



An
Coimisiún
Pleanála

Inspector's Report PL-500070-DR

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| Development | Construction of house with associated works |
| Location | Corner of Hawthorn Manor and Newtown Park, Blackrock, Co Dublin |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D25A/0612/WEB |
| Applicant(s) | Evan McLaughlin |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission + Conditions |
| Type of Appeal | Third Party Normal Planning Appeal |
| Appellant(s) | Evan McLaughlin Helena McCann The Residents of Hawthorn Manor |
| Observer(s) | None |
| Date of Site Inspection | 12 December 2025 |
| Inspector | Aoife McCarthy |

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.008 hectares and comprises an enclosed area of open space, located adjacent to the entrance to Hawthorn Manor estate.
- 1.2. Hawthorn Manor is a small residential development of 20 no. houses located on a cul-de-sac; comprising a mix of terraced and semi-detached 2 storey units.
- 1.3. A footpath extends to the west of the site, providing access to the estate from Newtown Park.
- 1.4. The site is bound by the front curtilage of No.1 Hawthorn Manor to the north; by a boundary wall to No. 1 St. Margaret's Mews to the east. No.'s 1 and 2 St. Margaret's Mews are a pair of semi-detached 2 storey dwellings. The site was delineated with timber post and rail fencing to the west, a concrete wall to the south, which forms the boundary to Newtown Park.
- 1.5. The site is located c. 1.6 km to the south of Blackrock village. Neighbourhood Centre uses including Dunnes Stores and the Wishing Well public house are within 200m to the east of the site.
- 1.6. The site and the wider area are residential in character.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - the removal of the timber post and rail fence,
 - the erection of a 2 storey 1-bedroom pitched roof dwelling (c. 56.32 m² GFA) with balcony, a new garden wall/fence, the lowering of the existing block wall facing Newtown Park and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of a Decision to Grant Permission on 19th September 2025, subject to 11 no. Conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report (29th September 2025)

- The report includes a description of the site and proposed development.
- The report includes planning history relating to the subject site, Hawthorn Manor, and of St. Margaret's Mews (see below).
- The report includes a summary of 5 no. submissions received on the file (see below).
- The construction of a new two-storey dwelling on the site has previously been refused under D25B/0098, ABP-307128-20D20A/0066 and D19A/0490.
- The NPF was revised and updated to reflect matters such as updated housing figures, projected job growth and renewable energy capacity allocations. The Local Authority has responsibility to accelerate housing delivery, ensuring that there is a broad variety of accessible, affordable and high-quality housing to serve the local populations need.
- The Planning Authority is satisfied that the proposed dwelling would provide a high-level of amenity for future occupants and is considered acceptable with respect to the Quality Housing for Sustainable Communities (2007).
- The proposed dwelling accords with respect to separation distances as set out in the Sustainable Residential Development and Compact Settlements 2024.
- The previous application was refused by the local authority by reason of inadequate set back distance on the adjacent property, with the building extending a distance of 1m beyond the rear building line of No. 1 St.

Margaret's Mews, resulting in cumulative impact on the property. D25A/0098/WEB).

- The provision of the first floor balcony, in conjunction with the ground-floor private open space, would provide future occupants with a high level of private amenity; taking account of proximity of the site to local parks.
- As a result, the PA consider that the current proposal has overcome the previous reason of refusal relating to overbearance.
- The proposal would be set back a distance of 1.31m from the shared boundary with No. 1 Hawthorn Manor to the north and constructed along a shared boundary with No. 1 St. Margaret's Mews to the east.
- The proposed dwelling by virtue of its scale, setting and bulk would result in overbearance along the side passage of No. 1 St. Margaret's Mews, however, as this area is not deemed to be of high-amenity value, the proposed development, is considered acceptable.
- The PA acknowledge a slight degree of overshadowing upon both No. 1 Hawthorn Manor and No. 1 St. Margaret's Mews. However, having regard to the urban context of the site and tight urban grain, the proposed dwelling would not unduly impact upon the daylight / sunlight currently received by adjoining properties.
- The proposed development has addressed shortcomings relating to the previous refusal on the subject (D25B/0098WEB), and while the nature of the site remains restrictive, the applicant has provided adequate information to justify development on site.
- The Planning Authority recognises the applicant's attempt to create a dwelling that respects the existing character of the streetscape within a restricted site. The applicant has made numerous modifications in response to the previously refused proposal D25B/0098, including widening the property by c.0.4m. The inclusion of a first floor terrace set back from the front building line, improves the front façade of the dwelling.
- The Planning Authority welcomes planting along the western facade of the main dwelling which will mitigate against the visual appearance of same.

- The appearance of the proposed dwelling is far more likened to that of a visually appealing corner dwelling than that previously refused dwelling on site. The western facade of the proposal assimilates with Hawthorn Manor and enhances the level of passive surveillance within the estate.
- Overall, having regard to the cumulative modifications made from the previously refused application and the now overgrown vacant appearance on site, it is considered that, the proposed dwelling, would not unduly impact upon the area nor erode the character of Hawthorn Manor or Newtown Park.
- In conclusion, that the proposed development would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. In addition, the proposed development would not detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.
- Taking account of the planning history of the site and the significant modifications to the design proposal, the PA consider that the plans and particulars lodged with this application provide a compact form of urban development which represents a good use of vacant lands.
- The report recommends that, subject to conditions, Permission is therefore granted.

3.2.2. Other Technical Reports

- **Parks and Landscape Services (3rd September 2025):** The section recommends that permission should be refused, based on the potential impact to an existing street tree, the removal of trees on the site, the potential for impact to a tree on a neighbouring site and due to the confined, awkward nature of the site in question.
- **Drainage Planning:** No objection subject to condition.
- **Transportation Planning:** No objection subject to condition.

3.3. Prescribed Bodies

3.3.1. **Uisce Éireann:** No objection subject to Pre-connection agreement.

3.4. Third Party Observations

3.4.1. A total of 5 no. third party submissions been received by the authority, including 1 no. submission from Cllr Marie Burke. The submissions are from residents and a local residents' group. The grounds of the submissions are summarised as follows:

- Applicant does not own subject site; it is in the ownership of DLRCC.
- Negative impacts to the amenities currently serving Hawthorn Manor, St. Margaret's Mews and Newtown Park residents.
- Impact on mature trees.
- Out of character with the area and visually incongruent.
- Loss of open space serving Hawthorn Manor.
- Current application has not overcome previous reasons for refusal of (D19A/0490, 307128/ D20A/0066, D25D/0098/WEB).
- The density, scale and layout continue to present the same issues as identified and previously rejected by the planning authority.
- The Board's findings in 307128/ D20A/0066) serve as definitive precedent with respect to the appropriate scale and form of development at this site. The current proposal contravenes this precedent, which sets a negative precedent.
- Substandard development for future occupiers.
- Overdevelopment of a constrained site.
- Site notice has not been erected on the boundary wall to Newtown Park.
- The proposal will intrude on the established Public Open Space at Hawthorn Manor established under Reg. ref. D87A/1131 and would materially contravene Condition 10 of this permission. The estate was taken in charge in January 2020.

- The proposal includes the removal of trees which form part of landscaping provided by DLRCC, as provided under Condition 10 of Reg. Ref. D87A/1131.
- The proposal is excessively close to a maturing sycamore tree to the immediate west of the proposed development (as raised by the Parks Dept. in the previous app. D25B/0098/WEB).
- The fence erected on the western side of the site has prevented access to and maintenance of the open space by DLRCC, thereby constituting unauthorised development, contrary to Condition 10.
- As a result, this component should be disregarded and subject to enforcement proceedings by the PA.
- Excessively close to site boundaries, resulting in overshadowing of No.1 Hawthorn Manor and No.1 St. Margaret's Mews.
- Loss of daylight to ground floor of No. 1 Hawthorn Manor.
- The proposal includes an altered roof line. It is considered that together with the projection forward of the neighbouring eaves line will result in a visually incongruous development, inappropriate for this prominent corner site.
- The projection of the proposed rear facade beyond the rear wall of No. 1 and 2 will give rise to significant negative visual impact on the rear gardens of these properties. It will also result in overshadowing to the rear garden of No. 1 during the summer months, negatively impacting the residential amenities of these properties.
- Loss of open space is contrary to Zoning Objective A of the Development Plan.
- The proposal is contrary to Objective PHP19: Existing Housing Stock — Adaptation of the Development Plan.
- Loss of open space to the estate and disruption of the budling line is contrary to s.3.4 of the Quality Housing Sustainable Communities 2007.
- Traffic / Parking concerns.
- Property devaluation.

- The entrance to Hawthorn Manor will appear enclosed.
- The owners of 1 St. Margaret's Mews will not permit access to their property to facilitate a development that significantly impacts on the setting and amenity value of their home.
- The internal design is not compliant with Building Control Regulations (Volume 2).
- The proposal does not comply with the car parking standards of the Development Plan (Table 12.5) which requires the designation of 1 no. space to serve the proposal.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref 87A/76** Permission granted for the construction of 18 no. houses in July 1987. Condition 16 required that Unit No. 8 be omitted from the development. Condition 10 stated that,

the area shown as open space to be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings.

- 4.1.2. **P.A. Reg. Ref 87A/1131-** Permission granted in November 1987 for amendments to the previously permitted development, 87A/76. As above, Condition 10 required that the area shown as open space to be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings or in lieu, a financial contribution of £300, per house shall be provided.

- 4.1.3. **P.A. Reg. Ref. D19A/0940:** Permission refused in August 2019 for construction of a two-storey, two-bedroom dwelling house and associated site works including one car parking space including one car parking space on zoned residential area, on the same site as the subject appeal. The application was refused for the following reasons:

- 1) By reason of its scale and siting relative to the adjoining property to the east, the proposed development would severely compromise the residential amenity of this dwelling's principal area of amenity space by way of overlooking and overshadowing impacts. The proposed development would seriously injure the residential amenities of the area; and depreciate the value of the adjoining properties.
- 2) Having regard to the restricted and constrained nature of the subject site which currently forms a small pocket of amenity space serving Hawthorn Manor estate, the proposal fails to provide secluded private open space for the proposed dwelling and is contrary to Section 8.2.8.4 (i) of the Development Plan 2016-2022 in relation to 'Private Open Space for Houses'. The proposal also fails to comply with the minimum recommended standards for dwelling and bedrooms sizes as set out in the 'Quality Housing for Sustainable Communities; Quality House for Sustainable Communities' (DOEHLG, 2007). The proposed development would result in a substandard level of amenity for future occupants.

4.1.4. **ABP Ref.: 307128-20; P.A. Reg. Ref. D20A/0066:** Permission refused by the Planning Authority and subsequently by ABP in July 2020 for the construction of a two-storey, 1 bed detached house (50m²) and associated site works including 1 no. car parking space accessed from Newtown Park and all associated site works. The application was refused for 3 no. reasons, summarised as follows:

- 1) Having regard to the restricted nature and prominent location of this corner site and the established pattern of development, the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area.
- 2) By reason of its inadequate qualitative and quantitative provision of private amenity space, would conflict with the provisions of the Development Plan and the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities", 2009 and would constitute an excessive density of development on this restricted site.
- 3) Traffic movements generated by the proposed development and restricted sightlines in both directions, would endanger public safety by reason of traffic hazard and would lead to conflict between road users.

- 4.1.5. **P.A. Reg. Ref. D25B/0098/WEB**: Permission refused in February 2025 for the removal of the timber post and rail fence and the erection of a two-storey pitched roof dwelling, garden wall and all associated site works.
- 4.1.6. The application was refused on the grounds of overdevelopment of the site, and failure to comply with the 'Quality Housing for Sustainable Communities (DOEHLG, 2007); failure to respect of the established pattern of residential developments in the area and would seriously injure the visual amenity of the area. The proposed dwelling would, be contrary to the Section 12.3.75 Corner / Side Garden Sites and Section 12.3.7.7 Infill of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- 4.1.7. The extent of private open space fails to accord SPPR 2 - Minimum Private Open Space Standards for Houses of the Sustainable Residential Development and Compact Settlements; by reason of design, location of the private open space would result in a substandard level of amenity for future residents.

4.2. Adjacent Sites

Site to the east at the Former Builder's Yard, Newtown Avenue, Blackrock, Co. Dublin

4.2.1. **PL06D.205294; D03A/0236** - Permission granted by the Planning Authority subsequently refused by An Bord Pleanála in April 2004 for a 3-storey apartment building consisting of 2 no. 2-bedroom apartments, and 1 no. 1- bedroom apartment with 4 no car parking spaces at front and private open space at rear.

4.2.2. **D05A/0128** - Permission granted in June 2005 for 2 No. two-storey semi-detached dwellings with converted attic and new vehicular access.

Site adjacent to Hawthorn Manor, Blackrock, Co. Dublin, with access onto Fleurville and Carysfort Avenue. This site related to part of area of open space to the northwest of the estate.

4.2.3. **P.A. Reg. Ref D04A/0104** - Permission refused in March 2004 for construction of a 3 storey block comprising 9 no. apartments. The application was refused on the grounds that the proposal would constitute an unsatisfactory standard of development in terms of design and layout, would be visually obtrusive, would result in overlooking, and would therefore be seriously injurious to the residential amenities and depreciate the value of property in the vicinity. The proposed development would contravene materially Condition No. 10 attached to existing planning permission D87A/1131.

4.2.4. **PL06D.209387; D04A/901** Permission refused by An Bord Pleanála in February 2005 for the provision of 2 no. 2 storey 3 bed dwellings. The application was refused by the Board on the grounds that the proposal would constitute an unacceptable intrusion on the established open space provision of Hawthorn Manor and would materially contravene Condition No. 10 of Permission granted under planning register number D.87A/1131.

4.3. Additional Cases as referenced by the Applicant

- 4.3.1. **D15A/0457** – 35A Bayview Drive, Killiney, Co Dublin. Permission granted in January 2016 for a two storey dwelling house attached to existing dwelling house. Works to include the enlargement of existing entrance and the extension and alterations to existing dwelling house and all associated site works.
- 4.3.2. **D19A/0744** – Site to the east of Sandyford Road (Coolkill), Sandyford, Dublin 18. Permission granted for the construction of 15 no. dwellings comprising 1 no. 1.5 storey 3-bed detached dwelling; 1 no. 1.5 storey 3-bed detached dwelling, 1 no. 1.5 storey 3-bed detached dwelling, 1 no. 1.5 storey 4-bedroom detached dwelling, 1 no. 2.5 storey 5-bedroom detached dwelling; 2 no. 2.5 storey 5-bedroom detached dwellings, 2 no. 2.5 storey 5-bedroom detached dwellings; and 6 no. duplex units in a single 3 storey block; with vehicular and pedestrian access from the Sandyford Road (Coolkill), car parking, boundary treatments, and all associated on and off site development works.
- 4.3.3. **PL06D.310646; D21A/0297** – 1 Highland Grove, Cabinteely, Co. Dublin. Permission granted by the local authority and subsequently An Bord Pleanála in September 2021 for the construction of a detached two storey house, on a sub-divided site to the side of the existing house, the extended dishing of the pavement to access a new parking area to the proposed house, and to move the parking area for the existing house, a new pedestrian access door to the rear garden and associated site works.
- 4.3.4. **PL06D.308255; D23A/0322** – a corner site at the junction of Woodley Park and Sweetbriar Lane), Kilmacud, Co. Dublin. Permission granted by the local authority and subsequently An Bord Pleanála in December 2020 the construction of a detached 2 bedroom ground floor over basement dwelling on the area of land to the north of the existing house. A single car parking space is proposed, and which is accessible from Sweet Briar Lane.
- 4.3.5. **PL06D.317605; D23A/0322** – Permission granted by the local authority and subsequently An Bord Pleanála in December 2023 for modifications to previously approved permission (PL06D.308255/ D20A/0471); consisting of the omission of basement level, extension of previously approved ground floor footprint to south

boundary, an increase of height previously approved ridge/eaves to roof, the construction of new dormer window to roof to front (east) elevation, omission of chimney to north, general modifications to internal layouts, proposed rooflights and elevational treatment.

4.3.6. **320922-24 D24A/0500/WEB** – 11 Vale View Lawn, Cabinteely, Dublin 18.

Permission refused in September 2024 by the local authority and subsequently granted by An Bord Pleanála in March 2025 for the demolition of a ground floor side extension and the construction of a detached 2-storey, 2 bedroom house with attic room within the side corner garden, with off street parking for 1 no. vehicle and all associated site works.

4.3.7. **PL06D.320654; D24A/0418/WEB** – 27 The Elms, Stillorgan Road, Donnybrook, Dublin. Permission granted by the Local Authority in August 2024 and by An Bord Pleanála in February 2025 for the demolition of a rear garden shed and construction of a new 3 Bed 3 storey detached house. The development will include a new entrance to the existing house and all associated site works.

5.0 Policy Context

5.1. National Planning Framework, First Revision, April 2025

- 5.1.1. **National Policy Objective 43** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.1.2. **National Policy Objective 45** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007

- 5.2.1. These Guidelines set out national planning policy and guidance in relation to housing design.
- 5.2.2. The guidelines do not include targets for a two storey 1B/2P dwelling. However, they include the following for a 1B/2P single storey dwelling: target floor area (44m²); minimum main living room (15 m²) aggregate living area (23m²); aggregate bedroom area (11m²) and storage (2m²).

5.3. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2024

- 5.3.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed.
- 5.3.2. Development standards for housing are set out in Chapter 5, including SPPR 2 in relation to private open space (1-bed + 20 m²).
- 5.3.3. Section 5.3.4 of the Guidelines relates to quantum, form and location of car parking, sets out that,

“the approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.”

5.4. Climate and Low Carbon Development Act 2015 (as amended)

5.4.1. The Acts, to be read in conjunction with Climate Action Plan 2025 with reference to CAP2024, outline 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. They include budgets appropriate across a range of sectors. Of relevance to residential development is the built environment sector. The Commission must be consistent with the Plan in its decision making.

5.5. National Biodiversity Action Plan (NBAP) 2023-2030

5.5.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

5.5.2. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, 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 Commission. 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.

5.6. Dun Laoghaire Rathdown County Development Plan 2022-2028

5.7. Land Use zoning objective

5.7.1. The site is zoned Objective A, “to provide residential development and improve residential amenity while protecting the existing residential amenities.”

5.7.2. Residential is Permitted in Principle under this zoning objective.

5.8. Development Plan Objective

5.8.1. Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.
- Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

5.8.2. The Plan states the following:

The existing housing stock of the County provides a valuable resource in terms of meeting the needs of a growing population and its retention and management is of considerable importance. Retaining and adapting, as appropriate, existing housing stock is important to stem population loss in these areas by promoting and encouraging additional dwelling units within existing communities, particularly those suited to the emerging demographics of an area. Implementation of this policy will necessitate the use of the Council's powers under planning - and other associated legislation - to:

- Encourage densification of the existing residential areas in order to help retain population levels through 'infill' housing. Infill housing should respect or complement the established dwelling type and character of the area (see Section 12.3.7.7).

5.8.3. The Development Plan includes the following development management guidance:

5.9. Corner/Side Garden Sites (Section 12.3.7.5)

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

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.

- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site. M Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in Corner/Side garden development Merville Road with solar panels. certain areas where it may not be appropriate to match the existing design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit, and this will be encouraged by way of corner/ side and infill development. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority, subject to design and level of accommodation provided, there may be some relaxation in private open space and car parking standards for this type of proposal.

5.10. Infill (Section 12.3.7.7)

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall

retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

5.11. Private Open Space (12.8.3.3)

5.11.1. Part (i) refers to Private Open Space for Houses, stating that,

All houses (terraced, semi-detached, detached) shall provide an area of good quality usable private open space behind the front building.

The minimum Private Open Space requirement for a 1-2 bedroom house is 48 sq.m., noting that this provision may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site (Table 12.10 of the Development Plan refers).

5.11.2. In instances where an innovative design response is provided on site, particularly for infill and corner side garden sites, a relaxation in the quantum of private open space may be considered, however this is on a case-by- case basis. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc.

5.12. Natural Heritage Designations

- South Dublin Bay SAC (Site Code: 000210), c.1.75km to the northeast.
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) c.1.75km to the northeast
- South Dublin Bay pNHA (Site Code: 000210), c.1.75km to the northeast.

5.13. EIA Screening

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

report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.14. Appropriate Assessment Screening

- 5.14.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).
- 5.14.2. I have considered the proposed single 2 storey dwelling all associated works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 5.14.3. The closest European sites are the South Dublin Bay SAC (Site Code: 000210), and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), located c.1.75km to the north-east of the subject site.
- 5.14.4. No nature conservation concerns were raised in the planning appeal.
- 5.14.5. The application was accompanied by an Appropriate Assessment Screening Report, which concludes that the proposed development is unlikely to have significant effects on any European sites.
- 5.14.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 5.14.7. The reason for this conclusion is as follows:
 - The distance from nearest European site.
 - The small scale and nature of the subject proposal.
- 5.14.8. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 5.14.9. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

5.15. Water Framework Directive Screening

- 5.15.1. The subject site is located in a built up area in the Greater Dublin Area, c. 672 metres south of the Brewery Stream _010 IE_EA_09B130400, within the Brewery Stream 0_010 sub basin (IE_EA_09B130400). The site is located on top of the ground water body Kilcullen (IE-EA-G-003).
- 5.15.2. The proposed development comprises the construction of a single dwelling within an established estate.
- 5.15.3. No water deterioration concerns were raised in the planning appeal.
- 5.15.4. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 5.15.5. The reason for this conclusion is as follows:
- the small scale and nature of the development.
 - the distance from the nearest water bodies and the lack of hydrological connections.
- 5.15.6. 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.

6.0 Grounds of Appeal

- 6.1.1. The grounds of the 3 no. appeals, from the owners of adjoining properties and a local residents association; and can be summarised as follows:

1. David Gillespie (No.1 St. Margaret's Mews)

- The appellant has regard to the Land and Conveyancing Law Reform Act 2009; relating to the protection of “party structures.”
- The development will be constructed on the appellant’s boundary wall, constituting an encroachment of the appellant’s property rights, creating a party boundary structure to the appellant’s land without his consent.
- The Commission should not permit development that would lead to a material encroachment on a neighbouring landowner’s property without written consent or a conveyancing instrument conferring the necessary rights.
- In the event of a grant of permission, the appellant reserves his right to seek injunctive relief and damages in the courts should construction commence in a manner that encroaches on the appellant’s land or removes or appropriates the existing boundary without his consent.
- The appellant asks that the Commission quash / refuse permission which places the proposed side wall on or over the legal boundary.
- Alternatively, the appellant requests that the Commission require the applicant to provide written consent before any permission which affects or relies upon the boundary wall is implemented; and/or require the applicant to amend the layout, with the proposed dwelling at a set-back distance of a min. of 500mm; requiring that any development on the site does not alter, encroach or amend the existing boundary wall.
- The application refers to a minimum distance of 994mm between the subject property and No. 1 St. Margaret’s Mews. The accurate dimension is 1,066mm.

2. Helen McCann (No. 1 Hawthorn Manor)

- The proposal sets a negative precedent with respect to development of land that was formally designated as public amenity space. The use of this area would undermine permission (D87A/1131) and affect the established character of the local area.
- The proposal would significantly affect daylight to the front windows of the property, particularly during autumn, winter and spring.

- It will affect a semi-mature tree in the appellant's property.
- There is a public need for this open space, rather than its development for commercial gain on behalf of the applicant.

3. The Residents of Hawthorn Manor and No. 9 Rosehill

- The appellants recognise that the planning authority cannot normally adjudicate on matters of ownership; their concerns relate to the management and proper planning of the Hawthorn Manor.
- The site forms part of the public open space of the estate dating from D87A/1131. Condition 10 of this permission required that this area is to be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by the residents on completion of their dwellings.
- This area has been taken in charge by local authority in January 2020.
- The area was maintained by the residents from completion of the estate in the late 1980s until it was taken in charge. Thereafter, the area has been maintained by the local authority with inputs from the residents until 7th February 2024, when a timber post and rail fence was erected blocking access to this open space.
- These issues have been considered in the context of previous applications D04A/0104, PL06D.209387; D04A/0901, D19A/0490, D20A/0066; PL06D.209387 and D25A/0098WEB refer.
- The application is substantially the same as the previous one and should be refused on the same basis; the proposal is out of character with the existing residential estate, which has been taken in charge and would materially contravene Condition 10 of D87A/1131.
- The proposal would include the removal of 2 no. semi-mature beech trees, provided as part of landscape works by the Council. The proposed development is excessively close to a Sycamore tree to the west of the subject site; and there is in addition concern that an ash tree in the

neighbouring garden of No.1 is excessively close to the boundary line on the northern edge of the application site.

- The residents support the recommendation of the Parks and Landscape Department to refuse permission.
- The fence erected in Feb 2024 on the western side of the site contravened Condition 10 of Reg. Ref.: D87A/1131, preventing access for maintenance purposes.
- The residents request that the Commission determine the planning status of the fence, and request the local authority initiate enforcement proceedings against the application to seek the removal of the fence and reinstatement of access to the open space by residents of Hawthorn Manor.
- The proposed new dwelling would be constructed approximately 800m from the existing mature hedge, which forms the boundary of No.1 Hawthorn Manor and tight to the existing fence to St. Margaret's Mews to the east.
- The proposal fails to provide adequate separation and will lead to excessive overshadowing of these dwellings.
- Significant overshadowing and loss of daylight to ground floor and front garden of No. 1 Hawthorn Manor.
- The applicant has incorrectly stated that the proposed development is of a similar height and length as No.1 St. Margaret's Mews and has the same pitched roof profile. This is not the case. The proposal includes an altered roof line. The change in roof line, together with the projection forward of the neighbouring eaves will result in a visually incongruous development, inappropriate for this prominent corner site.
- The projection of the proposed rear facade beyond the rear wall of No. 1 and 2 will give rise to significant negative visual impact on the rear gardens of these properties. It will also result in overshadowing to the rear garden of No. 1 during the summer months, negatively impacting the residential amenities of these properties.

- The owners of 1 St. Margaret's Mews will not permit access to their property to facilitate a development that significantly impacts on the setting and amenity value of their home.
- Loss of open space is contrary to Zoning Objective A of the Development Plan.
- The loss of established public open space is contrary to Objective PHP19: Existing Housing Stock — Adaptation, which requires small scale infill development to have regard to established residential amenities of residential properties.
- The proposed development does not comply with 12.3.7.5 of the Development Plan. the provisions of s.12.3.7.5 do not apply to this site.
- Loss of open space to the estate and disruption of the budling line is contrary to s.3.4 of the Quality Housing Sustainable Communities 2007.
- The internal design is not compliant with Building Control Regulations (Fire Safety: Volume 2: Dwelling Houses).
- Traffic / Parking concerns arising from reliance on use of existing car parking within the estate only. Car ownership in the estate is high.
- The proposal does not comply with the car parking standards of the Development Plan (Table 12.5).

6.2. Applicant Response

- 6.2.1. The First Party response, refers An Coimisiún Pleanála to a Cover Letter issued to the local authority as the outset of the application, prepared by Tea Lane Architects which is in their view addresses matters raised by the Appellants.
- 6.2.2. The Cover Letter, (dated 9th July 2025), comprises a summary of compliance of the proposed development with the relevant planning policy context; a Response to the Planners Report relating to the previous planning application on the subject site, D25B/0098 refers.

6.2.3. The Cover letter also includes a series of planning precedent cases, within the County, which, the applicant considers relevant to this case, as set out in Section 4.3 of this Report.

6.3. Planning Authority Response

6.3.1. A response was received from the planning authority on 14th October 2025. The grounds of appeal do not raise any matters which, in the opinion of the authority, would justify a change in attitude to the proposed development.

6.4. Observations

6.4.1. None received.

6.5. Further Responses

6.5.1. None received.

7.0 Assessment

7.1. Having examined the application details and other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant national and local planning policy guidance, I consider the substantive issues in this appeal area as follows:

- Principle of Development
- Residential Amenity
- Visual Amenity
- Open Space
- Traffic and Transportation
- Other Issues

7.2. Principle of Development

- 7.2.1. The proposed development relates to the provision of 1 no. detached dwelling with front and limited rear garden pedestrian/cyclist access from Newtown Park and all associated works.
- 7.2.2. Residential development is a permissible use under the A land use zoning objective which applies to the site.
- 7.2.3. The proposed development complies with the target gross floor area for a 1B/2P single storey dwelling as identified under the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) and the private amenity standards and minimum separation distances as set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2024). The proposed development complies with the target gross floor area for a 1B/2P single proposed development also accords with private open space standards as set out in the Development Plan.
- 7.2.4. A such, it is considered that the proposed development is acceptable in principle at this location, subject to its compliance with all other relevant development management criteria as discussed below.

7.3. Residential Amenity

- 7.3.1. The residents' group state that the proposed new dwelling would be constructed approximately 8.0m from the existing mature hedge, which forms the boundary of No.1 Hawthorn Manor and is tight to the existing fence to No. 1 St. Margaret's Mews to the east. They state that the proposal fails to provide adequate separation, leading to excessive overshadowing and reduction in access to daylight to these properties.
- 7.3.2. This application relates to the provision of a 2 storey detached dwelling, with a gable wall fronting to No. 1 St. Margaret's Mews to the east.
- 7.3.3. From a review of the drawings as submitted with this application, the Site Layout Plan indicates there is a separation distance of c.8m from the rear of the proposed dwelling and the front façade of No.1 Hawthorn Manor. No.s 1-4 are aligned at an angle.

- 7.3.4. The drawings indicate distances of 837mm and 1,330mm as the closest measurements between the proposed dwelling and No. 1 St. Margaret's Mews to the east. From a review of the Plans, the proposed development includes windows on the southern and western elevations: fronting Newtown Park and footpath and access road into the estate respectively. I note that no windows are provided within the eastern gable elevation, with those provided at ground floor level only on the northern elevation. The non-provision of windows at upper floor level ensures that there is direct overlooking from the subject site to No. 1 Hawthorn Manor, or any other dwellings within the estate as a result of the proposed development. The proposed development would also provide passive surveillance at the entrance to the estate.
- 7.3.5. With respect to the potential loss of daylight, I note that windows are located on the front elevation of No. 1 Hawthorn Manor, and to the front and rear of No. 1 St. Margaret's Mews.
- 7.3.6. The application was accompanied by a Shadow Study, forming part of the drawings as submitted to the Planning Authority in the first instance. No. 1 Hawthorn Manor will experience a slight increase in overshadowing across the front garden of the property in March at 12pm. There is no increase in overshadowing across the property at this time, or at all in June. It will experience an increase in shadows across the property in December at 12pm. However, this is marginal, and I note limited daylight hours at this time of year. I do not consider that the proposed development would not result in significant impacts.
- 7.3.7. No. 1 St. Margaret's Mews will experience a marginal increase in overshadowing at 3pm in the months of March and June, to the rear gardens of these properties. The study shows that the property will not result in any overshadowing to the windows to the front and rear. In this context, I consider that the proposed development would not result in significant impacts with respect to overshadowing or loss of daylight to windows of both properties. This is particularly the case, having regard to the urban context of the site.
- 7.3.8. I note that the Planning Authority has come to the same conclusions in regard.
- 7.3.9. In conclusion, I consider that adequate separation distances are provided between the existing properties including the closest to the north and east, ensuring that the

proposal will not result in significant injurious impacts with respect to loss of daylight currently received by these dwellings.

- 7.3.10. As such, whilst of a differing width and within a small site, I consider that the proposed development provides an adequate transition from the existing development fronting to Newtown Park to the units within the established estate.
- 7.3.11. Development parameters to take account as referenced under S.12.3.7.5 of the Development Plan include potential impacts on the amenities of the neighbouring residents and the provision of adequate private amenity space.
- 7.3.12. As demonstrated above, the proposed development would not result in significant impacts with respect to overlooking, overshadowing and loss of daylight.
- 7.3.13. The proposed development includes an area of private amenity space to the rear of the property, as well as a balcony at first floor level with a total provision of 33.3m², falling below the private open space minimum requirement of 48m² as set out in the Development Plan. Notwithstanding, this policy provides that in instances where an innovative design response is provided on site, particularly for infill and corner side garden sites, a relaxation in the quantum of private open space may be considered, and that the provision of open space to the front and side to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity, etc.
- 7.3.14. In this context, private open space, is provided in the form of a courtyard to the front (south) and rear, with a balcony at first floor level. These areas of private open space are not overlooked, with the concrete boundary wall to Newtown Park at 1.1m, and a lower wall c.675m proposed to the west of the dwelling fronting access to the estate. From a review of the plans, the area to the rear at 1.45m in width is excessively narrow to function as useable private open space. It is otherwise sufficiently deep to facilitate access to the rear of the property at ground floor level, and the provision of trees / landscaping buffer between the subject dwellings and the properties to the rear.
- 7.3.15. I therefore consider that the provision of private open space, to be acceptable in this instance, and to accord with the standards as set out in s.12.3.3 of the Development Plan. I note that this quantum exceeds the private open space requirements for a 1

bedroom house, as set out in SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.

- 7.3.16. The proposed unit also exceeds the standards for the provision of a 1 bedroom (2 storey 2 bed house) as set out in the Quality Housing for Sustainable Communities; Quality House for Sustainable Communities' (DOEHLG, 2007).

7.4. Visual Amenity

- 7.4.1. The resident's group outline that the proposed development would result in a visually incongruous development, inappropriate for this prominent corner site. This primarily relates to the altered roof line, together with the projection forward of the neighbouring eaves.
- 7.4.2. In this context, the proposed dwelling is substantially narrower than the adjoining properties to the east, 4.16m in width towards the front and 4.79m at its widest point, with each of the dwellings and the terrace of 2 no properties within St. Margaret's Mews at a width of 5.75m each. The structure is at the same ridge height of these properties to the east. The proposal includes a first floor terrace, set back from the front building line of the property, with a void in the front roof area. The front door to the property and windows at ground and first floor level are provided within the western elevation.
- 7.4.3. Development standard 12.3.7.5 notes that the Planning Authority will have regard to the size, design and layout, the relationship with adjoining properties and the level of visual harmony, including external finishes and colours. Larger corner sites may allow more variation in design.
- 7.4.4. The subject dwelling has been designed as a corner dwelling, with the entrance fronting to the west to the estate, with materials which integrate with the existing palettes in Hawthorn Manor and fronting Newtown Park.
- 7.4.5. Whilst the property is noted to be narrower than the adjoining property, it is not, in my opinion excessively narrow and otherwise reflects the established heights to the east and within the established urban area, as set out above.
- 7.4.6. The proposed development is considered to accord with design parameters as set out in Section 12.3.7.5 for Corner / Garden sites and as referenced with respect to

small scale infill development under s.12.3.7.7 of the Development Plan, with respect to visual amenities of the site and environs.

7.5. Compliance with Development Plan – Infill Sites

- 7.5.1. The residents' group object on the grounds that the loss of established public open space is contrary to Objective PHP19: Existing Housing Stock — Adaptation. The policy seeks to, inter alia, densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.
- 7.5.2. The residents' group states that the site does not constitute Corner or Garden Site, as referenced in section 12.3.7.5 of the Development Plan. The group consider that the proposed development does not comply with key parameters of this policy, most particularly in respect of the scale, design and layout of the proposed development.
- 7.5.3. Section 12.3.7.7 management standards of the Development Plan with respect to small scale infill sites, refers to Objective PHP19 and outlines that new infill development shall respect the height and massing of existing residential units, retaining the physical character of the area, including boundary walls, trees and landscaping. The policy refers to Section 12.3.7.5 Corner / Garden Sites of the Development Plan for development with respect to design parameters.
- 7.5.4. Corner/garden sites refer to the sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas.
- 7.5.5. The subject site is a greenfield site subject to A zoning objective; and as such does not constitute a corner or garden site, per se; however, it does relate to a small scale infill site as referenced in s.12.3.7.7 of the Development Plan.
- 7.5.6. Development parameters to take account of as referenced in s.12.3.7.5 of the Plan include potential impacts on the amenities of the neighbouring residents and the provision of adequate private amenity space as addressed within the Residential Amenity section of this report.
- 7.5.7. Development parameters also take account of the size, design and layout of the proposal; the relationship with adjoining properties and the level of visual harmony,

including external finishes and colours. Larger corner sites may allow more variation in design; as addressed within the Visual Amenity section of this report.

- 7.5.8. As noted below, the proposed development does not seek to include an additional car parking space, relying otherwise on communal parking within the estate.
- 7.5.9. The parameters of the Development Plan refer to accommodation standards for occupiers and Development Plan standards for existing and proposed dwellings. As set out above, the proposed development accords with the provisions of the Development Plan with respect to private open space provision. The unit also exceeds the relevant standards as set out in the Quality Housing for Sustainable Communities; Quality House for Sustainable Communities' (DOEHLG, 2007) and 2024.
- 7.5.10. The proposed development has had, in my opinion, regard to potential impacts with neighbouring properties, and would not result injurious impacts with respect to overshadowing or loss of access to daylight. The proposed development would accord with national and local car parking standards applicable to this case, as addressed below.
- 7.5.11. The site currently functions as an area public of open space within the estate. The estate is otherwise served by substantial area of open space, zoned F under the Development Plan, as well as a smaller centrally located area also subject to A zoning objective. As addressed below, in my opinion, these remaining 2 no. areas are sufficient to serve the estate.
- 7.5.12. Overall, I consider that the development meets the development parameters relating to a Corner/ Garden Site (Section 12.3.7.5 refers). The proposal therefore is considered to accord with the provision of an infill development as referenced within Section 12.3.7.7 of the Development Plan; and is considered to concur with Policy Objective PHP19, which seeks to, inter alia, densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

7.6. Open Space

- 7.6.1. The residents' group object on the grounds that subject site was designated as part of the public open space under parent permission (D87A/1131) as prescribed under

Condition 10, requiring that these lands to be available for use by the residents on completion of the dwellings.

- 7.6.2. The residents' group set out that the status of the public amenity space at Hawthorn has been addressed within planning applications at the subject site and adjoining sites where permission was refused on grounds which include contravention of Condition 10 (D87A/1131). These include D04A/0104, 209387 D04A/0901 as detailed above within this report.
- 7.6.3. The appellant refers to the decision of the Board to refuse permission (307128-20; D20A/0066) having regard to the restricted and prominent location of a corner site and the established pattern of development, and that the proposed development would constitute overdevelopment of a limited site area and would be out of character with existing development in the area.
- 7.6.4. The report refers to the decision of the Council to refuse permission for the erection of a 2 storey dwelling, whereby permission was refused on the grounds that the proposed development constituted overdevelopment of this site, resulting in an overbearing appearance which fails to respect the established pattern of development in the area (D25B/0098/WEB).
- 7.6.5. As such, it is clear that Condition 10 as attached to Planning Permission D87A/1131 related to the subject site and required the area to be landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings.
- 7.6.6. From a review of the planning history and the reasons of refusal, in my opinion, Condition 10 remains relevant to development of open space within the estate. Notwithstanding, each application must be assessed on its own merits.
- 7.6.7. The subject application is being made on lands which are subject to A zoning objective, which supports the principle of development of this site.
- 7.6.8. The Planner's report has had regard to changing national planning context, with the publication of the First Revision of the National Planning Framework 2030 in April 2025, placing significant regard on housing delivery in Ireland.
- 7.6.9. The planning authority state that they have a responsibility to accelerate housing delivery, ensuring the provision of a broad range of accessible, affordable and high

quality housing which addresses local population needs, and where development satisfies the proper planning and sustainable development of the area.

- 7.6.10. National Policy Objective (NPO) 45 of the NPF seeks to increase density in settlements through a range of measures including “infill development schemes” and “more compact forms of development.”
- 7.6.11. The subject site is located within the Blackrock / Stillorgan area, an established residential suburb of Dublin, with services on lands zoned for NC uses within c.200m of the site, and as such, in my opinion supports, in principle, the provision of a unit on this small site.
- 7.6.12. The appellants object on the grounds of the loss of amenity space within the estate. The site currently functions as an area public of open space which is in the ownership of the applicant; Hawthorn Manor is otherwise served by two other areas of public open space within the estate. Whilst the loss of this area is noted, the estate is otherwise, in my opinion, otherwise sufficiently served with public open space.
- 7.6.13. In summary, the proposed development would result in the loss of an area of public amenity space, which has served the estate, as prescribed under D87A/1131. Notwithstanding, the site is subject to A zoning objective, supporting residential development on this site. The estate is, is otherwise served with sufficient public open space.

Arboricultural Impacts

- 7.6.14. The appellant considers that the proposal is excessively close to a Sycamore tree to the west of the subject site; and there is in addition concern that an ash tree in the neighbouring garden of No.1 is excessively close to the boundary line on the northern edge of the application site.
- 7.6.15. These issues are as raised by the Parks and Landscape Department who have recommended that permission should be refused on that basis.
- 7.6.16. The residents’ group consider that permission should be refused on this basis.
- 7.6.17. The site includes 2 no. semi-mature birch trees, planted by the Parks Department, as referenced within the Parks and Landscape Section report, and identified on the site inspection.

- 7.6.18. Having regard to the age and type of trees and lack of other established planting in this area, I consider that the removal of trees to provide a new residential dwelling is justified, subject to assessment with respect to other planning considerations.
- 7.6.19. With respect to the existing sycamore tree adjacent to the entrance to the estate, The Parks Department consider state that there is potential for impact and damage to the framework of this tree as a result of the proximity to the subject site.
- 7.6.20. I note that the Planning Authority consider that the proposal can be completed without detrimentally impacting on this tree.
- 7.6.21. The application was not accompanied by an Arboricultural Impact Assessment with respect to the removal of trees on site or potential impact to this Sycamore Tree.
- 7.6.22. I note that the tree is located outside the red line boundary of the application, and that this area is not located within Site Location Map; with no lands identified in blue adjoining or abutting the appeal site, indicating that there is no potential to attach a condition relating to the protection of this tree. The tree is not located within an area of open space taken in charge by the local authority.
- 7.6.23. From a site inspection, it is difficult to ascertain the likely impacts from the development. Whilst the loss of the Sycamore tree would have negative impacts to, inter alia, the residential and visual amenities.
- 7.6.24. Notwithstanding, given the reasonable possibility that the tree may survive, I consider that the potential loss of this tree does not outweigh the potential for development on the subject site.

7.7. Traffic and Transportation

- 7.7.1. The third party object on the grounds that the proposal does not comply with the car parking standards as set out in the Development Plan which requires, in their view the provision of 1 no. space to serve the proposal.
- 7.7.2. The appellant notes that car ownership in the estate is high, with residents working from home; and older residents using cars for short daily trips.
- 7.7.3. The proposed development does not include the provision of a car parking space; and would be reliant on the use of communal parking spaces within the estate, including 3 no. spaces to the immediate west of the site.

- 7.7.4. Car Parking standards are as set out in Table 12.5 of the Development Plan and requiring the provision of a standard of 1 no. car parking space within Parking Zone 3 (This is not a maximum standard).
- 7.7.5. The Compact Settlement Guidelines 2024 set out that in all urban areas, car parking provision should be minimised, substantially reduced or wholly eliminated in areas that have good access to urban services and public transport services.
- 7.7.6. The Transportation Department has no objection to the proposed development, having regard to the provisions of the Compact Settlement Guidelines 2024. The Dept. also refer to Section 5.5 Promoting Modal Change and Section 5.6 Promoting Active Travel Cycling and Walking of the Development Plan, which set out the planning authority's policy objectives to promote sustainable travel and encourage a modal shift in favour of public transport and other active modes such as walking and cycling.
- 7.7.7. In this context, policy objectives of the Development Plan take precedence over the standards as set out in the Compact Settlement Guidelines 2024.
- 7.7.8. Section 12.4.5.2 of the Development Plan sets out that in certain circumstances, deviation from the standards will be applied, with reference to small infill residential schemes (up to 0.25 hectares) in neighbourhood or district centres in the subject Zone 3. As such, a deviation from the standard does not apply to this case.
- 7.7.9. Notwithstanding, the site is within 200m of Dunnes Stores and other services within the Stillorgan Park Road centre, along with cafes, pubs and restaurants fronting Newtown Park. The site is also served with public bus services 7B, 7D, S8, L25 L26, 114 serving a range of locations.
- 7.7.10. The non provision of a car parking space at this location, does not accord with the car parking standard as set out in Table 12.5 of the Development Plan.
- 7.7.11. Having regard to the above, I consider that the non-provision of car parking at this urban location for a one bedroom unit, in close proximity to local services and public transport services to be justified, in accordance with the Compact Settlement Guidelines 2024.

7.8. Other Issues

Procedural Matters

- 7.8.1. I note procedural matters as raised by the appellants relating to the positioning of site notices are matters for the local authority to consider and assess on receipt of the application, in order to comply with, inter alia, the Planning and Development Act 2000 (as amended) (the Act) and the Planning and Development Regulations 2001, as amended (the Regulations).

Planning Status

- 7.8.2. The residents' group state that a fence erected in February 2024 on the western side of the subject site contravened Condition 10 of Reg. Ref.: D87A/1131.
- 7.8.3. The residents' group has requested that the Commission determine the planning status of the fence aligned along the western side of the site.
- 7.8.4. They also request the PA to initiate enforcement proceedings against the applicant to seek the removal of the fence and reinstatement of access to the open space by residents of Hawthorn Manor.
- 7.8.5. The determination of the planning status of this fence cannot be assessed as part of the appeal process. I refer the Commission to Section 5 of the Act 2000 as amended, which sets out the process relating to queries on development and exempted development.
- 7.8.6. Similarly, the provisions of the Act relating to enforcement proceedings are undertaken under Part VIII of the Planning and Development Act, 2000 as amended and the Regulations thereunder, relating to Enforcement.
- 7.8.7. These matters aside, the fence has been assessed in the context of the subject application.

Building Regulations

- 7.8.8. The appellants have objected on the grounds that the internal design would require amendments in order to comply with the Building Control Regulations (Fire Safety: Volume 2: Dwelling Houses).
- 7.8.9. From a review of the plans, the layout complies with design standards as set out within the Sustainable Community Design Guidelines 2007 and 2024. They also

comply with the standards relating to private open space as set out in the Development Plan.

- 7.8.10. Notwithstanding, I note that the subject appeal cannot address matters relating to, compliance with the Building Regulations, and refer the Commission to Section 34(13) of the Act, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

Impacts on Party Boundary

- 7.8.11. The adjoining property owner has objected on the grounds that the proposed development has encroached beyond party boundary between these properties; and has referred the Commission to provisions of the Land and Conveyancing Law Reform Act 2009.
- 7.8.12. The appellant refers to a distance of 994mm as cited within the planning application and noting that the true measurement is 1060mm and considers this as intent to encroach on the party boundary. From a review of the plans, it is not clear where the measurement of 994mm has been taken from.
- 7.8.13. It was not possible to verify this measurement on site. Issues relating to proximity between the subject site and adjoining site are otherwise addressed otherwise within this report.
- 7.8.14. This aside, the Commission will note the Commission's role is not to adjudicate on legal matters. I note that this is a civil matter and refer the Commission's attention again to Section 34(13) of the Planning and Development Act, 2000 (as amended).

Taking in Charge

- 7.8.15. The residents' group highlights that the subject site has been taking in charge by the planning authority in January 2020.
- 7.8.16. I note that this process has been undertaken under s.180 of the Act, which provides where a development for which permission is granted including under section 34 of the Act, and includes the construction of 2 or more houses and the provision of new roads, open spaces, car parks, sewers, water mains or service connections, and the development has been completed to the satisfaction of the planning authority, the authority, when requested by inter alia, the majority of the owners of the houses shall initiate procedures under section 11 of the Roads Act, 1993.

- 7.8.17. Section 11 of the Roads Act 1993 provides for the declaration by any road, over which a public right of way exists to be a public road, and the responsibility for its maintenance to remain with the roads authority. Section 180 (5) of the act sets that where a planning authority acts in compliance with this section, references in section 11 of the Roads Act, 1993, to a road authority shall be deemed to include references to a planning authority.
- 7.8.18. Documentation as appended to the third party appeal of Helena McCann confirms that in this case, the PA held a plebiscite to ascertain the wishes of the owners of the houses within the estate, in accordance with s.181(3) of the Act. Residents of 17 no. houses indicated their preference for the County Council to take the open spaces within the estate in charge. This relates to three areas of open space areas within the estate, including the subject site. I note that the ownership of the subject site has not transferred to the planning authority.
- 7.8.19. Whilst not brought up specifically by the appellants within the appeals, I note that the applicant has submitted sufficient legal interest to make an application and that the planning authority has accepted same.

8.0 Recommendation

- 8.1.1. I recommend that Permission is granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the site's location on urban land, the residential zoning objective which applies to this site under the Dun Laoghaire Rathdown County Development Plan 2022- 2028 which applies to this site, the pattern of development in the area, Development standard 12.3.7.7 of the Development Plan relating to Infill Development and Policy Objective PHP19, it is considered that, subject to compliance with the conditions as set out below, the proposed development would constitute an acceptable form of development on an infill site, would be acceptable in

terms of residential amenity for future residents, traffic and pedestrian safety and would not adversely impact on the visual or residential amenities of the area.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 6th August 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2 | <p>The entire dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more habitable units.</p> <p>Reason: To prevent unauthorised development.</p> |
| 3 | <p>All opes on the western façade shall open inward as to not encroach on or overhang the public footpath serving Hawthorn Manor, unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p> |
| 4 | <p>The material finishes development shall be as per the submitted drawings, shall otherwise be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |

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| 5 | <p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection and neighbouring residential amenities</p> |
| 6 | <p>The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.</p> <p>Reason: To provide adequate water and wastewater facilities</p> |
| 7 | <p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p> |
| 8 | <p>All necessary measures shall be taken by the Applicant and Contractor to:</p> <ul style="list-style-type: none"> • prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, • repair any damage to the public road arising from carrying out the works, |

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| | <ul style="list-style-type: none"> • avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works. <p>Reason: In the interest of orderly development.</p> |
| 9 | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |

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.

Aoife McCarthy
Planning Inspector

7th January 2026

Appendix 1: Form 1 - EIA Pre-Screening

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| Case Reference | 500070-25 |
| Proposed Development Summary | Construction of house with associated works. |
| Development Address | Corner of Hawthorn Manor and Newtown Park, Blackrock, Co Dublin |
| | In all cases check box /or leave blank |
| <p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p> | <p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p> |
| <p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p> | |
| <p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p> | |
| <p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p> | |
| <p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p> | |
| <p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p> | |

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| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold. |

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

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|--|--|
| Case Reference | 500070-25 |
| Proposed Development Summary | Construction of house with associated works. |
| Development Address | Corner of Hawthorn Manor and Newtown Park, Blackrock, Co Dublin |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The application relates to the construction of 1 no. dwelling and all associated works.</p> <p>The size is not exceptional in this context. The development would not be exceptional in this context.</p> <p>The development would not result in the production of significant waste, pollution and nuisance.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The site is located within a suburban area, an urban environment.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites.</p> <p>The development would not have the potential to significantly impact any European sites or areas.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>There is no potential for significant effects on the environment.</p> |
| Conclusion | |
| Likelihood of Significant Effects | Conclusion in respect of EIA |

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|---|----------------------|
| There is no real likelihood of significant effects on the environment. | EIA is not required. |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | |
| There is a real likelihood of significant effects on the environment. | |

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)