



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500134-DR

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<b>Development</b>	<b>Demolition of existing bungalow and construction of two two-storey detached dwellings.</b>
<b>Location</b>	<b>25, Louvain, Ardilea, Clonskeagh, Dublin 14, D14HD34</b>
<b>Planning Authority</b>	<b>Dún Laoghaire-Rathdown County Council</b>
<b>Planning Authority Reg. Ref.</b>	<b>D25A/0545/WEB</b>
<b>Applicant(s)</b>	<b>Dan Li</b>
<b>Type of Application</b>	<b>Permission</b>
<b>Planning Authority Decision</b>	<b>Grant Permission + Conditions</b>
<b>Type of Appeal</b>	<b>Third Party Normal Planning Appeal</b>
<b>Appellant(s)</b>	<b>Ardilea Residents Association Denis &amp; Mary Murphy</b>
<b>Observer(s)</b>	<b>None</b>
<b>Date of Site Inspection</b>	<b>28<sup>th</sup> January 2026</b>
<b>Inspector</b>	<b>Aoife McCarthy</b>

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.085 hectares and is located at 25 Louvain, Ardliea, Clonskeagh, Dublin 14.
- 1.2. The site is located within a low density housing estate, comprising a mix of single and dormer detached dwellings on large plots.
- 1.3. The subject site and environs are residential in character.
- 1.4. The subject site comprises a single storey 2 bedroom dwelling with single storey car port structure on its western side. The property is vacant.
- 1.5. The house is centrally located within an elongated site, a driveway and private gardens to the front and rear. It has mature vegetation along all the western and southern and northern boundaries with a less dense planting to the east.
- 1.6. The properties at Louvain are at a 45 degree angle to the access road.
- 1.7. The house is at a slightly higher level than the accessed road; and at a slightly lower levels than the adjoining properties to the east and west.
- 1.8. The subject site is bound the grounds of No.23 and No. 27 Louvain to the east and west respectively, the access road to the north and the rear of properties No. 8, 10 and 12 Salzberg to the south.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:

Permission to demolish the existing derelict bungalow with adjoining garage and carport; to subdivide the site and to construct 2 no. new fully serviced two-storey detached dwellings, a full-height opaque glazed window to the side elevation, and a front porch canopy; 2 no. new vehicular entrances; new boundary treatments; landscaping; installation of solar panels and air-to-water heat pump systems; 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 the 1<sup>st</sup> October 2025, subject to 15 No. Conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (dated 24<sup>th</sup> September 2025)

- 3.2.2. The Report includes a summary of the 5 no. submissions received on file.
- 3.2.3. The report includes a planning history relating to development within Louvain estate.
- 3.2.4. The main points raised under the assessment of the proposal are as follows:
- The PA is satisfied that the proposal is compatible with the A zoning objective which applies to the subject site.
  - The prospective demolition of the existing dwelling and provision of 2 No. modern dwellings is not considered to have an unacceptably negative impact on Louvain or the surrounding area, and would not be contrary to the objectives set out in Policy Objective HER21.
  - Section 12.3.7.7 of the CDP, the scale, massing and appearance of the proposed houses would not have negative impacts on the visual amenity, nor on the residential amenity of neighbouring dwellings.
  - There would be no undue negative impacts on neighbouring residential amenity, arising from the proposed development with respect to overlooking and shadow impact.
  - The PA notes the sylvan nature of the subject site would welcome the retention/reinstatement of as much natural landscaping as part of the proposed development' and consider it appropriate to give the applicant the opportunity to provide revised landscaping proposals that retain as much of the existing tree cover as possible. Should substantial retention of B and C Category trees not be feasible, the Applicant shall provide a robust justification in that regard.

- The reduced scale of the houses renders the window proportions dominant and potentially incongruous. The Planning Authority recommends requesting revised drawings by way of Further Information to address this issue.
- A Request for FI was issued on 29<sup>th</sup> August 2025 and a response received on 7<sup>th</sup> September 2025.
- With respect to Item 1, revised landscape plans including retention of Category B and C trees; fencing in the front gardens has been omitted, pavilion/decking in the rear gardens has been omitted, to safeguard the retained trees; ground level of the rear gardens shall be retained to avoid excavation work and minimise ground disturbance. A revised planting schedule has been provided along with details relating to management of the retained trees. The PA considers that the Applicant has satisfied this Item.
- With respect to Item 2, windows at both ground and first floor level have been reduced in size/scale to the satisfaction of the PA.
- The proposal is in accordance with the Development Plan and, subject to condition, acceptable to the PA.
- The PA recommend that permission should be granted.

### 3.2.5. Other Technical Reports

- **Parks and Landscape Services (8<sup>th</sup> August 2025):** The section recommends that permission should be refused, based on the loss of trees on site.
- **Drainage Planning:** No objection subject to condition.
- **Transportation Planning:** No objection subject to condition.

### 3.3. Prescribed Bodies

### 3.4. Third Party Observations

- 3.4.1. A total of 5 no. third party submissions has been received by the authority. The submissions are from residents and a local residents' group. The grounds of the submissions are summarised as follows:

- Concerns regarding potential interference with observer's property, overlooking and negative impacts on privacy/residential amenity, excessive height, overdevelopment and excessive coverage of the subject site.
- Concerns regarding the removal of trees and boundary planting, disregard of the established building line; the proposal is not in keeping with the established character of the estate; and would set a negative precedent for similar subdivision of sites in the estate; the proposed landscaping measures are insufficient in comparison to the existing scenario.
- The proposal would contravention section 12.3.7.7 of the Development Plan.
- The existing building is in good condition and should not be demolished, taking account of Section 12.3.9 of the Development Plan.
- Concerns regarding the dominance of the vehicular entrances on the frontage of the site; increased traffic activity and noise.
- Prospective drainage issues.
- The shadow study is not legible.
- The public notices were not visible and did not accord with the Regulations.
- The grounds of refusal of the previous application are equally applicable to the subject case.
- Reference is made to planning history in estate, and planning matters as raised within these cases are relevant to the case (PL06D.229798; D08A/0401, D07A/0289 and PL06D.303266; D18A/0916).

3.4.2. A total of 2 no. third party submissions has been received by the Authority further to the receipt by the authority of Further Information from a resident and the local residents' group. The grounds of the submissions are summarised as follows:

- Procedures relating to the public notices at FI stage did not accord with the Regulations.
- Reference to the recommendation of the Parks and Landscape Services section to refuse permission.

- The proposed development does not take account of the character of the estate, with landscaping is an integral fabric of the estate.
- Revisions to the scheme do nothing to address concerns relating to excessive footprint and overbearing impacts.
- the proposed development remains visually domineering.
- Excessive height.
- No justification for removal of the Monkey Puzzle tree.
- the proposal would downgrade the landscaping and degrade the wider landscape at Ardilea.

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

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref D25A/0028/WEB** Permission refused in March 2025 to demolish the existing derelict bungalow on site, sub-divide the site and construction of 2 no. 2 storey dwellings; with pitched roofs and dormer window boxes to the side for staircase to attic, projected window boxes to the front and rear in the attic space and front porch canopy with 2 no. vehicular access entrances onto the public road with new boundary fencing.
- 4.1.2. Permission was refused on the grounds that: the ridge height of the proposed development would far exceed the existing ridge height in its immediate surroundings; and that the proposed development at this infill site in an established residential location would be of overbearing appearance, and negatively impact the existing character at the subject site and its environs. The development would set an undesirable precedent for infill development in the local area, which is contrary to the requirements of Section 12.3.7.7 of the County Development Plan 2022-2028.

## 4.2. Environs of the Site

- 4.2.1. **ABP Ref.: PL06D.310921; D21A/0397:** 23 Louvain, Clonskeagh, Dublin 14. Permission granted by An Bord Pleanála in March 2022 for the construction an extension and refurbishment of a single storey rear return and the construction of a second storey extension.

## 4.3. Environs of the Site (Cases Cited by Appellants)

- 4.3.1. **ABP Ref.:PL06D.303266; D18A/0916:** 2 Louvain (Louvin Villa), Clonskeagh, Dublin 14. Permission refused by An Bord Pleanála in February 2019 for the sub-division of the site and construction of 2 storey dwelling with new vehicular access from Roebuck Road. The grounds of refusal refer to the A Zoning Objective; and having regard to the scale, height and bulk, and proximity to the property to the north, it was considered the proposed dwelling on a constrained site would give rise to overbearing and overshadowing impacts on adjoining property and would be seriously injurious to the residential and visual amenities of the area.
- 4.3.2. **PL06D.229798; D08A/0401** 2 Salamanca, Clonskeagh, Dublin 14. Permission refused by An Bord Pleanála in December 2008, for the construction of an additional 2 storey dwelling with an additional access point. The application was refused having regard to the exposed corner location of the site, and to the siting ,design and external appearance, it was considered that the proposed development would be incongruous and out of character in the Ardilea estate.
- 4.3.3. **D07B/0289:** 28 Louvain, Clonskeagh, Dublin 14. Permission refused in 2007 for the construction of a two-storey extension. The grounds of refusal had regard to the design, length, eaves height and overall height of the proposal, its close proximity to the party boundary shared with No.30 Louvain and the rear elevation of this property, it was considered that the proposal would seriously injure the amenities of the adjoining dwelling to the west and of property in the vicinity by reason of its overbearing scale.

## 5.0 Policy Context

### 5.1. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007

- 5.1.1. These Guidelines set out national planning policy and guidance in relation to housing design.
- 5.1.2. Development standards for housing are set out in Table 5.1 of the document. A standard is not provided for a 4 bed/8 person 2 storey unit, as proposed in this instance. It includes target gross floor area floor area (110m<sup>2</sup>); min. space requirements for main living room (15m<sup>2</sup>), aggregate living area (40m<sup>2</sup>), aggregate bedroom area (43m<sup>2</sup>), internal storage (6m<sup>2</sup>) for a 4 bed/7 person 2 storey dwellings.

### 5.2. Quality Housing for Sustainable Communities, Best Practice Guidelines, 2024

- 5.3. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
- 5.4. Development standards for housing are set out in Chapter 5, including SPPR 1 Separation Distances, a separation distance of at least 16 metres between opposing windows serving habitable rooms<sup>16</sup> at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.
  - 5.4.1. SPPR 2 in relation to private open space (4-bed + 50m<sup>2</sup>).
  - 5.4.2. 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.”
- 5.5. **Climate and Low Carbon Development Act 2015 (as amended)**

5.5.1. 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.

#### **5.6. National Biodiversity Action Plan (NBAP) 2023-2030**

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

5.6.2. 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.

#### **5.7. Dún Laoghaire-Rathdown County Development Plan 2022-2028**

5.7.1. The zoning objective for the subject site is “A”, “to provide residential development and improve residential amenity while protecting the existing residential amenities.”

5.7.2. Residential use is Permitted in Principle as a land use under this zoning objective.

5.7.3. Chapter 3 addresses Climate Action.

#### **5.7.4. Policy Objective CA5: Energy Performance in Buildings**

Policy Objective CA5: Energy Performance in Buildings It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.

#### 5.7.5. **Policy Objective CA6: Retrofit and Reuse of Buildings**

Policy Objective CA6: Retrofit and Reuse of Buildings It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

With 30% of construction related emissions locked into the completed building as 'embodied carbon' priority should be given to repairing and re-using existing buildings in preference to demolition and new-build. This policy objective is again in line with the targets of the DLR CCAP. For new build and repair or retrofit, the Planning Authority will support the use of materials that are sustainably sourced and the reuse and recycling of existing materials wherever possible. Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority (See also Section 12.3.9. Demolition and Replacement Dwellings).

5.7.6. Chapter 4: Neighbourhood – People, Homes and Place sets out policies and objectives on housing in Section 4.3: Homes.

#### 5.7.7. **Policy Objective PHP19: Existing Housing Stock - Adaptation**

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).

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.

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

The Council will encourage the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement and will also encourage the retention of existing houses that, while not Protected Structures or located within an ACA, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character or accommodation type - particularly those in areas consisting of exemplar 19th and 20th Century buildings and estates (see Chapter 3, Policy Objective CA6 and Chapter 12, Section 12.3.9).

5.7.9. Chapter 11 deals with Heritage and Conservation.

5.7.10. **Policy Objective HER21: Nineteenth and Twentieth Century Buildings, Estates and Features:** It is a Policy Objective to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
- ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.
- iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

5.7.11. Chapter 12 deals with Development Management.

5.7.12. Section 12.3.7.5 relates to Corner/Side Garden Sites and states the following:

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

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

5.7.13. Section 12.3.7.7 sets out the following with respect to 'Infill':

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).

5.7.14. Section 12.3.9 Demolition and Replacement Dwellings states following:

The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares.

## 5.8. Natural Heritage Designations

- 5.8.1. The closest European site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), located c.2.2km to the northeast of the subject site.
- 5.8.2. The closest designated site is the Booterstown Marsh pNHA (Site Code: 000205), located c.2.2km to the northeast of the subject site.

## 5.9. EIA Screening

5.9.1. 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.

## 5.10. Appropriate Assessment

5.10.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).

5.10.2. I have considered the proposed demolition of an existing dwelling, construction of 2 no. dwellings and all associated works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

5.10.3. The closest European site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), located c.2.2km to the northeast of the subject site.

5.10.4. No nature conservation concerns were raised in the planning appeal.

5.10.5. 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.

5.10.6. The reason for this conclusion is as follows:

- The distance from nearest European site.
- The small scale and nature of the subject proposal.

5.10.7. 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.

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

## 5.11. Water Framework Directive Screening

- 5.11.1. The subject site is located in a built-up area in the Greater Dublin Area, c. 1.51km east of the Dodder\_050 (Site Code: E\_EA\_09D010900), within the Brewery Stream 0\_010 sub basin (Site Code: IE\_EA\_09B130400).
- 5.11.2. The site is located on top of the ground water body Kilcullen (IE-EA-G-076).
- 5.11.3. The proposed development comprises the demolition of a dwelling and replacement with 2 no. houses, within an established urban context.
- 5.11.4. No water deterioration concerns were raised in the planning appeal.
- 5.11.5. 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.
- 5.11.6. 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.
- 5.11.7. 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of the 2 no. appeals, from residents of a property which sits directly across Louvain Road from the subject site, and from Ardliea Residents Association, and can be summarised as follows:

#### 1. No. 24 Louvain, Ardliea

- The proposal is contrary to the A Zoning Objective, which applies to the site.
- Site coverage would increase from 15% to 34.5%.
- The proposed units would be no more than 3m from the roadway and would overlook their dwelling.
- The proposed to remove all trees from the site, is contrary to the Garden City model, whereby houses are supposed to integrate into the landscaping; the proposal would destroy the character of the estate.
- The proposal to construct two houses on a single plot does not reflect the established pattern of development and would set an undesirable precedent.
- The PA has not implemented HER21 of the Development Plan.
- Reference is made to planning history in estate, and planning matters as raised within these cases are relevant to the case (PL06D.229798; D08A/0401, D07A/0289 and PL06D.303266; D18A/0916).
- The Appellants concur with the initial consideration of the PA; that the proposal is excessive in footprint; insofar as it limited the extent of landscaping.
- The appellant sets out beneficial effects of trees on the macro environment, as set out by the World Economic Forum.
- The mass clearance of trees on site, would affect the varied wildlife eco-system on sites.
- The proposal is contrary to Climate Change Action CCAC which has called for a no-net loss in biodiversity in all construction projects.

- The notice was erected on a tree pole adjacent to the site, rather than at the entrance to the property. At SFI stage, the first notice had been taken down and the trees had to be cut back so that the notice was visible.

## **2. Ardliea Residents Association**

- The proposed dwellings would breach established building line within the estate, reducing the set back by half. Existing planting on the streetscape would be cast aside, setting an entirely unacceptable precedent. The estate benefits from harmony attributed by its distinctive features including the building line. This is significant and a material consideration in this appeal.
- Shadow study is illegible.
- The subject site constitutes an exceptional example of Garden City heritage.
- The subject site, comprising a detached dwelling has accumulated planting typical of it's Garden City heritage, protected in the Development Plan.
- The proposal would result in an excessive loss of planting and resultant loss of property value and residential amenity.
- The proposal is contrary to the A Zoning Objective which applies to this site.
- The planning authority has failed to implement HER21 of the Development Plan.
- The proposal is excessive in footprint, would breach the established building line for this property, resulting in the destruction of too many trees.
- The PA has not taken account of third party concerns relating to heritage, as outlined in the submissions as made to the PA.
- Reference is made to the grounds of refusal with respect to the previous application on the subject site. The proposal would have a similarly overbearing and negative impact on the existing character of the estate, would set an undesirable precedent and would, be contrary to s.12.3.7.7 of the Development Plan.
- Reference is made to planning history in estate, and planning matters as raised within these cases are relevant to the case (PL06D.229798; D08A/0401, D07A/0289 and PL06D.303266; D18A/0916).

- Ardilea was laid out on the Garden City model, contains low density housing enhanced by extensive landscaping. Tree planting, a central aspect to this is under threat with the current application.
- The appellant requests that the Commission confirm the significance of Ardilea as an exemplar of mid-twentieth century housing estate.
- In the event that the Commission decide to grant permission, the appellant requests that the footprint of the houses align with the established building lines, thereby retaining trees which contribute to the character of Ardilea.
- A robust justification has not been provided by the applicant with respect to the proposed destruction of 41 no. trees on this site. The proposed planting does not reflect the existing character of the site; and that this is due to the excessive extent of the proposed dwellings.
- The existing trees on site have not outgrown their intended use, as set out by the applicant. The Monkey puzzle tree is in good condition, with a life expectancy of 20 years.
- The proposal would downgrade the landscape and degrade the wider landscape context of Ardilea and should be refused on that basis.
- Tree Survey drawings are illegible.
- The RA disagree that the existing building has been structurally damaged and upgrading would be challenging and costly. The condition would not be as reflected the Derelict Sites Act 2009, as amended.

## 6.2. Applicant Response

- 6.2.1. The Applicant has responded thematically to the matters raised by in both appeals, summarised as follows:

### **Character of the Proposal**

- The character of Louvain estate is contemporary and varied, defined by architectural diversity and gradual modernisation rather than a fixed or heritage style.

- The proposal has been designed to respond to this context. The overall height has been reduced from 9.9m to 6.6m; the front projection around the windows was reduced and window sizes reduced; ensuring that the properties integrate with the properties and positively contribute to the existing streetscape.

### **Building Line**

- Louvain Road does not exhibit a fixed building line. It's natural curvature, uneven topography and undulating profile, result in dwellings being set back at varying distances from the street.
- A substantial portion of the front garden will be retained as a soft landscaping including lawn and low level shrubs; existing mature trees (2 No. Class B trees, 1 no. Class C3 and 1 no. T1) at the front boundary will also be retained. The measures would preserve an open and visual permeable frontage contributing positively to the character and appearance of the street.

### **Building Scale**

- The proposed two dwellings are comparable in length to the adjoining property at No. 23 (18.65m v 18.15m) but have a reduced width of 9.63m compared to 13.56m of No. 23, ensuring that the new homes sit comfortably within the site, avoiding perception of visual dominance or overbearing impact on neighbouring property.
- The proposed dwellings have been designed to sit at the existing ground floor level of No. 23 Louvain; and have an overall ridge height of 6.6m, remaining consistent with the surrounding properties; ensuring that the vertical scale integrates with the established streetscape.
- Each dwelling benefits from a well proportioned front garden, 2 no. off-street car parking spaces, rear garden (122m<sup>2</sup>), ample set backs from the site boundaries. These measures ensure a high-quality residential amenity, whilst preserving the low density suburban character of the estate.
- The proposed dwellings are set back a distance of 30.7m from the opposing property, ensuring that there is no adverse impact on residential amenity, privacy or visual outlook between the properties.

## **Building Condition**

- The existing dwelling has been vacant and in a state of severe disrepair for over 20 years. Falling roof tiles and prolonged water ingress has caused the bathroom floor to collapse. All windows are decayed, with significant mould growth on the walls and ceiling. the plumbing systems are non functional and the building has an energy rating of G. the layout is outdated with a kitchen area of just 5.88m<sup>2</sup>.
- An engineering assessment confirms that whilst refurbishment is technically feasible, the extent and cost of the works make the full replacement the most practical and sustainable solution. the proposal would deliver a modern A rated dwellings, fully compliant with the current Building Regulations.

## **Landscape Design**

- A total of 43 no. trees were surveyed on and adjacent to the site including 2 on the neighbouring properties.
- Following a detailed review; approximately 40% of the B Class trees and 40% of the C Class trees will be retained where feasible and compatible with the site layout.
- The B Class Monkey Puzzle tree has been assessed independently, confirming that the size and proximity to the proposed footprint pose a direct structural conflict, potentially compromising the long term stability and integrity of the dwelling's foundations. its removal is therefore considered necessary.
- 2 no. Lawson Cypress trees situated adjacent to the public footpath of the driveway entrance obstruct vehicle sight lines and pose risk to pedestrian safety.
- Several Class C trees have been found to create unsafe conditions for fencing insulation and interfere with construction activities.
- Whilst the amenity and heritage value of the B class trees is recognised; public safety and building integrity must take precedence. To compensate, the revised landscape plan includes an additional 9 no. B class trees together with additional grass, shrubs and ground cover to enhance the aesthetic and ecological value of the site.

## **Document Errors**

- The documents as referenced by the Appellants originated from the arboriculture report pages 38 and 44.
- The report is fully legible, and any excerpts used elsewhere were provided solely for reference purposes.

## **Shadow Study**

- The shadow study analysis was conducted by the Applicants architect's using CAD based modelling, providing an accurate and reliable assessment of potential shadow impacts.
- Given the orientation of the site and the modest height of the proposed dwelling, shadowing will be confined to the site, with no undue overshadowing of the neighbouring properties including numbers 23 and 27.

## **Site Notice Display**

- Site notices for the initial application and subsequent clarification of further information were displayed as indicated on the Site Layout Plan. The notice was affixed to an established tree immediate adjacent to the public footpath, along the front site boundary, at eye level. The canopy does not obstruct sightlines along the footpath.

## **Additional Information**

- A drainage plan has been provided for review.
- A boundary fence would be installed at the boundary between the subject site and the site of No. 23, at the Applicant's cost.

## **6.3. Planning Authority Response**

- 6.3.1. A response was received from the planning authority on 24<sup>th</sup> November 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

### No. 24 Louvain, Ardliea

6.5.1. A response as received from the Appellants at No. 24 Louvain, Ardliea, can be summarised as follows:

- The estate is characterised by its verdant nature with single houses set on large plots surrounded by significant planting and vegetation.
- The proposals to retain 40% trees is as feasible which does not demonstrate a commitment to retain trees on site. The CCAC which has called for a no-net loss in biodiversity in all construction projects.
- The proposal would bring the building line to beyond the established building line. the first party has shown a photograph of the current streetscape, however, there no visuals to illustrate the proposed scenario.
- If approved the proposal would provide precedent for single dwellings on large sites to be considered as a series of potential development sites.
- The site notices were not clearly displayed, as outlined in the observation as made on the application to the local authority.

### Ardliea Residents Association

6.5.2. A response as received on behalf of the Ardliea Residents Association, can be summarised as follows:

#### Context

- The character of Ardilea has evolved over seven decades but It's essential characteristics, the density, building line and general architectural pattern remain intact enhanced by extensive garden planting.
- Garden City model does not include a rigid building line; but predominantly, the setting of the houses within a verdant context. The wholesale removal of

the landscaping would result in the destruction of the mature (visual) harmony.

### **Building Condition**

- Section 3.1 of the applicants document state that “no significant structural indicators were observed within the dwelling that would suggest immediate structural instability”. The appellant contends that it provides no case for doubling the density of development and over developing the single site as currently proposed.

### **Public notice**

- The notice as erected further information stage should be yellow as required by the planning code. The correct and necessary notice period was not given and potential third parties were left unaware of the revised proposal. The appellant requests that the Commission is debarred from deciding the appeal; and that permission should be refused.

## 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
- Car Parking
- Landscaping and Open Space
  - Demolition of Building
  - Other Issues

### 7.2. Principle of Development

- 7.2.1. The proposed development relates to the demolition of 1 storey dwelling and provision of 2 no. detached dwellings with 2 no. separate accesses from Louvain Road 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 units comply with the target gross floor area for a 4B/7P 2 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 private open space standards as set out in the Development Plan.
- 7.2.4. Having regard to the above, I consider that the proposed development is acceptable in principle, subject to assessment with respect to the grounds of appeal as raised by the appellants. These are addressed below.

### 7.3. Residential Amenity

#### Overlooking

- 7.3.1. Appellants, residents of property on opposite side of Louvain Road, object on the grounds that the proposal is excessive in footprint; that the proposed units would be located c.3m from the roadway and would overlook their dwelling.
- 7.3.2. From a review of the drawings, I note that both the proposed units have the same layout and are parallel to each other and would maintain the 45 degree angle to the access road, of the existing property, on a northwest to southeast alignment.
- 7.3.3. The drawings illustrate that the units would be set back at a distance of 3.8m at its closest point to the northern site boundary, increasing to 9.35m adjacent to No. 27 Louvain to the west. From a review of plans with the planning documentation, I estimate the total separation distance from the front of No. 24B, the closer of the proposed units to the front boundary wall of the appellants property, at 31.5m, including across the access road.
- 7.3.4. The proposed units would sit at a level of -1.0m extending to a height of +6.6m, designed to align with the ground floor level of adjoining properties at 5.749m. The appellants' property is a bungalow, set behind a front garden and boundary wall.
- 7.3.5. The Development Plan does not include standards relating to the minimum distance between windows at ground floor level to the front of houses. SPPR 1 of the Sustainable Communities Guidelines 2024 recommends that applications should be determined on a case by case basis, in order to prevent undue loss of privacy.
- 7.3.6. The Development Plan supersedes these Guidelines in this regard.
- 7.3.7. I consider that there would be no significant adverse overlooking to the front of the property; having regard to the location of the property on the opposite side of a public road; the existing and proposed boundary treatments and separation distances involved.
- 7.3.8. Whilst not raised within the grounds of appeal, the proposed dwellings include windows at first floor level to habitable rooms. These are located at a distance of c.24.5m from first floor level rear windows of habitable rooms of a house, at No. 10 Salzburg to the south, at its closest point.

- 7.3.9. A separation distance of c.23m to the rear windows of the adjoining property at No. 8 Salzburg, to the east of No. 10. These properties do not face each other directly, with the proposed units aligned at 45 degrees to the northwest; and those at Salzburg at 45 degrees to the southwest.
- 7.3.10. The rear windows of No. 12 Salzburg, to the west of No. 10, is aligned on a north-south alignment; and as a result, do not directly face the rear windows of the proposed development. The rear windows are located at a distance of c.27.5m from the rear windows of the proposed development at its closest point.
- 7.3.11. Properties at Salzburg are at a higher level than the subject site; reducing the potential for direct overlooking from the rear of the respective properties.
- 7.3.12. These distances are considered acceptable, exceeding the minimum standard of 22m of the Development Plan; and the minimum standard of 16m (SPPR 2 of the Sustainable Communities Design Guidelines 2024 refers). The Development Plan supersedes these Guidelines in this regard. The alignment of these sites at 45 degrees to the northwest and southwest respectively; and the level differential further protects potential overlooking from the subject properties and residential properties at No. 8, 10 and 12 Salzburg. The proposed units do not therefore directly overlook the rear of these properties.

### **Overshadowing**

- 7.3.13. The Ardilea Residents Association (ARA) considers that the shadow analysis to be illegible. I note that the application was accompanied by Shadow Study diagrams, which I have assessed and consider to be largely legible, as discussed below. The Shadow Study has included assessment for March and September only and do not include a Summer or Winter dates.
- 7.3.14. There is a huge difference between the sun's position in December and June and the level of daylight at its shortest in December and longest in June. March/September analysis illustrating the most representative shadows arising during the day.
- 7.3.15. The application was not accompanied by a written description of these diagrams.
- 7.3.16. The diagrams refer to 4 times during the day; 9am, 12pm, '15pm' and '18pm'. Based on the shadows as illustrated in this document; I consider that it would be clearer

had the diagrams referred instead to 15:00 or 3pm instead of 15pm and 18:00 or 6pm instead of 18pm.

7.3.17. The extent of shadows cast as a result of the proposed development is based on the height of the proposed structure, the orientation (the sun rising in the east and setting in the west) of the proposal and the existing dwellings and the distance from that dwelling to the east. The dwellings would have a level of +6.6m, at -1m, a marginal increase from the adjoining properties and the existing and adjoining levels of +5.749m.

7.3.18. By a site inspection and the applicant's documentation, I note the following:

- At 9am, shadows arising from the existing dwelling extend across the subject site only; whilst shadows arising from the proposed dwellings would extend across the subject site (both dwellings) and access road to the north.
- At 12pm shadows from the existing dwelling extend across a section of the front garden only; those of the proposed dwellings would extend across a section of the front garden including the footpath and verge of the public road; and along a section of the adjoining property to the east.
- At 3pm, shadows cast by the existing building extend across the site and across approximately a third of the adjoining property to the east; shadows from the proposed development would extend across site of both properties and approximately half way across the adjoining property to the east only.
- At 6pm, shadows from the existing building extend across the rear garden and a section of southeastern section of the adjoining property to the east; and those from the proposed units would extend across the rear gardens and the bulk of the adjoining property to the east.

7.3.19. Having regard to the above, I consider that the proposed development would not result in significant adverse impacts with respect to overshadowing and loss of daylight; particularly when compared to shadows arising from the existing dwelling.

7.3.20. The proposed landscape plans include the retention of a series of Lawson cypress trees on the southern boundary, which would continue to cast shadows over Louvain access road. The proposed landscaping includes the retention of a series of C Class trees on the northern boundary plus the addition of 2 no. of additional trees, would

create shadows primarily to the rear gardens of the proposed units only. The eastern and western boundaries are and the boundary between the units does not include any additional tree planting and therefore is not a factor with respect to planting.

7.3.21. Overall, I do not consider that the proposed development would result in significant adverse impacts with respect to overshadowing and loss of daylight.

#### **7.4. Visual Amenity**

7.4.1. The ARA object on the grounds that the proposal would breach the established building line for this property; that the estate benefits from harmony attributed by its distinctive features including the building line; and is a significant and material consideration in this appeal.

7.4.2. The ARA considers subject site constitutes an exceptional example of Garden City heritage that the ground of refusal of the previous application is equally applicable to the subject case, and that the proposal would have a similar overbearing and negative impact on the existing character of the estate, would set an undesirable precedent and would, be contrary to s.12.3.7.7 of the Development Plan.

7.4.3. In this context, from a review of the file and site inspection, the building line within the estate is varied. The buildings are positioned at 45 degrees to the access road, reflecting the existing and established presentation of buildings at this stretch of the estate.

7.4.4. The depth of the proposed set back distances of between 3.8m at the closest point to 16.5m adjacent to No. 27. The properties are at an overall height of +6.6m, marginally above the level of the existing building. The proposed dwellings are contemporary in design, and would integrate with the established pattern of development in the estate.

7.4.5. I note that the estate has originally contained a specific style, that this has changed over time and now includes a mix of styles, including contemporary design. No. 23 to the east, presents as a full 2 storey development.

7.4.6. I consider that the proposed development would integrate with the existing character of the estate, would not negatively affect the site and environs with respect to overbearing impacts.

7.4.7. I note from a review of the drawings as submitted, windows within the front elevation are, in my opinion, oversized relative to the overall design of the dwellings. During the course of the application, the PA sought to reduce the scale of windows within the overall design of the properties at FI stage. I consider that the revised design would reduce potential overbearance and enhance the visual amenity of the proposed development.

#### **Compliance with Development Plan standards**

- 7.4.8. Objective PHP19 and Section 12.3.7.7 of the Development Plan, outline 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 shall particularly apply to those areas that exemplify early mid 20<sup>th</sup> century suburban 'Garden City' planned settings and estates that do not otherwise benefit from an ACA status or similar. The policy refers to Section 12.3.7.5 Corner / Garden Sites for development parameters.
- 7.4.9. Development parameters under s.12.3.7.5 include design, scale and layout, potential impacts on the amenities of the neighbouring residents, accommodation standards, provision of adequate private open space, car parking, and level of visual harmony, including external finishes and colours.
- 7.4.10. The proposed 2 storey dwellings are of a height and scale which would in my view integrate with the pattern of development within the estate. The dwellings would sit at -1.0m, with an upper height of 6.6m; marginally above the existing levels of + 5.7m. The dwellings would retain the alignment of the site, at 45 degrees to the access roads; reflecting the pattern of development within the immediate environs of the site. The units are brought closer to the front (northwest) than the existing single dwelling; however, the set-backs reflect the pattern of development in the area. The dwellings are contemporary in design, reflecting more recent development within the estate. The proposed units include the use of glazing, rendered concrete which integrate with the existing palettes within Ardlea estate. The windows to the front of the dwellings were reduced in scale, enhancing the visual amenities of the proposed development.
- 7.4.11. As discussed below the site includes 41 no trees with proposed landscape works includes the retention of 17 no. trees and the removal of 24 no. and (including a

Monkey Puzzle tree and Monterey Cypresses); in order facilitate the development. Landscape works include the addition of 5 no. trees, shrubs, grass and ground cover. The overall landscape work, include a number of the existing planting and as such, in my opinion, would integrate with the existing character of the estate and environs.

- 7.4.12. As demonstrated above, the proposed development would not result in significant impacts with respect to overlooking, overshadowing and loss of daylight.
- 7.4.13. The proposed units both exceed the minimum requirement of 48m<sup>2</sup> for private open space as set out in the Development Plan. I note that this quantum exceeds the private open space requirements for a 4 bedroom house, as set out in SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines 2024.
- 7.4.14. The proposed unit also exceeds the standards for the provision of a 7 person (2 storey 4 bed house) as set out in the Quality Housing for Sustainable Communities; Quality House for Sustainable Communities' (DOEHLG, 2007).
- 7.4.15. Overall, I consider that the development accords with Objective PHP19 and Section 12.3.7.7 of the Development Plan; which seeks to, inter alia, densify existing built-up areas in the County through small scale infill development, taking account of the location of the development within mid 20<sup>th</sup> century Garden City suburban estate.
- 7.4.16. Both third parties also refer to planning history in estate, and that planning matters as raised within these cases are relevant to this case (PL06D.229798; D08A/0401, D07A/0289 and PL06D.303266; D18A/0916). From a review of these files, each application must be assessed on its own merits.
- 7.4.17. The appellant resident on the opposite side of the road, objects on the grounds that the proposal to construct two houses on a single plot does not reflect the established pattern of development and would set an undesirable precedent. Again, this and any future application would be assessed on its own merits.
- 7.4.18. Both Third Parties consider that the proposal is contrary to the A Zoning Objective, which applies to the site. Residential use is a permitted in principle under the A zoning objective. The policy seeks to provide residential development and improve residential amenity whilst protecting the existing residential amenities.

7.4.19. The proposed development including the demolition of an existing property and provision of 2 no. dwellings on the subject site. The dwellings would not result in adverse impacts with respect to residential and visual amenities for the prospective residential properties and the adjoining properties. the proposal would also meet residential standards of the Development Plan, the Sustainable Residential Development and Compact Settlement Guidelines 2024; and the Quality Housing for Sustainable Communities; Quality House for Sustainable Communities' (DOEHLG, 2007). I therefore consider that the proposed development would accord with the A zoning objective applicable to this site.

## 7.5. Car Parking

7.5.1. Whilst not raised within the grounds of appeal, development parameters as under s.12.3.7.5 include reference to car parking.

7.5.2. Car Parking standards, as set out in Table 12.5 of the Development Plan require the provision of 2 no. car parking spaces within Zone 3; the relevant zone for the subject site. This is not a maximum standard.

7.5.3. 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.

7.5.4. From a review of the site, I note that the subject site is defined as at a peripheral location, noting that the location of the site does not meet accessibility criteria as set out in Table 3.8 of the Guidelines.

7.5.5. The maximum rate of car parking where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. For peripheral locations, as applies to the subject site, the Guidelines recommend the maximum provision of 2 no. car parking spaces. Policy objectives of the Development Plan take precedence over the standards as set out in the Compact Settlement Guidelines 2024.

7.5.6. The proposed development includes the provision of 2 no. car parking spaces per dwelling.

7.5.7. The Transportation and Drainage Planning sections had no objection to the proposed development, subject to condition.

7.5.8. Having regard to the above, I consider the proposed car parking to accord with the Development Plan and the Compact Settlement Guidelines; and to otherwise be acceptable at this location. I therefore consider that the proposed development is in accordance with development parameters for Corner /Garden sites (section 12.3.7.5); as referenced under s.12.3.7.7 and Policy Objective PHP19 of the Development Plan relating to infill development.

## **7.6. Landscaping and Open Space**

7.6.1. The Appellant set out that the proposal to remove trees from is site is contrary to the Garden City model, whereby houses are supposed to integrate into the landscaping; the proposal would destroy the character of the estate.

7.6.2. The ARA consider that a robust justification has not been provided by the applicant with respect to the proposed destruction of 41 no. trees on this site.

7.6.3. They consider that the proposed planting does not reflect the existing character of the site; and that the proposal would downgrade the landscape and degrade the wider landscape context of Ardilea and should be refused on that basis.

7.6.4. The subject site, comprising a detached dwelling has accumulated planting typical of it's Garden City heritage as protected in the Development Plan.

7.6.5. From a review of the file and site inspection, the estate is low density in character, with traditionally houses on individual sites; and now comprising a mix of styles including contemporary design, as a result of extensions/ refurbishment of properties over time.

7.6.6. From a review of the Tree Survey, the site includes 41 trees, mix of B, C and U class. The B Class Trees consist of a Monkey Puzzle and 4 no. Lawson Cypresses. There are no Tree Protection Orders relating to this site.

7.6.7. The Applicant states that, due to the trees size and proximity to building footprint, the Monkey Puzzle tree would pose a direct structural conflict, potentially compromising the long term stability and integrity of the dwellings' foundations. Two of the Lawson Cypress trees (No.s 2446 & 2447) are situated adjacent to the public footpath at the driveway entrance and have been identified as safety hazards.

- 7.6.8. Replacement planting would offset their removal. In addition, several C class boundary trees have been found to create unsafe conditions for fencing installation and to interfere with construction activities; whilst a number in the southern rear garden substantially reduce natural light to the dwelling and outdoor amenity space. Following careful review, 12 Category C trees have been retained within the revised landscaping proposal to provide ecological value. To compensate for this tree loss, the revised landscape plan proposes the planting of 9 no. new B class trees (Holly, Obelisk, John Downie, Kanzan, Wild Cherry, Hazel, Wild Crab Apple and Rowan) together with additional grass, shrubs and ground cover planting.
- 7.6.9. The ARA considers that the style of replacement tree planting does not accord with the established Garden City style within the estate, due to the excessive footprint of the proposed development.
- 7.6.10. In my opinion, I consider the removal of trees as proposed in this instance to be acceptable taking account of the need to ensure public safety and structural integrity of the building to take precedence. The proposal includes the retention of 2 no. B Class trees and 12 no. Category C trees; as well as the addition of 14 no. new B class trees; which, in my opinion, achieves a balanced approach to landscaping at this site, taking account of the location of the site within the Garden City section of the Development Plan.
- 7.6.11. I consider the inclusion of Condition No.3 as per the PA recommendation is sufficient ensure the protection of trees within the site. I note that the Parks and Landscape Services had concerns with the removal of the trees on site; although I consider the landscaping plan is sufficient to overcome these issues and also the PA where satisfied a condition could these address concerns.
- 7.6.12. With reference to the World Economic Forum, the appellant sets out beneficial effects of trees on the macro environment; and also consider that the proposal is contrary to CCAC calling for a no-net loss in biodiversity in all construction projects.
- 7.6.13. The remit of the WEF does extend to planning in the context of this appeal. Notwithstanding, the subject site, consists of 41 no. trees; of which it is proposed to remove 24 no. (60%); to retain 17 no. trees; the provision of an additional 9 no. trees, grass, shrubs and ground cover planting. Trees for removal include B, C and U Classes.

- 7.6.14. The Applicant states that the site has been vacant for 20 years; and from a review of the file, trees on site have not been managed.
- 7.6.15. In this this context, I consider that the proposed development does not constitute a complete loss of trees, taking account of the additional planting and landscape works forming part of the proposed development. The additional planting has been selected on the basis and should therefore ensure the establishment of these in the long term.

### **Loss of Biodiversity**

- 7.6.16. The proposed development includes the removal of 17 no. trees, whilst includes additional tree planting and landscape works including grass, shrubs and ground cover, as part of the subject application; as described above.
- 7.6.17. In this context, whilst there has been a loss of trees on this site, the proposed works include additional planting, which will itself mature and provide additional biodiversity to the site.
- 7.6.18. Taking account of the fact that the scheme includes the retention of 40% of the existing trees on site; and the additional planting, I consider that in the long term, there would be limited loss of biodiversity at this site in the long term.

### **7.7. Demolition of Building**

- 7.7.1. The ARA disagree with the position of the applicant, that the existing building has been structurally damaged and upgrading would be challenging costly; and consider that the Condition would not be as reflected in the Derelict Sites Act 2009. They consider that a case has not been made to justify the doubling of density as proposed.
- 7.7.2. At the time of site inspection, it was not possible to enter the subject building; however it was possible to explore the external area of the site. With reference to this inspection and the applicant's documentation, the property was observed to be vacant, and in a state of disrepair.
- 7.7.3. A Technical Assessment report submitted at FI stage of the application includes a structural assessment of the building, and concludes that the dwelling exhibits extensive structural and fabric deterioration arising from prolonged vacancy, long-

term water ingress and general neglect. Key observed issues include rotten timber floors, widespread dampness, non-functional services and localised roof failure.

- 7.7.4. No significant structural indicators were observed within the dwelling within the applicant's technical submission, that would suggest immediate structural instability. The property remains in a severely dilapidated condition with extensive deterioration of finishes and services. The report states that restoration would require full re-servicing, floor and roof repairs / replacement, complete insulation and damp-proofing upgrades and repair or renewal of decayed joinery and internal finishes.
- 7.7.5. The report considers that in addition, the layout is cellular and offers limited spatial efficiency and would not readily achieve modern energy performance targets without substantial reconstruction of the fabric.
- 7.7.6. The report states that the proposed development would employ insulated concrete form (ICF) and includes solar panels, a heat pump and mechanical ventilation. These measures would increase the efficiency of the buildings.
- 7.7.7. Having regard to the state of disrepair of the existing dwelling, as a result of ingress of water over a prolonged period and associated issues arising, widespread dampness, non—functional services; the extent of refurbishment associated with the building's restoration; the limited scope to achieve modern energy performance targets; and taking account of the proposal to provide 2 no. energy efficient homes; I consider the demolition of this dwelling is justified in this case.
- 7.7.8. Policy Objective CA6 relates to Retrofit and Reuse of Buildings; and sets out that it is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible, recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009.)
- 7.7.9. The policy also states that where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be acceptable to the PA.
- 7.7.10. In this instance the existing building cannot be incorporated into a new layout, and that the proposed development would double the density of the site (increasing from

1 to 2 no. units). The proposed development would, in my opinion, accord with Policy Objective CA6 of the Development Plan.

## 7.8. Other Issues

### Procedural Matters

- 7.8.1. I note procedural matters as raised by the appellants relating to the positioning of and colour 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).

### Illegible Drawings

- 7.8.2. Tree Survey drawings are illegible. From a review of the Tree Survey, I consider these drawings to be fully legible; and refer the Commission to the assessment, as set out above.

## 8.0 Recommendation

- 8.1. 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 under the Dún Laoghaire -Rathdown County Development Plan 2022- 2028 which applies to this site, the scale, mass and form of the subject proposal, to the pattern of development in the area, Policy Objective PHP19 and development standard 12.3.7.7 of the Development Plan relating to Infill Development, it is considered that, subject to compliance with the conditions as set out below, the proposed development would constitute an acceptable form of development, 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

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8<sup>th</sup> July 2025, as amended by Further Information received on 7<sup>th</sup> September 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><b>Reason:</b> In the interest of clarity.</p>
2	<p>Each proposed house 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><b>Reason:</b> To prevent unauthorised development.</p>
3	<p>To ensure the protection of trees within the site, the Applicant is required to implement all the recommendations pertaining to tree retention and protection as outlined within the submitted tree report and accompanying drawings. The developer is required to retain the services of an Arboricultural Consultant throughout the life of the site development works to ensure the protection of all trees listed for retention. A completion certificate is to be signed off by the Arborist when all works are completed and in line with the submitted original landscape drawings. This certificate is to be submitted to the Planning Authority for written agreement upon the completion of the works.</p> <p><b>Reason:</b> In the interest of orderly development and visual amenity.</p>
4	<p>The footpath and grass verge in front of the proposed vehicular entrances shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks and all to the satisfaction of</p>

	<p>the appropriate utility company and Planning Authority. The footpath and grass verge shall be reinstated at either side the existing vehicular entrance location. In relation to these required works, the Applicant shall contact the Road Maintenance &amp; Control Section to ascertain the required specifications for the works.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
5	<p>Submission of a simple 'Construction Environmental Management Plan' (CEMP) setting out proposals for environmental management of the proposed works to avoid the creation of serious environmental nuisance, such as noise, dust and other emissions that may be considered an environmental nuisance.</p> <p>The Applicant and the appointed Contractor(s) shall ensure that in terms of Construction Waste, records shall be maintained and made available for inspection on site demonstrating tracking of all waste generated to final destination.</p> <p><b>Reason:</b> In the interest of environmental protection and neighbouring residential amenities.</p>
6	<p>The final detailed design and location of building services, such as heat pumps, must avoid the generation of potential conflicts in terms of noise amenity affecting adjoining land uses.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
7	<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</p>

	<p>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>
8	<p>The 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><b>Reason:</b> In the interest of public health.</p>
9	<p>All necessary measures shall be taken by the Applicant and Contractor to:</p> <ul style="list-style-type: none"> <li>• 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,</li> <li>• repair any damage to the public road arising from carrying out the works,</li> <li>• avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.</li> </ul> <p><b>Reason:</b> In the interest of orderly development.</p>
10	<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><b>Reason:</b> 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>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Aoife McCarthy  
Planning Inspector

11<sup>th</sup> February 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Coimisiún Pleanála Case Reference</b>	500134-25		
<b>Proposed Development Summary</b>	Demolition of a house and construction of 2 no. houses with associated works.		
<b>Development Address</b>	25, Louvain, Ardilea, Clonskeagh, Dublin 14		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>			
<b>Yes</b>	X	Class 10(b)(i) Construction of more than 500 dwelling units – Sub Threshold.	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500134-25
<b>Proposed Development Summary</b>	Demolition of a house and construction of 2 no. houses with associated works.
<b>Development Address</b>	25, Louvain, Ardilea, Clonskeagh, Dublin 14
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	The application relates to the construction of 2 no. dwelling and all associated works.  The size is not exceptional in this context.  The development would not be exceptional in this context.  The development would not result in the production of significant waste, pollution and nuisance.
<b>Location of development</b>  (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).	The site is located within a suburban area, an urban environment.  The subject site is not located within or adjacent to any Natura 2000 sites.  The development would not have the potential to significantly impact any European sites or areas.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no potential for significant effects on the environment.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	
<b>There is a real likelihood of significant effects on the environment.</b>	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)