



<b>Development</b>	Divide existing site into 2 sites, demolish existing garage and kitchen area. Construct dwelling and associated site works.
<b>Location</b>	32, Knocklyon Heights, Knocklyon, Dublin 16, D16P2K0.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD25A/0189W
<b>Applicant(s)</b>	Liam and Pauline Delaney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party Appeal
<b>Appellant(s)</b>	Cyril McDonnell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> March 2026
<b>Inspector</b>	Emer Doyle

## Table of Contents

1.0	Site Location and Description .....	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision .....	3
4.0	Planning History .....	4
5.0	Policy Context .....	4
6.0	The Appeal.....	6
7.0	Assessment.....	7
8.0	AA Screening .....	10
9.0	Water Framework Directive.....	10
10.0	Recommendation .....	11
11.0	Reasons and Considerations .....	11
12.0	Conditions .....	12
	<b>Appendix 1: Form 1 EIA Pre-Screening .....</b>	<b>16</b>
	<b>Appendix 2: Form 2 - EIA Preliminary Examination .....</b>	<b>19</b>

## 1.0 Site Location and Description

- 1.1. The subject site is located in the side garden of No. 32 Knocklyon Heights, Knocklyon, Co. Dublin. The site is located towards the end of a cul de sac in a mature housing estate c. 250m east of the M50 motorway.
- 1.2. Dwellings in the area are generally substantial in size with varying designs.
- 1.3. The existing dwelling on the site is a two storey dwelling with a mansard type roof. A single storey kitchen and garage is attached to the existing dwelling. The stated site size is 0.086 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development consists of:
  - The subdivision of the site and the construction of a new detached dwelling. The proposed dwelling has a stated area of 193.77m<sup>2</sup>.
  - The construction of a new entrance of 3.6m wide together with a wall of 900mm.
  - All associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission subject to 12 conditions. Condition 2 required the 2 gable windows on the eastern elevation to be fitted with obscure glazing. Condition 3 required an entrance with of 3.5m in lieu of the 3.6m proposed in the application documentation. All other conditions are of a standard nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Notes that proposal is unchanged from previous application granted on the site by SDCC and ABP. Considered that the proposed design was acceptable having regard to the character of the area.

### 3.2.2. Other Technical Reports

- **Environmental Health Officer:** No objection subject to conditions.
- **Roads:** No objection subject to conditions. Condition 1 requires proposed access of 3.6m wide to be reduced to 3.5m wide.
- **Water Services:** Requires Further Information regarding surface water drainage and SUDS calculations.

### 3.3. Prescribed Bodies

**Uisce Eireann-** No objection subject to conditions.

- None.

### 3.4. Third Party Observations

Two no. submissions were received from local residents. The concerns raised are similar in nature to those raised in the appeal.

## 4.0 Planning History

**PA Reg. Ref. SD18A/0179/ ABP Ref. 302269-18**

Permission granted by Planning Authority and by the Commission on appeal for the subdivision of No. 32 Knocklyon Heights and the construction of a new dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

**South Dublin County Development Plan 2022-2028**

Under the County Development Plan, the site is zoned 'RES: To protect and/or improve amenity'.

Relevant policies include the following:

**H11 Objective 4:** To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.

**Policy H13:** Residential Consolidation- Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

**H13 Objective 2:** To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

**H13 Objective 3:** To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

Section 12.6.8 sets out Residential Consolidation standards to include standards relevant to houses on infill/ corner sites.

## 5.2. National Policy

- The National Planning Framework: First Revision
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024.

## 5.3. Natural Heritage Designations

The subject site is not located within a designated site. The nearest are:

Glenasmole Valley SAC c. 4km south-west of the site.

Wicklow Mountain SAC c. 5.7km south of the site.

Wicklow Mountain SPA c. 5.2km south of the site.

## 5.4. **EIA Screening**

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix A 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- The proposed development is located too close to the boundary and constitutes overdevelopment of the site and will detract from residential amenities.
- Concern regarding overlooking and loss of privacy.
- The height and proximity of the proposed dwelling will result in significant overshadowing.
- Concern regarding risk of subsistence due to ground level differences.
- Concern regarding construction impacts.
- Procedural concerns regarding location of site notice.

### 6.2. **Applicant Response**

- None

### 6.3. **Planning Authority Response**

- The Planning Authority confirms its decision and considers that the issues raised in the appeal have been covered in the Chief Executive Order.

## 7.0 **Assessment**

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

- Design and Overlooking
- Other Issues (Construction and Procedural Issues)
- Appropriate Assessment
- Water Framework Directive

### 7.2. **Design and Overlooking**

7.2.1. The proposal consists of the development of a detached two storey dwelling within the site garden of an existing detached dwelling. The proposed dwelling will consist of a floor area of c.194m<sup>2</sup> and will consist of 4 bedrooms with a total height of 8.2m to include an attic floor.

7.2.2. The grounds of appeal raise concerns regarding the proximity of the proposed dwelling to the boundary, the height and massing of the dwelling, the two rear first floor windows, and the precedent the proposed design will set for future development in the area. It is considered that the proposed development will have an overbearing appearance. Additional concerns are raised in relation to overshadowing, overlooking and loss of privacy.

7.2.3. I have reviewed the plans submitted. I consider that the scale and height of the proposed dwelling is in line with existing development in the area. I note that there

is no change to the design from the drawings previously granted on the site under the history application. I refer the Commission to the drawing submitted with the application which shows adjacent development in the vicinity, together with photographs taken on the site inspection. Whilst the proposed development would be slightly higher than the existing dwelling on the site, which has a mansard type roof, I do not consider that the proposed development would be out of character with the area. On my site inspection, I noted that generally the area is characterised by very large houses on substantial sites with a wide range of designs and finishes. As such, I do not consider that the proposed development would detract from the visual amenities of the area or set an unwelcome precedent in the area and consider that it can be successfully integrated into the area.

7.2.4. In terms of overlooking, the appellant is concerned regarding the proposed first floor rear windows. I note that the Planning Authority has included a condition regarding obscure glazing on the gable windows on the eastern elevation, however the appeal points out that 'these windows are not identified in their objections.'. The proposed rear first floor windows face away from the garden of the objector's dwelling at No. 28 Knocklyon Heights and as such, I consider that the proposed development would not unduly impact on the privacy of neighbouring dwellings. The Development Plan Policy H11 Objective 4 requires that opposing balconies and windows above first floor level have adequate separation distance, design or positioning to safeguard privacy. I note that there are no first floor windows in the western elevation directly facing the objector's dwelling and windows in the first floor eastern elevation serve non-habitable rooms including a bathroom and stairs. Should the Commission decide to grant permission, I do not consider that a condition requiring obscure glazing is not necessary for non-habitable rooms. I note that the Commission did not include a condition of this nature in the history application under ABP 302269-18. In sum, I do not consider that undue overlooking would occur from any windows above first floor level.

7.2.5. In terms of overshadowing and loss of light, having regard to the orientation of the site and the scale and height of the proposed development, I consider that impacts will be negligible on neighbouring properties.

- 7.2.6. In terms of the proximity to the boundary wall, I note that the width is c. 0.8m. I consider that this is sufficient to allow access during construction work and would not detract from the residential amenities of the future occupier.
- 7.2.7. I am satisfied that the proposed development complies with the standards set out in Section 12.6.7 and 12.6.8 in relation to Residential Consolidation. Having regard to the location of the proposed development within a side garden of an existing dwelling within an existing residential development, together with the design proposed and separation distance to the appellant's property, it is in my opinion that the proposed development will not negatively impact the residential character of the area and negatively impact residential amenity of the adjacent properties.

### 7.3. **Other Issues**

#### Construction

- 7.3.1. The ground of appeal have raised concerns in relation to construction impacts.

It is acknowledged that there will be some impact to residents during the construction period, as part of the planning conditions in the event of a grant of permission, a Construction Management Plan shall be submitted to the Planning Authority for agreement prior to commencement in order to avoid any undue negative impact to residents during the construction period.

#### Procedural Issues

- 7.3.2. The grounds of appeal raise concerns that the site notice was erected in the front garden of the site rendering it invisible to the wider public and especially to residents outside the immediate cul de sac.

I am satisfied that the applicant has displayed the site notice as required by the Planning and Development Regulations and that the proposed development has also been advertised as required. The Planning Authority has accepted this application as a valid application and the Commission has no further role in this matter.

## 8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within a designated site, with the nearest site being Glenasmole Valley SAC c. 4km south of the subject site.

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:

- Scale and size of the proposed development within an existing residential development
  - Distance to the nearest European site - Glenasmole Valley SAC (site code: 004124) is located approximately 4km south of the subject site.
  - The lack of connections to the SAC.
  - Connection to public water, drain and sewer.
- 8.3. 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 therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Water Framework Directive

- 9.1. The subject site is located in the urban area of Knockylon, Co. Dublin. The nearest waterbody is the DODDER\_040 IE\_EA\_09D010620 (moderate status), c. 360m west of the subject site. The proposed development will consist of a new two-storey dwelling and all associated site works. No third-party concerns were raised in relation to water deterioration.

9.2. I have assessed the proposed development 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 & 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.

- Scale and size of the proposed development
- Separation to nearest water body
- Connection to public water, sewer and drainage

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

10.1. I recommend that planning permission should be granted, subject to conditions for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

11.1. Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale and character of the proposed development and to the policies and objectives of the South Dublin County Development Plan 2022-2028, as well as national guidance including Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse

impact and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

**Reason: In the interest of clarity.**

2. 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.

**Reason: To prevent flooding and in the interests of sustainable drainage.**

3. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason: In the interest of public health and to ensure adequate water/wastewater facilities.**

4. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of

the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and

dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

8. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

9. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.”

---

Emer Doyle

Planning Inspector

19<sup>th</sup> March 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	500186
<b>Proposed Development Summary</b>	Division of site and construction of new detached dwelling.
<b>Development Address</b>	32 Knocklyon Heights, Knocklyon, Dublin 16.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	

<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b>	Class 10b(i) Construction of more than 500 dwelling units.  The proposal consists of the subdivision of a site to provide for one additional dwelling unit.

<b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500186
<b>Proposed Development Summary</b>	Division of site and construction of new detached dwelling.
<b>Development Address</b>	32 Knocklyon Heights, Knocklyon, Dublin 16.
<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).	<p>The development consists of 1 no. dwelling within the urban area of Knocklyon, Co, Dublin in the garden of an existing detached dwelling.</p> <p>The development consisted of typical construction and related activities and site works.</p> <p>Surface water discharged to a public drain.</p> <p>Wastewater discharged to public sewer.</p>
<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	<p>The site is not within a designated site.</p> <p>The nearest are:</p> <p>Glenasmole Valley SAC c. 4km south-west of the site.  Wicklow Mountain SAC c. 5.7km south of the site.  Wicklow Mountain SPA c. 5.2km south of the site.</p> <p>My Appropriate Assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>

<p>of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is located outside any flood risk area for coastal and fluvial flooding.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site measures 0.086 ha. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>The proposal relates to the infill of a dwelling in the side garden of an existing detached dwelling. There are existing adjacent dwellings to the proposed site. However, there is no real likelihood of significant cumulative effects within the existing and permitted projects in the areas.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant</b></p>	<p><b>EIA is not required.</b></p>

<b>effects on the environment.</b>	
<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)

