA decision).
- 8.15.4. Four third-party appeals were received against the decision of the planning authority to grant permission. A separate first-party appeal was lodged on behalf of the applicants, Templeogue Development Limited, seeking the removal or amendment of Conditions 2, 3 and 4 as attached to South Dublin County Councils notification of decision to grant permission.
- 8.15.5. The case is made in the first party appeal that the original 171 no. unit scheme represents an appropriate, policy compliant and balanced response to the opportunities and constraints of the site and that the amendments sought under Conditions 2, 3 and 4 have resulted in unnecessary reductions in scale, unit quantum and design parameters which are not necessary to protect residential amenity, the setting of the protected structure or the character of the surrounding area.
- 8.15.6. Notwithstanding this position, the first-party appeal is supported by an '*alternative layout proposal*' the stated purpose of which was not to fundamentally redesign the development but to demonstrate how the scheme could be amended to respond to certain matters raised by the planning authority while continuing to deliver a high-quality residential development and maintaining an efficient use of service urban land.

8.15.7. Details of the applicants 'alterative design proposal' are summarised in section 7.3 of this report. Notable amendments include the omission of Block A, the mixed use (residential / childcare) block at the northern end of the development; the introduction of additional houses at the northern boundary, a reduction in the height of Block B and the relocation of the crèche facility to Block C. The proposal if permitted and implemented in full would result in a scheme of 156 no. residential units and childcare facility.

8.15.8. I note that the applicants alternative design proposals have been referenced in the third-party submissions / observations, and it is considered by third parties, that such modifications need to be considered as part of a new application and should not be considered under this appeal. I would agree that the applicants alternative design proposal, if considered in full would be substantially and materially different to the proposed development described in the public notices and that such a proposal would merit a new application.

8.15.9. Notwithstanding, I have assessed the proposed LRD as originally presented and, in my opinion, the proposed scheme fails to adequately consider and respond to the built and natural heritage features of the site. As set out in the foregoing assessment, it is my opinion the proposed scheme would represent an overdevelopment of the site that would detract materially from the setting, special character and appearance of Cypress Grove House, a Protected Structure, its historic curtilage and landscape features. Furthermore, I am not satisfied that the design amendments stipulated by the planning authority in their grant of permission and addressed by condition or, the 'alterative design proposals' presented by the applicants as part of their first party appeal, would be sufficient to address the concerns raised.

8.16. **Material Contravention**

8.16.1. As noted in previous sections of this report (sections 8.4 and 8.10), I consider that the proposed development contravenes the South Dublin County Development 2022-2028 in matters of separation distances, private open space provision for houses, private open space provision for apartments and Unit Mix. Therefore, as previously advised, if the Commission is of a mind to grant permission it may wish to invoke its powers under section 37(2)(a) of the Planning and Development Act 2000

(as amended). However, I would draw the attention of the Commission to proposed Variation No.2 of the SDCCDP which is due for decision on the 19th of June 2026. If adopted as currently proposed, Variation No.2 would see the policies, objectives and development management standards of the SDCCDP align with the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities 2024 (*Compact Settlement Guidelines*). The adoption of proposed Variation No.2 would thereby address material contravention issues relating to separation distance and private open space provision for houses.

9.0 AA Screening

9.1. I refer the Commission to Appendix 2 of this report.

9.2. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of objective information, I conclude that the project would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the Planning and Development Act 2000, as amended, is not required.

9.3. This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Qualifying interests and conservation objectives of the European sites.
- The distances separating the Site from European sites.
- The lack of direct hydrological connection.
- The sub-urban setting of the local environment; and,
- The localised nature of the proposed works.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Water Framework Directive

10.1. I refer the Commission to Appendix 3 of this report.

10.2. The appeal site is located in the sub-urban area of Templeogue in South County Dublin. The nearest waterbody to the subject site is the River Dodder (Dodder_040 (IE_EA_09D010620)), located 221m to the south of the appeal site on the opposite side of the R137 (Templeogue Road). This waterbody has a Moderate Status and is At Risk. The groundwater body underlying the site is Dublin (IE_EA_G_008). The groundwater has a Good Status and is Not at Risk.

10.3. No water deterioration concerns were raised.

10.4. The development comprises the construction of 171 residential units and a crèche and includes for the demolition of existing structures on site along with the refurbishment of cypress Grove House, a protected structure.

10.5. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

10.6. The reason for this conclusion is as follows

- The sub-urban location.
- The nature and extent of the development
- The absence of any surface water feature in the vicinity of the appeal site and the distance from nearest water body.
- the location of the appeal site outside an area at risk of flooding.

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

11.0 Environmental Impact Assessment

Introduction

11.1. The application includes an EIA Screening Report (EIASR) prepared by Stephen Little and Associates Chartered Town Planners & Development Consultants. The EIASR confirms in Section 3 Legislation and Guidance that the methodology employed in report is in accordance with the EIA Guidelines published in May 2022 by the DoHPLG and addresses the contents of both Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended

11.2. This section outlines my assessment of the need for an Environmental Impact Assessment Report (EIAR), which will enable the Commission to make a determination on the matter.

Mandatory Thresholds

11.3. There are no activities listed within Part 1 of Schedule 5 of the Planning Regulations (as amended) which relate to the proposed development. It does not fall within the scope of activities listed in Part 1 of Schedule 5 and a mandatory EIA, as classified under Annex 1 is not required.

11.4. Item (10) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for various Infrastructure Projects. Class 10 (b)(i) relates to the construction of more than 500 dwelling units. The proposed development involves the construction of 171 units and therefore does not exceed the mandatory threshold. Class 10(b)(iv) relates to 'Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use)'. I do not consider that the

application site is within a 'business district'. I consider that the site is within part of a 'built-up area' where the 10ha threshold applies. The application site has a total area of 2.66ha and is therefore significantly below the applicable threshold.

Sub-Threshold Development

- 11.5. Class 15, Part 2, Schedule 5 of the Regulations provides that EIA will be required for 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.
- 11.6. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Commission determines that the proposed development is likely to have a significant effect on the environment.
- 11.7. Schedule 7 of the Planning and Development Regulations 2001 (as amended) sets out the criteria for assessing whether or not a project will have 'likely' and 'significant' effects on the environment, in which case an EIA is also required. The criteria include, characteristics and location of proposed development, and characteristics of potential impacts. These criteria were considered for the proposed development under the topics recommended in EIAR guidance documents and concludes that the proposed development does not meet the criteria where a subthreshold EIA would be warranted.
- 11.8. I am therefore satisfied, having regard to: -
 - a) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), in particular:
 - a. the nature and scale of the proposed development within the built-up area served by public infrastructure
 - b. the absence of any significant environmental sensitivity in the vicinity.
 - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

- b) The sensitivities of the site in terms of built heritage, natural heritage and biodiversity as identified in the assessment of the application.
- c) the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive.
- d) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Arboricultural Assessment, Operational Waste Management Plan, Flood Risk Assessment and Traffic and Transport Assessment.

that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required. (See EIA Screening Determination Form 3).

12.0 Recommendation

- 12.1. Having regard to the above assessment, I recommend that permission be REFUSED for the proposed large scale residential development based on the reasons and considerations set out below.

13.0 Reasons and Considerations

1. Having regard to the location of the proposed development and the presence of a structure on site of architectural heritage interest, Cypress Grove House, which is listed as a Protected Structure in the South Dublin County Development Plan 2016-2022, with RPS Number 222 referring, it is considered that the proposed development, by reason of its overall layout, scale, massing, height, and design, its failure to adequately mitigate the loss of the existing woodland / green infrastructure corridor at the northern end of development site and its failure to ensure the adequate protection and management of substantial specimen trees on site, would represent an overdevelopment of the site, would dominate and

seriously detract from the architectural character of 'Cypress Grove House', its historic curtilage and associated landscape features and would undermine the biodiversity and ecological value of the existing GI network on site. The proposed development would therefore be contrary to the policies and objectives of the South Dublin County Development Plan, notably *Policy NCBH19* and its associated Objectives 1, 2, 4 and 5, which seek to conserve and protect structures and sites contained in the Record of Protected Structures; *NCBH11 Objective 3* which seeks to protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and *GI2 Objective 2* which seeks to protect and enhance the biodiversity and ecological value of the existing GI network.

2. Having regard to the protected structure status of Cypress Grove House, which as clarified in *Section 3.5.2 Protected Structure of the SDCDP*, includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. The nature and extent of the works proposed, including works of demolition, refurbishment, replacement and repair, and having regard to the lack of information provided in relation to the full nature and extent of these works and their impact on the special character and appearance of the protected structure. It is considered that the proposed development has the potential to have a have a detrimental and irreversible impact on the special interests of Cypress Grove House, its associated structures and historic curtilage. contrary to best conservation philosophy and practice. Furthermore, the Commission is not satisfied the demolition of existing structures on site has been adequately considered or justified. The proposed development would therefore be contrary to the policies and objectives of the South Dublin County Development Plan 2022-2028, notably *Policy NCBH19* and its associated objectives conserve and protect structures and sites contained in the Record of Protected Structures and would be contrary to the proper planning and development of the area.
3. It is considered that the proposed development, by reason of its inadequate private amenity space for a number of 4-bedroom houses, would be an

inappropriate form of development at this location. The proposed development would, therefore, provide for substandard level of residential amenity for future occupants of these units and would 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.”

Lucy Roche
Planning Inspector

15th June 2026

Appendix 1(a) - Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-324140-26		
Proposed Development Summary	LRD comprising 171 residential units, works to protected structure Cypress Grove House to facilitate residential use and child care facility.		
Development Address	Cypress Grove House, Cypress Lawn, Templeogue, Dublin 6W, D6W YV12.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Class 10(b)(i) – More than 500 dwelling units. Part 2, Class 10(b)(iv) - An area greater than 10 hectares in the case of other parts of a built-up area outside the business district.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	171no. residential units on a site area of 2.66ha	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No		Screening determination remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____

Date: _____

Appendix 1(b) - Form 1 - EIA Screening Determination – updated 15/06/2026 following completion of assessment (Original signed copy under separate cover)

A. CASE DETAILS

An Bord Pleanála Case Reference	324140-26	
Development Summary	LRD comprising 171no residential units and childcare facility. The proposal includes works for the repair and restoration of Cypress Grove House – a protected structure (RPS Ref: 222) for residential use (5no. apartments).	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The planning authority concluded that the proposed development would not be likely to have significant effects on the environment and that an environmental impact report is not required'
2. Has Schedule 7A information been submitted?	Yes	See applicant's EIA Screening Report and other information submitted with the application
3. Has an AA screening report or NIS been submitted?	Yes	AA screening report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	

<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>The application is accompanied by (inter alia):</p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Operational Waste Management Plan • Ecological Impact Assessment • Flood Risk Assessment • Architectural Heritage Impact Assessment • Traffic and Transport Assessment • Arborcultural Impact Assessment and Impact Report <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>
---	-------------------	---

B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environm ent?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	No	<p>The proposal would represent the consolidation of an existing built-up / residential area.</p>	No
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	Yes	<p>The project works, including demolition and site preparation, will cause physical changes to the site and land use, with a more intensified residential development, however, I consider that these changes would, in principle, be positive in terms of placemaking.</p> <p>The works will be appropriately managed in accordance with a Construction and Environmental Management Plan (CEMP) and a</p>	No

		Resource Waste Management Plan (RWMP). Together with the Infrastructure Design Report and other supporting documentation, I am satisfied that there will be no significant effects on waterbodies.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project uses standard construction methods, materials and equipment, and the process would be managed through the implementation of the Construction Environmental Management Plan. Waste arising from the demolition and construction phase would be managed through the implementation of the Response Waste Management Plan. While the project uses land, the lands are zoned for development and serviced. In this regard, the project would use land more efficiently and sustainably than at present (Parkland / Open space) - intensified through provision of medium density residential scheme). Otherwise, the operational phase of the project would not use natural resources in short supply.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of the CEMP	No

		<p>and RWMP will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>Conventional waste produced will be managed through the implementation of the OWMP.</p>	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>The proposed development will result in the production of demolition and construction waste that is to be managed through the implementation of a Recourse Waste Management Plan.</p> <p>Operational waste generated will generally be domestic waste from the residential units and commercial waste from the crèche and will be disposed of by a licensed waste contractor. An Operational Waste Management Plan has been included with the application, this document provides details on the management of waste generated during the operational phase.</p>	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>Project involves works of demolition, excavation and construction with potential for contaminated run-off to ground and surface waters. However, it uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP and RWMP to</p>	No

		<p>satisfactorily address potential risks in relation to contamination of land/water.</p> <p>Project includes for surface water management systems, designed, and constructed in accordance with GDSDS. Surface water will be attenuated prior to discharge to the wider drainage network. Wastewater will be discharged to the public system.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Noise and vibration impact during the site development works are likely. These works are short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the CEMP.</p> <p>The operational phase of the project would likely result in noise and light impacts associated with the proposed residential and childcare use (increased traffic generation, use of open spaces etc) which are considered typical of such schemes.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>		<p>During the construction phase there may be possible short-term nuisances to human beings from noise and dust during construction.</p>	<p>No</p>

		<p>Potential for construction activity to give rise to dust emissions but such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP mitigation measures.</p> <p>The site is not within a drinking water protection area and is served by public mains, and therefore water contamination is not expected to impact on human health. Any potential water impact is also to be addressed by the CEMP.</p> <p>The operational phase will not result in significant effects for human health. Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>The proposed development would not involve the use of technologies or substances that would present a significant risk of major accident at this location.</p> <p>The development area is located outside of the extent of Flood Zones A & B and is at a low risk of flooding.</p>	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>Project increases localised temporary employment activity at the site during construction stage. The construction stage impacts on the local population are short term and impacts arising will be temporary,</p>	No

		<p>localised, and addressed by the mitigation measures in the CEMP.</p> <p>The development will result in increased population in the area. This would not be significant given the proximity of the site to a wide range of supporting uses and facilities.</p> <p>The additional residential population created will have a positive impact on the area and will help sustain existing services and public transport. The development includes a childcare facility that will provide a service and employment opportunities for existing and future residents.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area</p>	
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	There are no extant permissions for significant development projects in the immediate vicinity of the site. Development projects in the wider area would be unlikely to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	No	Project not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of	No

<ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 		<p>ecological interest or protection. The EclA and AA Screening Report has considered the proximity and potential connections to designated/ecological sites in the wider surrounding area. I am satisfied that there would be no significant effects on same</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The development of this site as proposed will involve the removal of vegetation including mature trees and a primarily conifer woodland on site. The application documentation includes an Ecological Impact Assessment (EclA) which outlines the construction and operational mitigation to be incorporated into the proposed development project to minimise the potential negative impacts on the ecology within the Zone of Influence (ZoI) of the protect including the downstream biodiversity, and local biodiversity within / proximate to the subject site.</p> <p>The EclA includes a Bat Fauna Impact Assessment which identified that the site is used by foraging and roosting bats. An individual Common pipistrelle (Pipistrellus pipistrellus) and an individual soprano pipistrelle (Pipistrellus pygmaeus) were recorded roosting in a single tree on site. This tree has been identified for removal in the Arboricultural Assessment</p>	<p>No</p>

		<p>for reasons of condition / safety. A derogation to fell this tree and thus remove the roosting places for the two bats was successfully applied for to the National Parks and Wildlife Service (NPWS). A copy of this derogation (DER-BAT-2026-60) accompanies the applicants first party grounds of appeal. As per the conditions of the derogation, all works are to be completed between 29th January and 31st March 2027.</p> <p>The EclA concludes that no significant effects on biodiversity are likely. Residual effects on biodiversity are considered to be: Moderate adverse / local / Negative Impact / Not significant / long term.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of protected flora and/ or fauna species</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>There are no recorded archaeological sites within the proposed development area or immediate vicinity. The nearest recorded monument comprises Templeogue Tower House (DU022-010), which lies 268m to the southwest.</p> <p>The application site comprises a protected structure, Cypress Grove House and its attendant grounds. Cypress Grove, is a medium sized suburban Georgian house, dating largely from the early 19th Century. The house stands on a</p>	<p>No.</p>

		<p>mature garden setting, with remnants of its once sizeable gardens and walled garden remaining. A number of mature specimen trees have been identified within the site. The project includes for the restoration / repair of the structure and its use for residential purposes (5no. apartments).</p> <p>The application documentation includes Archaeological Impact Assessment & Method Statement as well as the Architectural Heritage Impact Assessment and Conservation Method Statement and Schedule of Works which address the potential impacts on the heritage and archaeological setting.</p> <p>The Impact of the proposed development on the protected structure of Cypress Grove House and its curtilage, including natural landscape feature (trees etc) has been consider in the assessment of the application (sections 8.6 and 8.7). The potential impact identified in the assessment would be localised to the application site and its immediate environs and not significant in the context of EIAR.</p>	
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>Project is located within an established built-up area.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>The proposed development site is located approx. 250m from the River Dodder and will be hydrologically linked to same via surface water drainage. The quality and regime of these waterbodies will be protected by the proposed mitigation measures, including the implementation CEMP, standard best practice construction and SuDS mitigation.</p> <p>The development area is located outside of the extent of Flood Zones A & B and is at a low risk of flooding.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence or indications of such risks</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?</p>	<p>Yes</p>	<p>The site is served by a local urban road network (which is linked to the M50 via, public transport services, as well as a range of pedestrian/cycle links. The application is accompanied by a Traffic Impact Assessment. I have considered this document, and I do not consider that there would be any significant congestion effects at construction or operational stage. The development would be suitably designed and managed to promote sustainable transport modes and would not result in significant environmental problems such as excessive transport emissions etc.</p>	<p>No</p>

<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There are no sensitive land uses within the immediate vicinity of the site. The site is bounded by existing residential development and associated areas of open space.</p> <p>A social and Community Infrastructure Audit was submitted with the application. I have considered this document, and I am satisfied that there would not be excessive pressure placed on community facilities (including schools) in the wider area.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>		<p>This application is brought forward as a standalone development. There are several large development proposals in the wider geographical area. These have been identified and analysed in the application documentation for potential in-combination effects. However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>No cumulative significant effects on the area are reasonably anticipated</p>	
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No transboundary considerations arise.</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No other issues arise</p>	<p>No</p>

C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EIAR not Required

Having regard to:

1. The criteria set out in Schedule 7, in particular:

- (a) The nature of the proposed scheme as a Large-scale residential development, in an established residential area served by public infrastructure
- (b) The absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated architectural protection zone
- (c) The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. The sensitivities of the site in terms of built heritage, natural heritage and biodiversity as identified in the assessment of the application.

3. The results of other relevant assessment of the effects on the environment submitted by the applicant and the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive
4. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, Ecological Impact Assessment, Operational Waste Management Plan, Flood Risk Assessment and Architectural Heritage Impact Assessment and Traffic and Transport Assessment

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Appendix 2 – Appropriate Assessment Screening

Screening for Appropriate Assessment - Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The proposed development is described in Section 2 of this report. In brief, the proposed development comprises a residential scheme of 171 units in a mix of houses and apartments, together with a crèche. As part of the proposal, Cypress Grove House listed on the South Dublin County Council Record of Protected Structures (RPS 222) will be refurbished. Buildings within the scheme range from 3 to 5 storeys in height. The development also provides public, communal, and private open spaces; an internal road network with new carriageways, pedestrian and cycle routes; surface car parking and bicycle parking facilities. Vehicular access will be via the existing entrance off Cypress Grove South.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development occupies a 2.66ha site at Cypress Grove House, Templeogue, Dublin 6W.</p> <p>The topography of the site falls from west boundary towards the east boundary at an average gradient of 1:100.</p> <p>The proposed development site is not within a European site and is not necessary for the management of a Natura 2000 site. The nearest European site to the proposed development, the Glenasmole Valley SAC, is 5.7 km away. The nearest waterbody to the subject site is the River Dodder, located 221m to the south of the site boundary.</p> <p>Drainage: - It is proposed to discharge the controlled surface water outflow to an existing 225mm diameter surface water network located along the northeastern boundary which ultimately outfalls to the River Dodder. The proposed discharge point from the site ultimately outfalls to the River Dodder which subsequently enters the River Liffey Estuary before reaching Dublin Bay. The Surface water runoff from the development is to be limited to greenfield runoff rates (Q_{bar}) in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS).</p> <p>Foul Water Drainage: Foul discharge from the site will discharge to the existing 2300mm dia. foul sewer located to the East of the site along Cypress Grove Road. To facilitate a positive connection to the existing sewer it is proposed to raise existing ground levels along the Western side of the site in order to achieve a gravity drainage solution, avoiding the need for a pumped foul drainage solution. Once entering the public network foul water discharge from the site will be directed and treated at Ringsend WwTP, prior to being discharged to Dublin Bay. I have consulted Uisce Eireann's Capacity Register</p>

	(05/01/2026) which confirms that adequate capacity is available with the plant to meet 2035 population targets. The site is located outside identified Flood Zones A and B and as such is at low risk of flooding.
Screening report	Yes
Natura Impact Statement	No
Relevant submissions	No issues / concerns have been raised in the grounds of appeal regarding appropriate assessment or potential impact of the development on European Sites.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Glenasmole Valley SAC (Site Code 001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]	5.7km	None	No
South Dublin Bay SAC (Site Code 00210)	[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	7.3km	Indirect hydrological pathways via the proposed surface water drainage strategy and via foul water drainage.	Yes
North Dublin Bay SAC (site Code 000206)	1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1395 Petalwort	11km	Indirect hydrological pathways via the proposed surface water drainage strategy and via foul water drainage.	Yes

	(<i>Petalophyllum ralfsii</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks.			
Wicklow Mountains SAC (Site Code 002122)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Otter (<i>Lutra lutra</i>) [1355]	6.7km	None	No
Rye Water Valley/Carton SAC (Site Code 001398)	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	13.8km	None	No
Ballyman Glen SAC	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] Alkaline fens [7230]	13.8	None	No
Rockabill to Dalkey Island SAC (Site Code 003000)	Reefs [1170] <i>Phocoena phocoena</i> (Harbour porpoise) [1351]	14.6km	None	No

Knocksink Wood SAC (Site Code 00725)	Petrifying springs with tufa formation (Cratoneurion) [7220] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno Padion, Alnion incanae, Salicion albae) [91E0].	11.5km	None	No
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	Branta bernicla hrota (Light-bellied Brent Goose) [A046] Haematopus ostralegus (Oystercatcher) [A130] Charadrius hiaticula (Ringed Plover) [A137] Pluvialis squatarola (Grey Plover) [A141] Calidris canutus (Knot) [A143] Calidris alba (Sanderling) [A144] Calidris alpina (Dunlin) [A149] Limosa lapponica (Bar-tailed Godwit) [A157] Tringa totanus (Redshank) [A162] Chroicocephalus ridibundus (Black-headed Gull) [A179] Sterna dougallii (Roseate Tern) [A192] Sterna hirundo (Common Tern) [A193] Sterna paradisaea (Arctic Tern) [A194] Wetland and Waterbirds [A999]	7.3km	Indirect hydrological pathways via the proposed surface water drainage strategy and via foul water drainage.	Yes
North Bull Island SPA (Site Code 004006)	A046 Light-bellied Brent Goose (Branta bernicla hrota) A048 Shelduck (Tadorna tadorna) A052 Teal (Anas crecca) A054 Pintail (Anas acuta) A056 Shoveler (Anas clypeata) A130 Oystercatcher (Haematopus ostralegus) A140 Golden Plover (Pluvialis apricaria) A141 Grey Plover (Pluvialis squatarola) A143 Knot (Calidris canutus) A144 Sanderling (Calidris alba) A149 Dunlin (Calidris alpina alpine) A156 Black-tailed Godwit (Limosa limosa) A157 Bar-tailed Godwit (Limosa lapponica) A160 Curlew (Numenius arquata) A162 Redshank (Tringa tetanus) A169 Turnstone (Arenaria interpres) A179 Black-headed Gull (Chroicocephalus ridibundus) A999 Wetlands	8.7km	Indirect hydrological pathways via the proposed surface water drainage strategy and via foul water drainage.	Yes
North-West Irish Sea SPA (Site Code 004236)	A001 Red-throated Diver Gavia stellata A003 Great Northern Diver Gavia immer A009 Fulmar Fulmarus glacialis A013 Manx Shearwater Puffinus puffinus A017 Cormorant Phalacrocorax carbo	12km	Indirect hydrological pathways via the proposed surface water drainage strategy and via foul water drainage.	Yes

	A018 Shag Phalacrocorax aristotelis A065 Common Scoter Melanitta nigra A179 Black-headed Gull Chroicocephalus ridibundus A182 Common Gull Larus canus A183 Lesser Black-backed Gull Larus fuscus A184 Herring Gull Larus argentatus A187 Great Black-backed Gull Larus marinus A188 Kittiwake Rissa tridactyla A192 Roseate Tern Sterna dougallii A193 Common Tern Sterna hirundo A194 Arctic Tern Sterna paradisaea A195 Little Tern Sterna albifrons 21 NATURA Code Name Screened IN/OUT Details/Reason A199 Guillemot Uria aalge A200 Razorbill Alca torda A204 Puffin Fratercula arctica A862 Little Gull Hydrocoloeus minutus.			
Wicklow Mountains SPA (Site Code 004040)	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	6.7km	None	No
Dalkey Islands SPA	Sterna dougallii (Roseate Tern) [A192] Sterna hirundo (Common Tern) [A193] Sterna paradisaea (Arctic Tern) [A194]	14.6km	None	No

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

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: South Dublin Bay SAC (Site Code 00210)</p> <p>QI list (see above)</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u></p> <ul style="list-style-type: none"> • During demolition / construction, there is some potential for dust and contaminated surface water runoff to enter the River Dodder which subsequently enters the River Liffey Estuary before ultimately reaching Dublin Bay. • During the Operational Phase, surface water will be discharged to the River Dodder with potential for hydrocarbons and other pollution to reach the stream. • Wastewater will be routed to the Ringsend WWTP which discharges to the Liffey Estuary and then Dublin Bay. 	<p>During construction and operation, surface water will connect to the surface water network on Cypress Grove Road, out falling to the River Dodder, which subsequently enters the River Liffey Estuary before ultimately reaching Dublin Bay. Given the distance from the proposed development to designated sites in Dublin Bay (>7km), any pollutants, dust or silt laden run off that enters the public drainage system will be diluted along the surface water drainage network and flocculate within the River Liffey Estuary prior to reaching any designated site. In the absence of mitigation, no significant effects on the qualifying interests of this this designated site is likely.</p> <p>Foul water drainage from the site will be discharged to Ringsend WwTP, via the foul sewer network where it will be treated under licence prior to being discharged to Dublin Bay. Given the distance from the proposed development site to this designated site (>7km) and that foul water drainage will be treated prior to being discharged into Dublin Bay, any pollutants, dust or silt laden run off that enters the drainage system will be dispersed, diluted, and ultimately treated along the public network. In the absence of mitigation, no significant effects on the qualifying interests of this designated site are likely.</p> <p>Further, given the separation distance available, in the absence of mitigation, no significant impacts on the qualifying interests of this SPA are predicted via noise and vibration during the construction phase of development. No potential impact is foreseen. The construction and operation of the proposed development</p>

		will not impact on the conservation interests of the site. No significant effects are likely.
Likelihood of significant effects from proposed development (alone): Y/N		No
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		No
Possibility of significant effects (alone) in view of the conservation objectives of the site*		None
	Impacts	Effects
Site 2: North Dublin Bay SAC (site Code 000206) QI list (see above)	As above	As Above
Likelihood of significant effects from proposed development (alone): Y/N		No
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		No
Possibility of significant effects (alone) in view of the conservation objectives of the site*		None
	Impacts	Effects
Site 3: South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) QI list (see above)	As above	As Above
Likelihood of significant effects from proposed development (alone): Y/N		No
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		No
Possibility of significant effects (alone) in view of the conservation objectives of the site*		None
	Impacts	Effects

Site 4: North Bull Island SPA. (Site Code 004006) QI list (see above)	As Above	As above
Likelihood of significant effects from proposed development (alone): Y/N		No
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		No
Possibility of significant effects (alone) in view of the conservation objectives of the site*		None
	Impacts	Effects
Site 5: North-West Irish Sea SPA. (Site Code 004236) QI list (see above)	As above	As Above
Likelihood of significant effects from proposed development (alone): Y/N		No
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		No
Possibility of significant effects (alone) in view of the conservation objectives of the site*		None
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on</p> <ul style="list-style-type: none"> • <i>South Dublin Bay SAC, (Site Code: 000210)</i> • <i>North Dublin Bay SAC, (Site Code: 000206)</i> • <i>South Dublin Bay and River Tolka Estuary SPA, (Site Code: 004024)</i> • <i>North Bull Island SPA, (Site Code: 004004)</i> • <i>North-west Irish Sea SPA, (Site Code: 004236)</i> <p>The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions</p>		

Appendix 3 Water Framework Directive Screening Determination

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

An Coimisiún Pleanála ref. no.	ACP-324140-26	Townland, address	Cypress Grove House, Templeogue, Dublin 6W.
Description of project	The proposed development is described in Section 2 of this report. In brief, the proposed development comprises a residential scheme of 171 units in a mix of houses and apartments, together with a crèche. As part of the proposal, Cypress Grove House listed on the South Dublin County Council Record of Protected Structures (RPS 222) will be refurbished. Buildings within the scheme range from 3 to 5 storeys in height. The development also provides public, communal, and private open spaces; an internal road network with new carriageways, pedestrian and cycle routes; surface car parking and bicycle parking facilities. Vehicular access will be via the existing entrance off Cypress Grove South.		
Brief site description, relevant to WFD Screening,	<p>The proposed development occupies a 2.66ha site and consists of existing buildings and a small area of grassland surrounded by tall treelines. The site is an infill site that is bounded by existing residential development.</p> <p>The topography of the site falls from west boundary towards the east boundary at an average gradient of 1:100.</p> <p>The nearest waterbody to the subject site is the River Dodder, located 221m to the south of the site boundary.</p> <p>The site is located outside identified Flood Zones A and B and as such is at low risk of flooding.</p>		
Proposed surface water details	It is proposed to discharge the controlled surface water outflow to an existing 225mm diameter surface water network located along the northeastern boundary which ultimately outfalls to the River Dodder. The proposed discharge point from the site ultimately outfalls to the River Dodder which subsequently enters the River Liffey Estuary before reaching Dublin Bay. The Surface water runoff from the development is to be limited to greenfield runoff rates (Qbar) in accordance with the Greater Dublin Strategic Drainage Study (GDSDS).		
Proposed water supply source & available capacity	<p>Water supply will be provided via a connection to the Uisce Eireann network. A Confirmation of Feasibility has been issued to the applicant advising that water connection is feasible subject to upgrades including a c70m extension of the main, from the existing 12" CI main on Cypress Road to the site</p> <p>A review of the Uisce Eireann Capacity Register (Published August 2025) on 10/06/2026 indicated that water supply capacity status for the 'Dublin City and suburbs' area to support 2034 population targets is 'Potential Capacity Available – Level of Service improvement required'.</p>		
Proposed wastewater treatment system & available capacity, other issues	<p>Foul discharge from the site will discharge to the existing 2300mm dia. foul sewer located to the East of the site along Cypress Grove Road. To facilitate a positive connection to the existing sewer it is proposed to raise existing ground levels along the Western side of the site in order to achieve a gravity drainage solution, avoiding the need for a pumped foul drainage solution. Once entering the public network foul water discharge from the site will be directed and treated at Ringsend WwTP, prior to being discharged to Dublin Bay.</p> <p>I have consulted Uisce Eireann's Capacity Register (10/06/202605) which confirms that adequate capacity is available with the plant to meet 2035 population targets.</p>		
Others?	N/A		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	Dodder_040 IE_EA_09D010620	At Risk	At Risk	Urban run-off	Surface water /drainage	Standard construction practices. SuDS measures	Mitigation sufficient. No residual Impacts anticipated
Ground	Dublin IE_EA_G_008	Good	Review	No pressures	Infiltration to groundwater.	Standard construction practices and use of SuDS measures	Mitigation sufficient. No residual Impacts anticipated
Coastal Waterbody	Dublin Bay (IE_EA_090_0000)	Good Status	Not at risk	N/A	The foul network is treated at Ringsend WWTP which ultimately discharges to Dublin Bay.	No mitigation measures proposed	No residual risk