



An
Coimisiún
Pleanála

Inspector's Report PL-500184-DS

Development	Construction of 3 townhouses and all associated landscaping, site works and services.
Location	On Lands at 5 Walkinstown Road, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB2144/25
Applicant(s)	Hentive Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Peter Byrne
Observer(s)	Marian Byrne
Date of Site Inspection	25th February 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The application site, extending to 0.045 Ha. is backland in nature, situated between the rear gardens of dwellings fronting Walkinstown Road to the west, and the rear private amenity space of houses on Thomas Moore Road to the east.
- 1.2. To the north, the site is bounded by former commercial lands/car park which have been cleared to accommodate the Balfe Court residential and commercial development. The scheme is at an advanced stage of construction.
- 1.3. To the south-west lies an industrial unit/warehouse, bounded along its north-west elevation by an access lane serving the rear of properties on Walkinstown Road. The industrial unit has an access onto the lane, and from there connects onto the public road. A separate vehicular access further to the south connects into the car park of an adjoining shopping centre. It is unclear if this access is in active use and a wayleave onto the adjoining 3rd party lands is not indicated. The entrance was observed to be fitted with palisade fencing/metal sheeting. Hatching denoting a traffic box lies adjacent the entrance on the car park lands.
- 1.4. The industrial unit appears to have been updated with external cladding evident.
- 1.5. The appeal site comprises a small plot of land and part of the access road serving the industrial unit. Currently the plot is within the construction site's compound.

2.0 Proposed Development

- 2.1. The wider landholding of which the appeal site forms part, is shown outlined on the urban place map, and formed part of a mixed-use development under ABP307186-20 (Reg. Ref. 4364/19) wherein a split decision permitted Blocks 1-3 (residential and commercial use) to the north of the holding and refused permission for Blocks 4-6 on the narrower southern section. Blocks 1-3 are at an advanced stage of construction.
- 2.2. A Design Statement forming part of the application refers to the wider scheme as Balfe Court, with an Approved Housing Body the intended occupant. Block 1 faces Walkinstown Road and was amended under ABP 310035-21 to provide a four-storey/part five-storey structure (four-storey plus one set back level) containing

apartments and ground floor commercial. Block 2 is a three and four-storey residential block addressing Balfe Road. Block 3 is a terrace of two-storey town houses with roof level accommodation. Ancillary areas include car parking and a communal amenity area.

- 2.3. The appeal site relates to a small plot positioned south-west of the permitted town houses (Block 3). Permission is sought for a terrace of 3 no. single-storey town houses comprising 2 no. 1-bed dwellings and 1 no. 2-bed unit, with associated site works, services and landscaping. The site lies to the rear of proposed surface car parking and footpath which will serve the wider scheme, and which is not yet in place. A narrow, planted strip comprising beech hedging will separate the front elevation of the dwellings from the public realm.
- 2.4. Proposed unit D.01 is a two-bedroom unit extending to 66sq.m. Double doors off the two bedrooms and living/kitchen access amenity space extending to 83sq.m. Unit D.02 is a 58sq.m. one bedroom unit with private amenity space extending to 47sq.m. Unit D.03 is a single bedroom unit extending to 58sq.m. with rear and side access to amenity space totalling 55sq.m. The units are fitted with slated pitched roofs extending to 4.8m in height. A gable feature to the front elevation and elevational treatments comprise 'Old English Buff' brick and painted render. All three units are designed for universal access and to be age and ability friendly.
- 2.5. The scheme would connect to public utilities, including connections to mains water, foul sewer and surface water sewer.
- 2.6. No designated car parking is included as the approved housing body is to manage the overall scheme and will be responsible for the allocation of spaces.
- 2.7. The total gross floor area of the development extends to 182sq.m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council by Order dated 7th October 2025 granted permission subject to 11 no. conditions. Condition No's. 1, 5, 7, 9, 10 and 11 are standard in nature and

Conditions No. 2 and No. 3 relate to a development contribution and lodgement of a bond/cash deposit respectively. The following conditions are noted:

Condition No. 4

'The development shall comply with all applicable conditions of the parent permission (reg. ref. 4364/19, ABP307186-20) save where amended by this grant of permission'.

Condition No. 6

'Prior to the commencement of development the developer shall submit full details of the treatment of the boundary to the front of the houses. This shall consist of a low wall or railing not exceeding 1.2m in height. Any wall shall be capped and shall have a finish of either brick or render/plaster, in each case matching the materials used on the façade of the house'.

Condition No. 8

'The following requirements of the Transportation Planning division shall be complied with:

- (a) A minimum of one cycle parking space shall be provided for each dwelling, in a location which is secure, sheltered and convenient to the dwelling. One additional visitor space shall also be provided within the overall development.*
- (b) All costs incurred by Dublin City council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer'.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report concluded with a recommendation to seek Additional Information with respect to the location of surface water infrastructure. A subsequent report requested Clarification of Additional Information in relation to foul sewer infrastructure crossing the site. The reports otherwise referred to the backland nature of the lands in question; Compliance with the Z1 land use zoning; Supporting national planning guidance and policies and objectives of the Dublin City Development Plan

2022-2028. In noting the planning history of the site and concerns raised in third party submissions, the planning authority referred the Design Statement provided and found that the single storey design, separation distances and limited number of units proposed would not unduly impact the residential amenities of adjoining dwellings or of future residents. Following resolution of matters raised regarding foul sewer and surface water infrastructure, the third and final planning report dated 6th October 2025 included a recommendation to award planning permission

3.2.2. Other Technical Reports

3.2.2.1. Engineering Department- Drainage Division

An initial report from the Division sought Addition Information to determine the exact location of a 525mm dia. public surface water sewer on site.

A subsequent report from the Division sought Clarification of Additional Information as to the location of a 525mm dia. sewer, requesting a minimum set back of 3.0m, together with the results of site investigations, engineering report and revised drawings.

A final report dated 24th September 2025 deemed the response to Clarification of Additional Information to be acceptable, with the report stipulating conditions in the event of a grant of permission.

3.2.2.2. Transportation Planning

Report dated 24th June 2025 refers to the vehicular site entrance to the scheme being within 70m of the Walkinstown Road/Long Mile Road/Drimnagh Road junction, and references an unnamed laneway, not in the charge of the local authority. The report refers to the roadway serving the wider scheme which was deemed acceptable under compliance submission Ref. 4364/19Sub03. A revised car parking layout required under Condition 13 Reg. Ref. 4364/19 (ABP307186-20) was also deemed acceptable under compliance. The Division notes no changes to the layout as submitted.

The site is located within Zone 2 Map J of the Dublin City Development Plan where Table 1.0 Appendix 5 requires 3 no. long term and 1 no. short term bicycle parking spaces. None are demonstrated.

The report stipulates that the maximum car parking is 1 no. space per dwelling, however, no spaces are proposed. The report refers to the planning history of the site and the intent to be car-free. Given the location and number of units proposed, no objection is raised to this arrangement. Conditions relating to cycling parking, recoupment of costs in the event of repairs to the public road and compliance with conditions imposed under former decisions are stipulated.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A number of submissions were received by the Planning Authority. The matters of concern raised are summarised below:

- Previous decisions of An Bord Pleanála over several years refused permission. Concerns have not been overcome by the revised proposals.
- Development would contravene the Dublin City Development Plan, injuring the amenities of existing and future residents.
- Lands are physically unsuitable for housing and comprise a narrow strip between extant rear gardens bounding an access road to an industrial unit.
- The Camac River runs underground behind Thomas Moore Road and flooding has occurred in the past. The scheme could exacerbate future flood risk.
- Development gives rise to drainage concerns.
- Intending residents would benefit from low levels of amenity. The site is overshadowed by mature trees in neighbouring gardens with residents afforded limited garden space and no parking. The new units would be overlooked.
- Development would give rise to loss of privacy and overlooking of neighbouring houses and ground floor windows are afforded less than 22m separation.

- Increased levels of traffic generated, and insufficient car parking would lead to overspill onto neighbouring streets and poor parking behaviours. No mitigation is provided for existing residents, and the development has removed existing areas of car parking.
- Restricted/obstruction of access for emergency services and bin collection for housing and the warehouse.
- Delivery/loading facilities and car parking to serve proposed commercial units is suboptimal.
- Lack of local infrastructure/amenities including play areas, school places and childcare. Lands should be zoned for alternative uses including playground, skatepark, park, wildlife area or amenity space for residents of Balfe Court.
- Legality of site notices.
- Legality of including the laneway to rear of properties on Walkinstown Road within the development. The lane is private, required for 24-hour access and is not maintained by the local authority.
- Original entrance to the industrial unit has been blocked up/wall taken down in the private lane to provide access without consultation or permission.
- Existing housing is infringed by new development and by loss of front garden areas under compulsory purchase to facilitate BusConnects.
- Construction activity has resulted in the breach of working hours conditions and damage to properties.
- Passive surveillance requirements are questioned.

4.0 Planning History

Ref: 4364/19/X1

Extension of Duration of Permission awarded 12th August 2025 for a period of 5 years relating to Reg. Ref. 4364/19 (ABP-307186-20).

ABP PL29S.311086-21 / Reg. Ref. 2650/21

Permission REFUSED by An Bord Pleanála for development comprising (1) demolition of existing warehouse building and all other structures (2) construction of eight residential houses in 2 no. blocks comprising (a) 2 no. two-storey two-bedroom semi-detached houses (b) 6 no. two-storey plus attic level four-bedroom terraced houses, associated access road widening, car parking spaces and ancillary works. The reason for refusal read as follows:

Having regard to the narrow configuration, back land and isolated nature of the site, the predominance of end-on parking to the front of Block 4 proposed to serve development permitted under planning reference number ABP-307186-20 (planning register reference 4364/19), the poor outlook from the dwelling units towards the rear of existing residential properties and their lack of linkage or visual connectivity with the community amenity space serving the larger development permitted under An Bord Pleanála reference number ABP-307186-20 (planning register reference number 4364/19) of which it shall form part, it is considered that the proposed development would seriously injure the residential amenities of the future occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-PL29S.310035-21 / Reg. Ref. 2161/21

Permission GRANTED by An Bord Pleanála for amendments to Reg. Ref. 4364/19 (ABP Ref. 307186-20) for a mixed-use development. Amendments to Block 1 provided for 1 no. additional two-bed apartment and 4 no. one- bedroom units.

ABP PL29S.307186-20 / Reg. Ref. 4364/19

Permission sought for a mixed use commercial and residential development in six blocks comprising two commercial units, 70 no. apartments along with communal meeting space. A Split Decision GRANTED permission for the construction of Blocks 1, 2 and 3 only, and REFUSED permission for Blocks 4, 5 and 6. The reasons for refusal stated:

1. *Having regard to the narrow configuration, back land and isolated nature of the area of the site in which Blocks 4, 5 and 6 are to be located, the predominance of end on*

parking to the front, poor outlook from the dwelling units to the front and rear to either side towards boundaries and the rear of existing residential properties and their lack of linkage or visual connectivity with the community amenity space serving the development, it is considered that the proposed development of Blocks 4, 5 and 6 would seriously injure the residential amenities of the future occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed continuous end on parking provision directly off the access road serving the proposed development and adjoining developments on Walkinstown Road, including locations close to the right angled bend and close to the junction with Walkinstown Road, the Board is not satisfied, on the basis of the information available in connection with the application and the appeals, that the proposed development would not lead to obstruction and conflicting traffic movements that would endanger public safety by reason of traffic hazard.

ABP PL29S.301043 / Reg. Ref. 4388/17

Permission REFUSED for a mixed-use commercial and residential development in four blocks for 3 no. commercial units and 58 no. residential units.

LV29S.307231 / Reg. Ref. 4364/19 Grant Leave to Appeal under Section 37(6) of the Planning and Development Act 2000, as amended.

5.0 Policy Context

5.1. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities.

- Policy guidance in relation to planning and development of urban and rural settlements with a focus on sustainable residential development.
- Section 5.3 relates to Standards for Housing and seeks to enable greater innovation, and a graduated and flexible approach to the application of residential development standards across all housing types. Identifies a need

to review and update standards in relation to separation between dwellings, private, semi-private and public open space provision, car parking and cycle parking.

- SPPR1 Separation distances.
- SPPR 2 Minimum private open space standards for houses.
- SPPR 3 Car parking.
- SPPR 4 Cycle parking and storage.

5.2. **Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities**

- Provides guidance to identify principles and criteria important in the design of housing and highlights specific design features of relevance.
- Section 5 -Dwelling Design. Provides specific design guidance in relation to dwelling units, setting out in Table 5.1 space provision and room sizes for typical dwellings.

5.3. **Dublin City Development Plan 2022-2028**

5.3.1. The Dublin City Development Plan is the operative Development Plan for the area and came into effect on the 14th December 2022.

5.3.2. **Volume 1: Written Statement**

Chapter 4 Shape and Structure of the City

- **Policy SC9 Key urban Villages, Urban Villages and Neighbourhood Centres**

Seeks *inter alia* to support the sustainable consolidation of the city and align with the principles of the 15 minute city.

- **Policy SC11 Compact Growth**

Chapter 5 Quality Housing and Sustainable Neighbourhoods

- **Policy QHSN2** National Guidelines
- **Policy QHSN6** Urban Consolidation
- **Policy QHSN47** High Quality Neighbourhood and Community Facilities

Chapter 14 Land Use Zoning

- The appeal site is zoned Zone Z1 Sustainable Residential Neighbourhoods where the objective seeks *'to protect, provide and improve residential amenities'*.
- Residential is listed as a permitted use.

Chapter 15 Development Standards

Section 15.11 House Developments

Section 15.5.2 Infill Development

Section 15.13. 4 Backland Housing

5.3.3. Volume 2: Appendices

Appendix 5 Transport and Mobility Technical requirements:

- **Section 4.0 Car Parking Standards.**
Dublin City Council is divided into three areas for the purposes of parking control (Map J). The appeal site is located in Zone 2.
- **Table 1 Bicycle Parking Standards for Various Land Uses.**
In all zones, a residential dwelling requires 1 no. long term bicycle parking space and 1 no. short stay/visitor per 5 no. dwellings.
- **Table 2 Maximum Car Parking Standards for Various land Uses** specifies the requisite level of on-site parking to be provided for residents, staff and visitors for various types of development. Section 4.0 states that these car parking standards *'shall be generally regarded as the maximum parking provision and parking provision in excess of these maximum standards shall only be permitted in exceptional circumstances e.g. boundary areas, or where necessary for the sustainable development of a regeneration area'*.
- Table 2 specifies 1 no. space per dwelling in Zone 2.

5.3.4. **Volume 3: Zoning Maps**

- Mapset G illustrates the appeal site within Zone Z1 Sustainable Residential Neighbourhoods.
- Land zoned Z4 Key Urban Villages/Urban Villages is located to the north-east and south-west.

5.4. **Natural Heritage Designations**

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 8.0km

North Bull Island SPA (Site Code 004006) c.11.0km

North West Irish Sea SPA (Site Code 004236) c. 12.0km

Dalkey Islands SPA (Site Code 004172) c. 16.2km

South Dublin Bay SAC (Site Code 000210) c. 8.0km

Rockabill to Dalkey Island SAC (Site Code 003000) c.16.2km

North Dublin Bay SAC (Site Code 000206) c.11.0km

Grand Canal pNHA (Site Code 002104) 1.4km

Dodder Valley pNHA (Site Code 000991) 3.7km

5.5. **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (Refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal against the decision of Dublin City Council, made on the 7th of October 2025 to grant permission, is made by Mr. Peter Byrne. The matters raised in the appeal may be summarised as follows:

- Development of this site has been previously refused by both the planning authority and An Bord Pleanála, most recently under ABP-311086-21. Concerns have not been overcome.
- The site is physically constrained, comprising a narrow strip of back land which has served as a single lane / road to a light industrial unit. The site is unsuited for residential development given its location, size, and overlooking from housing on Walkinstown Road and Thomas Moore Road.
- Development would contravene Dublin City Development Plan – Quality Housing and Sustainable Neighbourhoods.
- The amenities of future residents would be compromised given the poor visual outlook, lack of space and proximity/crowding from nearby housing and apartments.
- Mature trees on neighbouring gardens would overshadow the site.
- Potential for parked cars to block the access given the density of recent development and the insufficient provision of spaces causing serious access concerns for future occupants, including bin and emergency vehicle access.
- The development gives rise to intrusion and erosion of amenities given its proximity to existing properties.
- The site is separated from the local community is served by insufficient amenities in terms of garden size, parking or community areas.
- Legality of the site notice in advertising the development.

6.2. Applicant Response

The matters raised in the response to the Third-Party appeal are summarised below:

- The grounds of appeal are out of step with national policy as expressed in the Compact Settlement Guidelines 2024, the Regional Spatial and Economic Strategy (RSES) including the Metropolitan Area Spatial Plan (MASP).
- Government policy supports the development of brownfield / infill sites for residential development.
- Population increase alone is not a sole parameter in assessing applications and other factors should be considered. The location of the subject site complies with all requirements of compact growth, accessibility, modal shift, concentric and sequential development, town centre renewal and redevelopment of serviced urban lands.
- *Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities* replaces earlier guidance, including Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009. [Introduction and Context -Section 1.1 and 1.2 of the Guidelines are included in the appeal document]. The development has been designed to take account of the foregoing.
- An Bord Pleanála granted permission under Ref 4364/19 and the development is at an advanced stage of construction. An extension of duration of permission was also granted by Dublin City Council.
- Appellants observation was made to the planning authority prior to Further Information and Clarification of Further Information being provided with regard to engineering issues in the lower part of the original site. The upgrade of the original industrial access road, car parking and services were permitted in the original planning permission now under construction.
- The presentation of the subject lands will be improved. Grounds of appeal describing the lands as an unimproved lane are incorrect.
- Trees in neighbouring gardens are to the east of the appeal site and do not cause overshadowing due to the sun path.

- Requirement to comply with conditions of the 'parent' permission Reg. Ref. 4364/19 ABP 307186-20 is viewed as incorrect. The application is not intended as a modification to the permission, but rather a development in its own right. The term 'parent' should be removed from Condition No. 4.

6.3. Planning Authority Response

The planning authority requests that the Commission uphold the decision and requests that if permission is granted, conditions requiring the payment of a development contribution and a bond are included, together with conditions requiring a naming and numbering convention and social housing requirements.

6.4. Observations

An Observation has been received from Marian Byrne. The matters raised are summarised as follows:

- The site has been significantly diminished in size to facilitate parking for the adjacent residential scheme and the light industrial unit.
- Development gives rise to an invasion of privacy for intending occupants and existing residents, resulting in overlooking and loss of light. The proposal would erode the use of private amenity space.
- Units have limited gardens and do not benefit from parking provision.
- The plot is situated between rear garden areas and would not be conducive to sustainable development.
- The scheme is undersupplied with parking. Concerns are raised in relation to access for servicing, delivery and emergency vehicles given the lack of parking and resultant congestion.
- Previous flooding in the area, contrary to the details provided. The river Camac runs underground behind the boundary walls of Thomas Moore Road. Given climate change, the development could play a part in future flood occurrences.
- Precedent to refuse permission on site.
- Development is profit driven and contrary to the Z1 zoning objective.

- The plot should be utilised for the benefit of the neighbourhood as a playground or small park.

7.0 Assessment

7.1. Having examined the application details and all other documentation on the file and having regard to local, regional and national planning policies and guidance and having visited the site, I consider that the main issues in this appeal relate to the following:

- Principle of Development
- Previous Decisions of An Bord Pleanála
- Impact on Residential and Visual Amenities
- Access and Movement
- Other Matters

7.2. Principle of Development

7.2.1. The appeal site forms part of a larger landholding as illustrated on the urban place map provided. Development is well advanced in relation to a mixed-use residential/commercial scheme referred to as Balfe Court, permitted under ABP-307186-20 (amended under ABP-310035-21) to the north of the holding. The appeal site, extending to 0.045Ha is located within the southern, narrower section of the wider landholding.

7.2.2. The Design Statement states that Balfe Court is under development by Hentive Limited (the site owner) for Oaklee Housing, an Approved Housing Body which will ultimately occupy the scheme as the end user.

7.2.3. The operative Dublin City Development Plan 2022-2028 zones the site under Objective Zone Z1 Sustainable Residential Neighbourhoods, the objective of which is *'to protect, provide and improve residential amenities'*. Residential development is permitted under this land use. Lands to the north-east, forming part of the overall

holding and which were subject to ABP-307186-20, are zoned Z4 - Key Urban Villages/Urban Villages. A similar zoning is attributed to the shopping centre/commercial lands to the south-west.

7.2.4. Accordingly, the principle of residential development is permitted on the subject lands.

7.2.5. I note that the description of development as per the public notices does not refer to the scheme as an amendment/alteration to the parent/host scheme but rather would suggest a stand-alone proposal for 3 no. units and associated works. This is examined under Section 7.6 of this report.

7.3. Previous Decisions of An Bord Pleanála

7.3.1. Fundamentally, previous concerns regarding the development of the southern section of the wider landholding have related to its isolated and truncated location, relative to both extant development, and the wider permitted Balfe Court complex and its permitted amenities. Concerns were also raised with respect to obstruction and conflicting traffic movements endangering public safety, although this matter was addressed under the most recent appeal. Recent successive applications have sought to address such concerns by design amendments and by reducing the quantum of development proposed. I set out below in brief chronological order, the most recent and relevant decisions pertaining to the lands which are relevant to this assessment.

ABP 311086-21 (Reg. Ref. 2650/21)

Permission sought for the demolition the existing warehouse and construction of 8 no. dwellings in 2 no. blocks (2 no. two-storey two-bedroom) and 6 no. three-storey, four-bedroom terraced units) and associated works. The proposal provided for a reduction from 3 no. to 2 no. blocks and a reduction in the number of units from 14 no. to 8 no. in the form of housing units. Notwithstanding, the amendments, concerns remained, and permission was refused for the following reason:

‘Having regard to the narrow configuration, backland and isolated nature of the site, the predominance of end-on parking to the front of Block 4 proposed to serve development permitted under planning reference number ABP-307186-20 (planning

register number 4364/19), the poor outlook from the dwelling units towards the rear of existing residential properties and their lack of linkage or visual connectivity with the community amenity space serving the larger development permitted under planning reference number ABP-307186-20 (planning register reference 4364/19) of which it shall form part, it is considered that the proposed development would seriously injure the residential amenities of the future occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area’.

ABP-307186-20 (Reg. Ref. 4364/19)

This formed the initial consent for the Balfe Court complex, providing for the demolition of existing buildings and construction of a mixed-use commercial and residential scheme in 3 no. blocks accommodating 2 no. commercial units, a communal meeting space and 56 no. residential units, with vehicular access from Walkinstown Road and realignment/widening of existing public laneway off Walkinstown Road.

The split decision refused permission for 3 no. blocks comprising 8 no. apartments and 6 no. townhouses to the southern extent of the holding (including the current appeal site) The two reasons stated:

- 1. Having regard to the narrow configuration, back land and isolated nature of the area of the site in which Block 4,5 and 6 are to be located, the predominance of end on parking to the front, poor outlook from the dwelling units to the front and rear to either side towards boundaries and the rear of existing residential properties and their lack of visual connectivity with the community amenity space serving the development, it is considered that the proposed development of Blocks 4,5, and 6 would seriously injure the residential amenities of the amenities of the future occupants and would therefore be contrary to the proper planning and sustainable development of the area’.*
- 2. Having regard to the proposed continuous end on parking provision directly off the access road serving the proposed development and adjoining developments on Walkinstown Road, including locations close to the right angled bend and close to the junction with Walkinstown Road, the board is not satisfied on the basis of the information available in connection with the*

application and the appeals, that the proposed development would not lead to obstruction and conflicting traffic movements that would endanger public safety by reason of traffic hazard.

7.3.2. The scheme currently before the Commission provides for a significantly amended development from that considered under the foregoing appeals. In this regard, the current proposal provides for a modest scheme of three, single storey terraced houses which would lie to the southwestern corner of the permitted townhouses under construction. Notably, the scheme does not provide for the demolition of the extant warehouse/light industrial unit at 5 Walkinstown Road which does not form part of the application. Proposals to date have incorporated the removal of this structure/industrial use and its replacement with residential use. The continuation of its use is a departure from this approach.

7.4. Impact on Residential and Visual Amenities

7.4.1. The site under consideration is limited to a small plot located to the rear of, and at an angle to the permitted town houses. The terrace of 3 no. units is modest in scale and design, with internal floor space complying with the requirements of the Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities. While rear garden depths are somewhat limited, the quantum of private open space is sufficient to meet requirements and to offer appropriate residential amenity. I note the set back of the structures from the rear boundaries of extant dwellings on Thomas Moore Road, noting separation distances from opposing rear elevations in excess of 20m. The separation is such that the residential amenity of existing dwellings is unlikely to be significantly impacted.

7.4.2. A buffer area/ planting strip is proposed between the footpath/car parking area and the front of the dwellings. This is to comprise a new beech hedge, intended to provide year-round screening between the footpath and the windows on the front (west) façade. I am of the view that the measure while welcomed, is of limited extent and does not materially address concerns in relation to future aspect of the units. I note also Condition No. 6 of the planning authority's grant of permission which sought full details of this boundary, including provision of a low wall or railing.

- 7.4.3. No car parking is proposed to serve the three units and cycle space provision as per the Development Plan has not been provided. A condition requiring appropriate on-site bicycle storage would be appropriate if permission is under consideration.
- 7.4.4. Given the modest scale of the dwellings, I am not of the view that the proposal would materially impact the residential amenities of extant dwellings to their immediate rear on Thomas Moore Road or those of dwellings on Walkinstown Road to the north-west. However, as identified under previous assessments, concerns remain in relation to the levels of future amenity which occupants of the units would enjoy. I refer in this regard to long-standing concerns regarding the somewhat isolated nature of the site relative to the permitted Balfe Court scheme and the aspect which the proposed units would be afforded. In this regard, notwithstanding the inclusion of a narrow planted buffer, units would front an area of car parking serving the wider scheme as well as the rear elevation of houses on Walkinstown Road and the associated access lane. The location of the units, potentially serving occupants with mobility concerns, is at a remove from the functional centre of Balfe Court, and notably from the wider commercial centre of Walkinstown.
- 7.4.5. Of particular concern, I note the intent for the extant industrial/warehouse unit to remain, with the Design Statement clarifying that the structure and yard would continue to function into the future as a viable light industrial/ warehouse facility. No detail is provided in relation to the occupant/intended use and I am not aware of recent planning applications (other than those associated with the wider Balfe Court development pertaining). As observed from site inspection, external cladding to the structure appears to have been updated in recent times, but I am not aware that a use/occupant is currently in situ.
- 7.4.6. Given that the curtilage and access road serving the warehouse/industrial unit has been amended under the Balfe Court scheme, the appeal site, which the appellants contend is residual to the needs of the unit, would further reduce the curtilage available for industrial activities. Also, given the proximity of the proposed dwellings to the yard entrance and associated uses thereon, I am of the view that such limited separation has the potential to significantly impact the amenities of future residents.

- 7.4.7. The applicant argues that the area of land in question has a limited functional relationship with the warehouse and has no positive interactions with the adjoining Block, nor the widened access roadway and residential paved parking area. If left undeveloped, the adjoining widened roadway to the west would not benefit from passive surveillance or the coherent completion of the development or landscaping along its eastern edges. This, it is contended, would leave a residual site largely shorn of its original purpose and connection to the existing warehouse and would fail to provide animation or passive surveillance.
- 7.4.8. The applicant also refers to approved compliance submissions in relation to the car parking area/ access roadway serving Balfe Court to the west, clarifying and improving the design of the area, providing for landscaped breaks between short runs of car parking and tree planting. The issues of concern arise due to the piecemeal nature of the proposed development and could be resolved under a more comprehensive development proposal for these residentially zoned lands.

7.5. Access and Movement

- 7.5.1. The Commission is advised that the wider access and parking layout shown on the plans provided corresponds with details submitted to the planning authority in compliance with Condition No. 13 of ABP-307186-20 as per planning authority records dated 22nd September 2022. Condition No. 13 related *inter alia* to a revised road and parking layout, traffic calming and management measures, set back from the junction, dedicated delivery service bays and cycle stands.
- 7.5.2. Condition 12(b) of the decision related to the agreement of a parking management plan and how spaces would be allocated/assigned. Compliance appears to remain outstanding, with planning authority records dated 17th February 2026 indicating that a submission dated 5th December 2025 did not discharge the condition.
- 7.5.3. The Commission is advised that the scheme as permitted under ABP-307186-20 provided for the widening of the existing lane to the rear of properties on Walkinstown Road and for end-on-end parking to its southern side to serve Balfe Court. Parking will be provided immediately to the north of this access road close to its junction with

Walkinstown Road. Further parking spaces are provided along its length and notably immediately adjacent the appeal site- Refer to Drawing Ref '*Block D Proposed Site Plan Drawing No. PL-10 Rev C*'.

- 7.5.4. Access to the industrial unit/warehouse is shown off the amended access lane via an entrance immediately adjacent the proposed houses. This is illustrated on the aforementioned site plan. While I observed a further entrance from the industrial unit to the adjoining shopping centre to the southern boundary, no details are on file to indicate that this is currently operational or intended for future use. In this regard, plans and particulars on file do not indicate a wayleave or other such arrangements as required under Article 22(2)(iii) of the Planning and Development Regulations 2001, as amended. In the absence of such alternative access arrangements being demonstrated, it would appear that vehicular movements generated by the warehouse / industrial unit would utilise the access road serving the housing development.
- 7.5.5. The Design Statement by Douglas Wallace architects indicates that the limited extent of the proposed development would ensure that the remaining warehouse yard and the building itself would continue to function into the future as a viable light industrial/ warehouse facility. No detail is provided in relation to the occupant/intended use in this regard, and no recent planning applications (other than those associated with the wider Balfe Court development appear to pertain).
- 7.5.6. Notwithstanding the extant nature of the industrial unit, the nature of the surrounding receiving environment has considerably altered with the development of Balfe Court, a predominantly residential scheme. Given the absence of detailed information concerning the use of the extant development and associated operational impacts, including vehicular movements, it is not clear to me that housing in such close proximity would enjoy a sufficiently high level of residential amenity.

7.6. **Other Matters**

7.6.1. **Flooding**

I note the Engineering Services Report and Site Specific Flood Risk Assessment (SSFRA) prepared by gdcl Consulting Engineers in support of the application. The

report finds that the site is within Flood Zone C as per the composite flood mapping for the Dublin City Centre and Strategic Flood Risk Assessment SFRA prepared for the Dublin City Development Plan. The report also determines that the site is not at risk from overland flows from tidal and fluvial risks and was reviewed for historical flooding with none confirmed at the site or the surrounding roads. OPW coastal flood maps indicate that flooding does not extend inland near the site, and no flood risk arises from the Liffey. The report finds that the site is outside the fluvial flood extents for all probable fluvial AEP events for the River Camac.

No issues of concern were raised in relation to flood risk as part of the planning authority's assessment.

7.6.2. **Public notices**

Concerns as to the appropriateness of site notice locations are raised in the appeal. The issue of validation and suitability or otherwise of public notices is a matter for the planning authority. In this regard, the planning authority appears to have been satisfied in relation to this matter, noting that the planning report refers to public notices being in place when inspected on the 25th June 2025. I note also that the application was deemed to be valid and that third party submissions were received on foot of the proposal. There is no basis to conclude that parties were prejudiced by any issues in this regard.

7.6.3. **Alternative Use**

The site is zoned Z1 Sustainable Residential Neighbourhoods. While the Third Party Observation indicates that the plot should be utilised for the benefit of the neighbourhood as a playground or small park, the use of the site for residential purposes is compliant with the underlying zoning. No specific map-based objectives or other requirements for particular amenity uses arise in the Development Plan.

7.6.4. Relationship to previous application

Condition No. 4 of the planning authority's decision to grant permission states that *'the development shall comply with all applicable conditions of the parent permission (reg. ref. 4364/19, ABP307186-20) save where amended by this grant of permission'*.

The first party contends there is an error in the application of Condition No. 4, and particularly reference to the term 'parent'. It is contended that the application is not intended as a modification to this permission, but rather a development in its own right. It is requested that the term 'parent' is removed from Condition No. 4. The applicant appears otherwise willing to comply with and abide by the conditions of the original permission.

I note the overall extent of the landholding as outlined in blue on the urban place map provided. While the description of development as per the public notices does not tie the scheme to the host permission as an amendment/alteration, nonetheless, it is clear to me that the scheme is dependent on the original permission in a number of aspects including access arrangements, pedestrian connectivity, communal bin storage areas and use of the central communal amenity space. Furthermore, the supporting Design Statement highlights the universal design of the three units contributing to the overall offer/mix within the Balfe Court development and that the site described as a *'residual hard standing yard area, remote from the main yard area and existing warehouse building it serves, can be brought into better use in order to allow for the coherent completion of the Balfe Court development'*.

In my opinion, the proposed development is inextricably linked to the original permission consenting to the Balfe Court development, irrespective of the term 'parent'. Should the Commission be minded to award permission, it is suggested that an appropriate condition requiring compliance with relevant conditions of ABP307186-20 continues to apply.

8.0 Appropriate Assessment

8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended.

The appeal site is located on zoned, serviced lands in an urban area. The separation distances between the appeal site and Natura 2000 sites situated in the wider area are set out below:

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 8.0km

North Bull Island SPA (Site Code 004006) c.11.0km

North West Irish Sea SPA (Site Code 004236) c. 12.0km

Dalkey Islands SPA (Site Code 004172) c. 16.2km

South Dublin Bay SAC (Site Code 000210) c. 8.0km

Rockabill to Dalkey Island SAC (Site Code 003000) c.16.2km

North Dublin Bay SAC (Site Code 000206) c.11.0km

8.2. The development comprises the construction of 3 no. single storey dwelling units and associated site works, including the provisions of landscaping and connection to services.

8.3. The Planning Authority undertook Appropriate Assessment Screening, determining that significant effects were not likely to arise, either alone or in combination with other plans and projects that would result in significant effects to any Natura 2000 areas. A full Appropriate Assessment of this project was not required

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

8.5. 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. The reason for this conclusion is as follows:

- Nature of the works i.e. construction of 3 no. single storey townhouses and associated site works.
- Location and distance from the nearest European site and lack of connections.

- Taking into account determination of the Planning Authority.

8.6. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

9.0 Water Framework Directive

9.1. The subject site concerns a small plot of land at No. 5 Walkinstown Road Dublin 12. The proposal concerns the construction of 3 no. single storey dwelling houses with associated site works. The appeal site is separated by a distance of approximately 1.3km from the Grand Canal Main Line (Liffey and Dublin Bay) IE_09_AWB_GCMLE; is approximately 2.0km from the River Poddle IE_EA_09P030800, and is approximately 250m from the River Camac_040 IE_EA_09C020500. The site is within the Liffey and Dublin Bay Water Framework Directive Catchment ID09.

9.2. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works concerned, providing for the development of 3 no. single storey dwellings on a brownfield site, with site development works on zoned lands and noting existing connections to public wastewater, water supply and surface water systems.
- Distance from nearest water bodies and/or lack of hydrological connections.

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.

10.0 Recommendation

Having regard to the foregoing, I recommend that permission is refused.

11.0 Reasons and Considerations

Having regard to the location of the proposed dwellings within the overall landholding, the aspect of the units addressing the rear of dwelling houses on Walkinstown Road and car parking serving the wider Balfe Court complex permitted under ABP-307186-20; the proximity of the site to existing industrial / warehousing use on adjoining lands and given the lack of meaningful linkage or visual connectivity provided to future community amenity space intended to serve the wider Balfe Court complex; it is considered that the proposed development would constitute piecemeal development and that future occupants would be afforded limited levels of residential amenity. Having regard to the foregoing, is considered that the proposed development would seriously injure the amenities of future occupants of these dwellings and would be contrary to the proper planning and sustainable development of the area.

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

Patricia Byrne
Planning Inspector

3rd March 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-500184-DS
Proposed Development Summary	Construction of 3 no. townhouses and all associated landscaping, site works and services
Development Address	Lands at 5 Walkinstown Road Dublin 12.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b) Part 2 Schedule 5 Construction of more than 500 dwelling units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<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. No Screening required.	
<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)	3 no. dwellings on a stated site area of 0.045Ha on lands at 5 Walkinstown Road Dublin 12.
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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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-PL-500184-DS
Proposed Development Summary	Construction of 3 no. single storey townhouses comprising 2 no. one bed dwellings and 1 no. 2 bed dwellings and all associated landscaping, site works and services.
Development Address	Lands at 5 Walkinstown Road Dublin 12.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Construction of 3 no. single storey town houses adjacent a permitted residential scheme at Balfe Court Dublin 12. The site is zoned Z1 Sustainable Residential Neighbourhoods, the objective of which is 'to <i>protect, provide and improve residential amenities.</i> ' The site is brownfield in nature and is serviced, extending to 0.045Ha with a stated gross floor area of 182 sq.m. The development does not require the use of substantial natural resources or gives rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (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 development is located within an urban area on lands which are zoned and serviced for development. The site does not impact protected views. The site is situated approximately 8.0km from South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and is a similar distance from South Dublin Bay SAC (Site Code 000210), the closest European sites to the proposal. The site is zoned under Zone Z1 of the Dublin City Development Plan and is not located within an Architectural Conservation Area. No protected structures lie in the immediate vicinity. No cultural or historic impacts arise.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development-3no. single-storey townhouses and its location, removed from sensitive habitats/features; likely limited magnitude and spatial extent of effects; and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	
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: _____ .