



An
Coimisiún
Pleanála

Inspector's Report

PL-500449-DN-25

Development	Construction of a single dwelling and all associated site works.
Location	1 Kincora Avenue, Clontarf, Dublin 3.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2621/25
Applicant(s)	Kevin Daly
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	<ol style="list-style-type: none">1. Damien O Higgins2. Frances O'Reilly3. Frank and Anna O'Dwyer
Observer(s)	<ol style="list-style-type: none">1. Cllr. Kevin Breen2. Barry Heneghan T.D.
Date of Site Inspection	13 th February 2026
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located at No. 1 Kincora Avenue, Clontarf, Dublin 3. It lies northeast of Dublin City Centre.
- 1.2. The surrounding area is predominantly residential comprising two storey semi-detached houses, and terraced houses. A parade of neighbourhood shops is located on the northern side Kincora Ave.
- 1.3. A short roadway from Kincora Avenue runs along the northeastern boundary of the appeal site which serves three no. dwellings in Walpole Mews. House Nos. 4- 8. The Mews are located to the east and back onto the appeal site. The appeal site adjoins the rear garden of No. 3 Kincora Avenue to the west. House No. 5 A has been constructed to the rear of No. 5 further to the west.
- 1.4. A laneway is located to the south which is accessed from Victoria Road which is located within the Haddon Road and Victoria Road Architectural Conservation Area (ACA).
- 1.5. No. 1 Kincora Avenue is a two-storey semi-detached dwelling which benefits from a long rear garden measuring approx. 45m in length. There is a gradual slope from north to south with a fall of approx. 1.2m at the southern end of the site.
- 1.6. The existing rear garden is bounded to the east and south by an old wall consisting of masonry construction on the lower section and brickwork on the upper section. It measures 2.55m above garden level on the eastern side and 2.3m on the southern side. The western boundary consists of a low concrete block wall of 1-1.1m and steps up to 1.6m in height which runs south from a timber fence erected between the immediate rear of the two properties.
- 1.7. The site has a stated area of 0.075ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 09/07/2025 with further plans and details submitted 28/10/2025 following a further information request dated 02/09/2025.

- 2.2. As amended the proposal provides for the construction of a new single storey detached dwelling in the rear garden of the existing house. The proposed house has a stated area of 151sqm.
- 2.3. It is proposed to demolish the existing single storey flat roof garage / utility to the side of the existing house which has a stated area of 20.30sqm. This is to facilitate vehicular access to the proposed dwelling.
- 2.4. Vehicular access is proposed to the front of 1 Kincora Avenue via a shared entrance, with provision of 1 no. parking space adjacent to existing dwelling.
- 2.5. It is proposed to construct of a new boundary wall between the proposed dwelling and the existing two storey dwelling.
- 2.6. The application was accompanied by the following
 - Pre connection enquiry to Irish Water
 - Architectural/Planning Report
 - Letter of Consent from landowner
- 2.7. Submitted by way of Further Information
 - Revised site layout and elevational drawings
 - Consulting Engineers drawing showing a swept path/auto track analysis

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant planning permission on 01/10/2025 subject to 11 no. conditions.

Conditions of note are as follows:

- Condition 2: Section 48 Development Contribution €13,642.20.
- Condition 3: Materials and finishes.
- Condition 4: Screening and solid non-glazed openings permanently retained.
- Condition 5: Naming and Numbering.

- Condition 6: Drainage requirements.
- Condition 7: Roads requirements.
- Condition 8: Requirements in relation to standard of development
- Condition 9: Hours of construction.
- Condition 10: Noise Control
- Condition 11: Roadways to be kept clear of debris.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planner's report dated 19/05/2025 notes the following

- *Visual Intrusion* – Minimised with flat roof and parapet height of 3.3m
- *Footprint* – Depth of 23.41m. consists of two elements connected via a hallway
- *Windows* – Six windows along the side (west) elevation, three windows in the side (east) elevation and one window and one entrance in both the front (north) and rear (south) elevations.
- *Scale and Appearance* – Proposed dwelling is lower in height than the nearest comparable development No. 5 Kincora Ave. to the west.
- *Separation Distances* – Appropriate set back from rear elevation of parent dwelling and site boundaries.
- *Development Standards* – Exceeds target floor areas for 3 bed houses. Sufficient private open space for the proposed dwelling and existing dwelling.
- *Boundary treatments* – No alterations proposed.
- *Impact on Adjoining Properties* – Concern in relation to impact of proposed windows on western elevation due to the height of the windows, along the side facing the rear garden of No. 3 coupled with height of shared boundary wall c.1.6m. Remaining windows acceptable.
- *Boundary Wall* – To the south and east not a protected structure and as such is not considered a significant feature.

- *Daylight and Sunlight* – Proposed dwelling is unlikely to have any perceptible impact having regard to the single storey nature and relatively modest height of the proposed dwelling.
- *Visual Amenity* – Innocuous design and relatively modest height located in the rear garden would not detract from the established character of the area.
- *Access and Movement* – Proposal to widen entrance from 2-4m to allow for a shared entrance in compliance with Section 4.3.1 of Appendix 5 of CDP.
- *Proposed car space* – Concern regarding location to the side of the proposed front garden along the eastern boundary
- *Vehicular Movements* – Concern regarding noise and light disturbance in rear garden to adjoining properties.

A request for further information recommended.

The 2nd Planners report dated 01/10/2025 following further information notes

- **Item 1** – *Safe Access and egress for emergency vehicles* – Swept path/auto-track analysis acceptable.
- **Item 2** – *Windows to side western elevation* – Alternative proposal to the glazing and window openings, along with additional boundary screening acceptable.
- **Item 3** – *Location of car parking space* – Relocated car space acceptable.

3.2.2. Other Technical Reports

- **Transportation Planning:** 1st Report dated 15/08/2025 recommends further information in respect of access for emergency vehicles. 2nd Report dated 10/11/2025 recommends a grant subject to requirements.
- **Drainage:** Report dated 21/08/2025 recommends no objection subject to requirements.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. 6 no. observations were received by the PA from the following parties;

- Caitlin O'Connor
- Damien O'Higgins
- Frank & Anna O'Dwyer
- Frances Reilly
- Geraldine Hall
- Joan Casey

3.4.2. Issues raised are similar to those raised in the grounds of appeal and are summarised in section 6.1 of this report.

4.0 Planning History

Appeal Site

PA Reg.Ref.1046/01: Permission **granted** 16/07/2001 for 3 no. three-bedroom mews dwellings with on-site car parking opening on the back lane behind Kincora Road; on site car parking and ancillary site works including making good of all existing boundaries.

No. 5 Kincora Avenue

PA Reg.Ref.3622/09 ABP PL29N.235126: Retention Permission **granted** with conditions for amendments to previously approved planning application reg. ref. 4362/07 to include completion of works, repositioning of dwelling on site, minor alterations to east and west elevations and increase in internal floor area to 75sq.m.

PA Reg.Ref.3496/08: Permission **granted** with conditions for amendments to previously approved planning application reg. ref. 4362/07 to increase bungalow floor area from 55sq.m to 78sq.m and roof height from 4.2m to 5.55m.

PA Reg.Ref.4362/07: Permission **granted** with conditions for the demolition of existing single storey garage / kitchen & chimney to side & outbuildings to rear of existing dwelling. The construction of a single storey extension to rear with new

shared vehicular access to front & new vehicular access laneway alongside of existing dwelling and new detached dormer dwelling with parking to site at rear.

No. 6 Kincora Avenue

PA Reg.Ref.4749/06: Permission **granted** with conditions for the construction of a two-storey detached dwelling with additional vehicular entrance at the side.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

The subject site is zoned under objective Z1- Sustainable Residential Neighbourhoods. This objective seeks *‘to protect and/or improve residential amenities.’*

Chapter 2: Core Strategy

Section 2.2 stated *‘Based on the population targets and calculated housing need set out within national and regional planning policy, guidelines and prescribed methodology, the development plan must accommodate between 20,120 – 31,520 additional persons up to an overall population target of between 625,750 and 640,000 by 2028. The housing demand calculated sets a requirement for the development plan to provide for approximately 40,000 housing units between 2022 and 2028.’*

Chapter 4: Shape and Structure of the City

- Policy SC10: Urban Density Policy
- SC11: Compact Growth Policy
- SC12: Housing Mix

Chapter 5: Quality Housing and Sustainable Neighbourhoods.

- **Policy QHSN2** National Guidelines

Seeks ‘to have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2020), ‘Sustainable Residential Development in Urban

Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.’

- **Policy QHSN6** Urban Consolidation

Seeks ‘to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.’

- **Policy QHSN10** Urban Density

Seeks ‘to promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.’

- **Objective QHSNO4** Densification of Suburbs

Seeks ‘to support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.’

Policy QHSN11 seeks ‘to promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.’

- **Policy QHSN11** 15-Minute City

- **Policy QHSN22** Adaptable and Flexible Housing

Seeks ‘to ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government’s ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007) and the Universal Design Guidelines for Homes in Ireland 2015.’

Chapter 11: Built Heritage and Archaeology

- Policy BHA7 Architectural Conservation Areas
- Section 11.5.3 Built Heritage Assets of the City

Chapter 15: Development Standards

- **Section 15.2.3** relates to Planning Application Documentation - Planning Thresholds which are set out in Table 15-1.
- **Section 15.5.2** relates to infill development. It states ‘infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city’s development due to the historic layout of streets and buildings.’

Section 15.13.4 relates to backland housing.

Backland development is generally defined as development of land that lies to the rear of an existing property or building line. Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists.

Backland housing can comprise of larger scale redevelopment with an overall site access; mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with and independent vehicular access.

Developments with street presence are generally governed by clear set out rules established by the urban order of an existing streetscape. Backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces.

Consideration of access and servicing and the interrelationship between overlooking privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions.

Applications for backland housing should consider the following:

- Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.
- Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.
- That safe and secure access for car parking and service and maintenance vehicles is provided.
- The scale, form and massing of the existing properties and interrelationship with the proposed backland development.
- The impacts on either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself.
- The materials and finishes proposed with regard to existing character of the area.
- A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling, and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.

All applications for infill developments will be assessed on a case-by-case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.

Section 15.11 relates to House Developments

In terms of private open space, the development plan requires a minimum standard of 10 square metres of private open space per bedspace will normally be applied. Generally, up to 60 to 70 square metres of rear garden area is considered sufficient for houses in the City.

Appendix 5 Transport and Mobility.

- Section 4.3.7: Parking in the Curtilage of Protected Structures, Architectural Conservation Areas and Conservation Areas
- Section 4.3.8: Mews Parking

Appendix 16 Sunlight and Daylight.

Volume 3 Zoning Maps

The appeal site is identified on Map F of the Dublin City Development Plan 2022-2028 as being north of an ACA.

5.2. National Policy

- 5.2.1. Delivering Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness, 2025-2030 (November 2025), is the government's plan to deliver 300,000 new homes by the end of 2030. It builds on the foundations of 'Housing for All', with 137,000 homes built since the beginning of 2021, and informed by the work of the Housing Commission, the new plan will empower the State, partners and the private sector to further play a critical part in delivery.
- 5.2.2. 'Housing for All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:
- To purchase or rent at an affordable price
 - Built to a high standard in the right place
 - Offering a high quality of life
- 5.2.3. The Revised National Planning Framework (April 2025) recognises the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade. The Revised NPF, with the subsequent provision of updated planned housing requirements at a local authority level, aims to ensure that housing supply meets

both new demand and addresses existing need, creating a sustainable future for housing in Ireland.

- 5.2.4. In order to ensure that the revised population projections and related housing requirements can be delivered on, service provision will also require co-ordination and prioritisation to ensure that the necessary infrastructure is in place, both to support and enable housing development to take place, and to ensure that housing delivery is aligned with the provision of services and facilities for communities. This includes the provision of education, childcare, healthcare and recreational facilities to support the expansion of existing settlements and the creation of new sustainable communities.
- 5.2.5. In addition to accounting for the ESRI's baseline projection of 6.1m people by 2040, the NPF also includes provision for strategic planning for up to 6.3 million people by 2040 (the ESRI high migration scenario), which is required to be aligned with strategic planning for Transport Orientated Development (TOD) in and around Ireland's five cities to support the delivery of new sustainable communities at brownfield and greenfield locations along existing or planned high capacity public transport corridors.
- 5.2.6. The implementation of the NPF will continue to align with the National Development Plan and form as one single vision for Ireland under 'Project Ireland 2040' to be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.
- 5.2.7. Project Ireland 2040 National Planning Framework (NPF) The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:
- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
 - NPO 4 promotes attractive, well-designed liveable communities.
 - NPO 6 aims to regenerate cities with increased housing and employment.

- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.2.8. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.2.9. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.2.10. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.2.11. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).

5.2.12. Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018)
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.3. **Water Framework Directive**

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

The site is located within the River Liffey and Dublin Bay (Catchment ID 09) Water Framework Directive catchment area and in the Mayne_SC-10 (Sub-catchment id 09_17). The nearest river waterbody to the site is the Tolka River which is located c. 1.24km west of the site which flows into Dublin Bay.

5.4. **Natural Heritage Designations**

The subject site is not located within or is not adjoining any Natura 2000 sites. The subject site is located

- c.380m to the north of the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)
- c.380m to the north of the North Dublin Bay SAC (Site Code 000206) and
- c.1.84km to the west of the North Bull Island SPA (Site Code 004006).

The proposed development is located within an established residential area and comprises the construction of 1 dwelling and all other ancillary works. There will be a connection to the public sewerage network. There are no watercourses linking the site with any such designated areas.

5.5. EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Three no third-party appeals against the decision of the Planning Authority to grant permission were lodged by the following parties;

- Damien O'Higgins
- Frances O'Reilly
- Frank & Anna O'Dwyer

6.1.2. I have summarised the particular issues raised in the grounds of appeals submitted below.

Frank & Anna O'Dwyer

6.1.3. The nearest residential property to No. 1 Kincora Ave is the adjoining semi-detached house No.3 Kincora Ave to the west.

6.1.4. The grounds of appeal are accompanied by a number of 3D rendered images of the proposed house as viewed from neighbouring properties. Concerns are raised in relation to the impact on residential and visual amenity.

Frances O'Reilly

6.1.5. The appellants terraced house No. 8 The Mews and backs onto the appeal site and is located to the east. It shares its rear garden boundary wall with the side rear garden boundary of the appeal site.

- 6.1.6. The grounds of appeal raise concerns in relation to the impact of the proposed development on the maintenance, and structural stability of the historic wall. Concern is also raised in relation to the impact on residential amenity.

Damien O’Higgins

- 6.1.7. The appellants end of terrace house at no. 51 Victoria Road is located at the entrance to the adjoining rear laneway from the south.

- 6.1.8. The grounds of appeal are accompanied by documentation regarding the historic wall and the ACA and a copy of the observation submitted to the PA.

- 6.1.9. The grounds of appeal raise concerns in relation to the impact of the proposed development on the historic wall which is within the ACA and the use of the existing laneway during construction. Concern is also raised in relation to the proposed entrance which will result in traffic congestion and a traffic hazard.

Issues Raised

- 6.1.10. There is a significant overlap of issues in the grounds of appeal. To avoid unnecessary repetition, the common issues raised are summarised briefly as follows;

Impact on Residential Amenity

- Overdevelopment
- Massing scale design and proximity to site boundaries
- Visual impact and character of the area
- Overlooking, loss of privacy
- Overbearing, overshadowing. visual intrusion
- Impact on private amenity
- Noise and disturbance and light spill
- Loss of existing trees to the rear
- Inaccurate site survey and height assessment
- During construction

Impact on Historic Wall (partly within ACA)

- Proximity of proposed dwelling to existing rear and side wall

- Insufficient room to allow access for maintenance
- Risk of damage during construction

Traffic Impact/Safety

- Traffic congestion, traffic safety
- Emergency access and movement
- Lane to rear of 1 Kincora Ave is private and cannot be used during construction work.

Planning Policy

- Contravention - of residential zoning objective of the CDP.
- Proposed development contravenes CDP policy for backland development and infill development.
- Zoning and Policy Assessment
- Undesirable Precedent
- Piecemeal development and cumulative impact

6.2. Oral Hearing Request

A request for an oral hearing was submitted by Frank and Anna O'Dwyer as part of the grounds of appeal. It was considered that sufficient information was on file to allow for a full and proper assessment without recourse to an oral hearing, the request for an oral hearing was refused.

6.3. Applicant Response

6.3.1. A response to issues raised in third party appeals was submitted by a planning consultant acting on behalf of the applicant.

6.3.2. The First Party has responded to each individual appeal separately. In summary it is submitted that;

- Scale and massing of development is not excessive and complies with guidelines set out in Appendix 5 of the CDP.

- Development will result in minimal overlooking, noise and light spill
- Does not constitute overdevelopment,
- Emergency access can be provided and safe movement

6.4. Planning Authority Response

- 6.4.1. A response from was received from Dublin City Council requesting the decision of the PA be upheld.
- 6.4.2. The PA note that if permission is granted a number of conditions are requested to be included, these include Section 48 development contribution, and a naming and numbering condition.

6.5. Observations

- 6.5.1. Two no. third party observations to the appeal were received from the following parties;
- Barry Heneghan T.D.
 - Cllr. Kevin Breen
- 6.5.2. Issues raised can be summarised as follows;
- Scale, visual impact and proximity to neighbouring dwellings
 - Overlooking and loss of privacy
 - Overbearing
 - Cumulative impact of backland development in this part of Clontarf.
 - Inconsistent with the Z1 zoning objective
 - Support the appeal

6.6. Further Responses

None.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider that the main issues are as follows:

- Infill Development
- Layout, Density and Design
- Impact on Residential Amenity
- Access and Parking
- Built Heritage Impact on ACA

7.2. Infill Development

7.2.1. The subject site is located in an area with the land use zoning Sustainable Residential Neighbourhoods – Zone Z1, the objective of which is ‘To protect, provide and improve residential amenities’ as per the Dublin City County Development Plan 2022-2028.

7.2.2. In principle the demolition of the existing side garage of No. 1 Kincora Avenue and proposed construction of 1 no. dwelling would accord with this zoning objective. The proposed residential development also provides an additional unit which accords with the Core Strategy of the Dublin City County Development Plan 2022-2028.

7.2.3. Third Party appellants argue that the proposed development contravenes County Development Plan (CDP) policy as it relates to infill, and back land development, and contravenes the residential zoning objective. This is primarily on the basis of the relationship between the proposed house and the existing residential properties which it is asserted would negatively impact on their existing residential amenity. I will consider the impacts on residential amenity under section 7.4 of my report below.

7.2.4. Under the Dublin City County Development Plan 2022-2028 Policy QHSN6 and QHSN10 seek to promote residential consolidation and sustainable intensification at sustainable densities particularly on vacant and/or underutilised sites, having regard

to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- 7.2.5. The applicant submits that it is proposed to create two homes on site, one within the original grandparents home for the applicants and one in a new dwelling at the rear for two grandchildren of the original owners.
- 7.2.6. Section 15.5.2 of the CDP relates to development standards for infill development, described as 'lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form'. It is acknowledged that infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.'
- 7.2.7. Section 15.13.4 of the CDP sets out Council Policy specifically in relation to backland housing developments. This is defined as 'development of land that lies to the rear of an existing property or building line'. It is noted that the Planning Authority seeks to allow for the provision of backland development where the opportunity exists. The Planning Authority note that 'consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions.'
- 7.2.8. Section 15.13.4 of the CDP states that 'all applications for infill developments will be assessed on a case-by-case basis. In certain instances, the planning authority may permit relaxation of some standards to promote densification and urban consolidation in specific areas.
- 7.2.9. It is apparent therefore that, subject to qualitative safeguards, Dublin City Council will permit infill housing on appropriate sites within the city.
- 7.2.10. By reason of the existing pattern of development in the vicinity of the site, which is surrounded on three sides by established residential development, the appeal site can therefore, reasonably be seen to constitute an infill site.
- 7.2.11. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) recognise the need to 'realise opportunities for

adaptation and reuse of existing buildings and for incremental back land, brownfield and infill development, and deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.’

- 7.2.12. The Revised National Planning Framework (April 2025) likewise emphasises the need to make the most sustainable use of serviced land within existing built-up areas which can avail of existing social and physical infrastructure. The framework seeks to promote well designed high-quality development that can encourage more people and generate more jobs and activity within existing cities.
- 7.2.13. The proposed infill development is in accordance with these general policy objectives and the most recent government plan to deliver 3000,000 new homes by the end of 2030 under Delivering Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness, 2025-2030 (November 2025).
- 7.2.14. Having regard to provisions of the current Dublin City Development Plan 2022-2028, and Guidelines for Sustainable Residential Development and Compact Settlements 2024, and current national policy to increase housing supply, the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections,

7.3. Layout, Density and Design

- 7.3.1. The development proposes 1 no. single storey dwelling with a flat roof in the rear garden of the existing house on site.
- 7.3.2. The surrounding area is characterised by two storey semi-detached dwellings to the north, along Kincora Avenue, two storey terraced dwellings to the east within The Mews and two storey terraced dwellings to the south along Victoria Road.
- 7.3.3. The site is to be accessed from the existing driveway entrance from Kincora Avenue with a driveway extending along the eastern site boundary (adjoining the rear garden boundaries of existing houses along The Mews). This new driveway would extend to the western boundary with a short spur proposed for turning vehicles.

Layout

- 7.3.4. Concerns are raised by third parties in relation to the layout of the development which is considered to be excessively close to site boundaries.
- 7.3.5. I have had regard to the Architectural drawings and Architectural Design Statement prepared by Studio b Architecture submitted with the application, and as amended by way of further information 28th October 2025. It describes the design of the house which provides for two blocks with a lower connector between them. The Design Statement notes that the 'layout of the design was informed by the need to respect the integrity of the existing brick and stone wall along the eastern and southern boundary'
- 7.3.6. The report includes a number of illustrative perspective drawings showing the proposed house and site levels relative to adjoining residential properties.
- 7.3.7. I have had regard to the layout/footprint of the proposed house and am satisfied that the manner in which the two blocks are separated reduces the visual impact of the overall length of the proposed structure.
- 7.3.8. I have also had regard to the house constructed in the rear garden of no. 5 Kincora Avenue under PA.Reg.Ref, 3622/09. This property which has a ridge height of 5.55m, with associated car parking adjacent to the house, adjoins the appellants property to the west.
- 7.3.9. Having visited the site, and surrounding area, and reviewed the Architectural drawings and Architectural Design Statement, I am satisfied that the proposed layout makes optimum use of the site and that the single storey house proposed can be accommodated at this location.

Density

- 7.3.10. Policy QHSN10 of the Dublin City County Development Plan 2022-2028 seeks 'to promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.' Policy QHSNO4 supports the ongoing densification of suburbs, while Policy QHSN11 promotes the realisation of the 15-minute city.

- 7.3.11. The proposed development namely 1 no. dwelling, excluding the existing dwelling and rear garden at 1 Kincora Avenue provides for 2 dwellings on the overall site. The density of the proposed development on a site of 0.075ha equates to 13.3uph.
- 7.3.12. The Guidelines for Sustainable Residential Development and Compact Settlements promote higher residential densities in the general range of 50-250 dph on city urban neighbourhood sites, and in the range of 40 to 80 dph on city suburban/urban extension sites.
- 7.3.13. The residential density proposed therefore, is below the density range for suburban/urban sites and could be considered to materially contravene the guidelines. I have had regard to the infill nature of the site and Section 15.5.2 of the CDP regarding infill development and am satisfied on balance the proposed development meets the development management requirements for such infill sites. I am further satisfied that the proposed density is appropriate on this infill site given the densities prevailing on adjoining residential developments.
- 7.3.14. I am satisfied that the proposed development would not therefore constitute overdevelopment of the site, is appropriate on an infill site at this location and that the proposed density is acceptable and would not materially contravene Section 15.5.2 of the CDP which relates to infill development.

Design

- 7.3.15. The detached house proposed to the rear of No. 1 Kincora Avenue is single storey in height. The three-bedroom house with a stated floor area of 151sqm.
- 7.3.16. The house has a flat roof with a parapet height of 3.3m and extends by c.650mm above the eastern side boundary shared with 4-8 The Mews and c.1.8m above the western boundary shared with No. 3 Kincora Avenue.
- 7.3.17. I do not accept that this roof height is excessive and would argue that the flat roof profile significantly reduces the visual impact of the proposed house. I also note from my site visit the pitched roof profile of the house built in the rear garden of No. 5 Kincora Avenue which is in my opinion more visible than the proposed development.
- 7.3.18. The overall length of the house is 23.41m with each block measuring 7.85m and 7.34m respectively joined via a hallway midway.

- 7.3.19. In terms of visual intrusion, I accept that the proposed house will be visible from the rear elevations and gardens of adjoining houses. However, I am satisfied that the scale massing and height proposed can be assimilated into the subject site. I am satisfied given the length of the rear gardens to houses along Kincora Avenue, the separation distances from existing side boundaries and height proposed as viewed from neighbouring properties, along with the design and profile of the proposed dwelling, that it will not give rise to a significant visual impact.
- 7.3.20. I can also confirm from my site visit that there is a fall in site levels such that the southern end of the rear garden is at a lower level relative to the rear of existing houses No. 1 and 3 Kincora Avenue and relative to the rear gardens of the houses within The Mews. In my opinion this will further reduce the visual impact of the proposed dwelling on adjoining houses.
- 7.3.21. Therefore, I am satisfied that proposed development in terms of scale massing and height will not give rise to a significant negative visual impact

Finishes

- 7.3.22. Finishes proposed include a selected brick finish to both blocks and timber type cladding to the northern elevation and interconnecting recessed hallway.
- 7.3.23. I consider that the materials and finishes proposed which includes/introduces some variety in finishes is an acceptable design response for this infill site.
- 7.3.24. I am satisfied that the layout, density and design of the development takes cognisance of existing residential development in the vicinity and the future occupants of the scheme and can be integrated into the existing built-up footprint.

Summary

- 7.3.25. In summary, I consider that the proposed infill development would not be out of character with the immediate area, and is acceptable in terms of layout, density, design and finishes.
- 7.3.26. I consider that the proposed development is appropriate at this location, on this backland site, and that the proposal is in compliance with Policy QHSN10, Policy QHSNO4 and Policy QHSN11 of the Dublin City County Development Plan 2022-2028. The proposed development is therefore, considered acceptable in principle.

7.4. Impact on Residential Amenity

- 7.4.1. Concerns are raised by third parties in relation to the impact of the proposed development on existing residential amenities of adjoining residential properties within Kincora Avenue and The Mews.
- 7.4.2. The appellants submit that the proposed development due to its massing scale design and proximity to site boundaries would adversely impact on the residential amenities of adjacent properties by reason of overlooking and overbearing appearance and would result in an undesirable precedent.
- 7.4.3. Chapter 5 of the 2022 -2028 Dublin City Development Plan relates to quality housing and sustainable neighbourhoods. Chapter 15 sets out further details in relation to site development standards, Section 15.5.2 relates to infill development while Section 15.13.4 relates to backland housing developments.
- 7.4.4. Policy QHSN6 seeks ‘to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.’
- 7.4.5. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities January 2024 set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.
- 7.4.6. Special Planning Policy Requirement SPPR1 relates to Separation Distances and states that ‘It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no

opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.'

Overlooking

- 7.4.7. Concern was raised in relation to overlooking from ground floor windows along the west facing elevation of the proposed house resulting in a loss of privacy particularly to the adjoining house to the west at No. 3 Kincora Avenue.
- 7.4.8. The elevations of the proposed dwelling as lodged includes six no. windows located 90cm from the common boundary wall (1m high) between the rear garden of house No. 1 and No 3. I share the concerns of the appellant that this design would result in direct views over the rear garden, leading to a loss of privacy.
- 7.4.9. I have examined the revised proposals detailed in A-03.13-Window Proposal, which details an alternate proposal for the glazing on the West facade which faces no. 3 Kincora Avenue. I note the window positions have been retained but the window type has been altered.
- 7.4.10. The new windows are in effect high level/clerestory window types with a solid (non glazed) opening section below for ventilation. The glazed section of the window is positioned 1.85m above finished floor level (in excess of average eye level). I am satisfied that this will allow daylighting to the rooms but also high enough to mitigate against any overlooking of the neighbouring property at 3 Kincora Avenue.
- 7.4.11. The lower section of the window is indicated as a solid opening section (non glazed) that can be opened to provide cross ventilation into the interior spaces. These opening sections will be fitted with a non-removable restrictor to prevent opening beyond 15 degrees of their closed position. I am satisfied that this window type configuration would allow for daylighting and ventilation to be provided for while at the same time removing the risk of overlooking and loss of privacy to no. 3 Kincora Avenue.
- 7.4.12. A perforated screen is also proposed to be installed at the boundary wall opposite the internal courtyard facing the garden of no.3 Kincora Avenue. I am satisfied that this will obscure views from the glazing in the internal courtyard, coupled with the

setback in the courtyard of these windows would provide sufficient screening so that overlooking issues are removed.

7.4.13. I note condition no. 4 of the notification of decision to grant refers to the proposed screening and solid non-glazed openings to be retained. If the Commission are minded granting permission a similarly worded condition to condition no. 4 which relates to the permission could be attached.

7.4.14. I am therefore, satisfied that there will be no potential overlooking of the rear garden of the adjoining house to the west and will not result in loss of privacy to the rear garden of this or adjoining properties.

Overbearing

7.4.15. I note a setback of 21.9m from the rear elevation of the parent dwelling and set back of a maximum of c.1m from the western boundary, c. 2.5m from the southern boundary and a minimum of 250mm and a maximum of c.1.3m from the eastern boundary. I am satisfied that appropriate setbacks from the rear elevation of the parent dwelling and site boundaries are provided.

7.4.16. I have had regard to the photomontages submitted with the grounds of appeal illustrating the proposed dwelling as viewed from the rear of No. 3 Kincora Avenue in the context of the existing side boundary wall. I can confirm from my site visit that the existing side garden wall is very low in height and does not benefit from much mature planting.

7.4.17. I accept that the proposed dwelling with a parapet height of 3.3m will be most visible from No. 3 Kincora Ave however given the length of the rear gardens and relatively modest height I do not consider it would be overbearing.

7.4.18. I note from my site visit and cross section drawings that there is a slight drop in site levels between The Mews and the subject appeal site. I have also had regard to the photomontages submitted with the grounds of appeal illustrating the proposed dwelling as viewed from the rear of The Mews to the east in the context of the existing side boundary wall.

7.4.19. I note the existing shared boundary wall to the east provides screening to adjoining gardens and it is not proposed to lower or remove any sections of this wall.

7.4.20. Concern was raised in relation to the loss of existing mature trees along the rear southern boundary with the laneway serving Victoria Road which it is asserted by the appellant will result in a loss of privacy.

7.4.21. While the loss of these eucalyptus trees would be regrettable the applicant has indicated that it is not intended to remove them immediately. I do not accept however that the removal of this screening will result in a significant visual impact on the appellants property.

7.4.22. I accept that the development will be partly visible above the height of the existing wall from adjoining properties however I do not consider that it would be overbearing or injurious to the visual amenities of the area.

Overshadowing

7.4.23. I have examined the site layout drawings, height, separation distances and orientation of the proposed dwelling to the rear of No. 1 relative to adjoining development and as revised in further drawings submitted by way of further information.

7.4.24. As the gardens along Kincora Avenue including the appellants property at No. 3 Kincora Ave are all south facing, I am satisfied that the single storey house located to the west will not result in significant overshadowing. I am also satisfied that the proposed single storey dwelling will not result in significant overshadowing of the rear gardens of houses along The Mews given the minor increase in height relative to that of the existing boundary wall.

Noise and Light Pollution

7.4.25. I note the application as lodged included a car parking space adjacent to the proposed house which was relocated to the front of the site adjacent to the existing house in response to a request for FI. I accept that the original location within approximately 3 metres of the rear patio area of No. 3 would result in unacceptable levels of noise and disturbance.

7.4.26. I share the concerns of the PA in relation to original layout which provided parking adjacent to the proposed house which would impact to a greater degree on the residential amenity of the adjoining house no. 3 Kincora Ave.

- 7.4.27. I am satisfied that the relocation of the parking area from the rear to the front of the existing house will eliminate any associated noise or light pollution from cars to the appellants dwelling. I am also satisfied that as the turning area for vehicles within the appeal site will be only occasionally in use that the revised proposals have adequately addressed the concerns raised in relation to noise disturbance.
- 7.4.28. Concern has also been raised in relation to light pollution from tight overspill at night from the proposed dwelling. I have further examined the revised proposals submitted by way of RFI in relation to the extent and nature of fenestration along the west and eastern elevations with adjoining properties. I am satisfied that light spillage from the new house will be moderate and can be reduced accordingly and mitigated by reason of any new screening to the western boundary.

Summary

- 7.4.29. In summary, I am satisfied that the proposed development would be in accordance with Policy QHSN6, Section 15.5.2 and Section 15.13.4 of the Dublin City County Development Plan 2022-2028, would not be seriously injurious to residential amenity, and would not therefore, materially contravene the residential zoning objective for the area. On this basis the decision of the PA to grant permission should be upheld.

7.5. Access and Parking

- 7.5.1. It is proposed to demolish the existing side garage and widen the existing driveway entrance to 4m to allow for a shared entrance and driveway to serve the existing and proposed house.
- 7.5.2. Concerns were raised by the Transportation section of the PA in relation to access and egress for emergency vehicles while the PA raised concern regarding the location of the car parking space within the rear garden further information was sought.
- 7.5.3. The applicant submitted details of a swept path/Auto Track analysis prepared by POGA Consulting Engineers which demonstrates that the tracked vehicles can achieve unobstructed access to the dwelling (the fire tender specifically within 45m of the principal entrance to the dwelling) and can safely exit the site.

- 7.5.4. As can be seen on this accompanying drawing and also on A03.2 Site Layout plan, the fire tender is able to advance to within 27.5m of the main entrance to the property and then exit the site safely.
- 7.5.5. The hard landscaping area to the front of the existing dwelling on Kincora Avenue has also been increased to facilitate this.
- 7.5.6. The applicant also notes as a secondary measure the neighbouring Walpole Mews which runs parallel to the Eastern Boundary of the proposed site, also provides adequate proximity to the proposed dwelling so that a second fire tender may be in situ in the event of an emergency at the property and also come within close proximity of the proposed dwelling from this point.
- 7.5.7. The response to the RFI was acceptable to the Transportation Section of the PA and Condition no.7 refers to their requirements which if the Commission are minded granting permission can be attached by way of a similarly worded condition.
- 7.5.8. In terms of concerns raised regarding the vehicular parking adjacent to the proposed dwelling, revised A-03.2 Site Layout Plan showing the car parking space repositioned next to the existing driveway currently serving 1 Kincora Avenue was submitted in RFI. The applicant has further confirmed that that car parking on the proposed site will be restricted to the location next to the existing driveway currently serving no 1 Kincora Avenue, which I consider reasonable.

Traffic Congestion

- 7.5.9. It is submitted in the grounds of appeal that the proposed entrance will cause congestion and danger. This is on the basis that it is located in a busy congested area opposite shop, crèche and a doctors surgery which has potential to cause further congestion and danger.
- 7.5.10. I can confirm on the day of my site inspection that there were several cars parked along the parade of neighbourhood shops but that each house has a private driveway and in curtilage parking. The applicant has also noted that illegal parking or blocking or obstructing driveways is a matter for An Garda Síochána.
- 7.5.11. The issue of access from the lane to the rear of the site is also raised in the grounds of appeal which it is asserted is for the sole use of the residents of on Victoria Road.

The applicant has confirmed in their response to the appeal that it is not their intention to use the lane for access.

7.5.12. I am satisfied therefore that the proposed development for a single house is acceptable in terms of traffic safety and will not give rise to a traffic hazard.

7.6. Built Heritage Impact on ACA

7.6.1. Concern is raised in the grounds of appeal in relation to the impact of the proposed development on the existing historic boundary wall which bounds the site to the East and South. The appellants note that wall forms part of the part of old Clontarf Castle Demesne and forms part of the Haddon Road and Victoria Road Architectural Conservation Area (ACA).

7.6.2. The boundary wall along the eastern side of the rear garden forms the rear garden boundary wall with terraced houses No.s 4-8 which back onto the site and bounds an existing laneway and ACA to the south.

7.6.3. The wall comprises of a lower layer appearing to be constructed in stone and a more recent layer in red brick added later. As noted by the PA it is not a Protected structure and no alterations to the existing boundary wall are proposed. I would also note that the wall is not visible from the public realm.

7.6.4. Concerns raised in relation to access for maintenance and the need to protect the structural integrity of the wall. I am satisfied however that the set back/separation distance to the wall from the proposed house is sufficient to provide access to the wall.

7.6.5. The applicant has also confirmed in their response to the grounds of appeal that in the excavations of the 8m section of the build that the foundations of the wall are not damaged or interfered with.

7.6.6. I am satisfied therefore that the measures proposed to protect the integrity of the existing shared boundary wall during construction and on completion of the proposed development are acceptable.

7.7. Surface Water Drainage

- 7.7.1. Concern is raised in relation to the location of the soakaway to the shared boundary wall with No. 3 Kincora Avenue which it is asserted may impact on the structural integrity of the wall and the stability of the surrounding soil.
- 7.7.2. I have examined the proposed surface water drainage details and note the location of the soakaway away from the western boundary. I am satisfied given the extent of the surface water drainage area that the proposed soakaway can be accommodated at this location without impacting on the adjoining boundary wall.

7.8. Precedent

- 7.8.1. It is asserted that the proposed development would set an undesirable precedent. I have considered the subject development on its own merits.

8.0 Appropriate Assessment

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The site is situated c.380m to the north of the South Dublin Bay and River Tolka Estuary Special Protection Area, and c.1.8km to the west of the North Dublin Bay Special Area of Conservation and the North Bull Island Special Protection Area.
- 8.1.2. The proposed development comprises the demolition of the existing garage and construction of a new dwelling and all associated site works to the rear of no 1 Kincora Ave. Clontarf, Dublin 3.
- 8.1.3. No nature conservation concerns were raised in the planning appeal. 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 European Site.
- 8.1.4. The reason for this conclusion is as follows:
- The small scale and domestic nature of the works in a serviced urban area,
 - The distance from the nearest European site and lack of connections, and
 - Taking into account screening report/determination by Dublin City Council.

8.1.5. I conclude that 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 (stage 2) (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 approximately c.1.24km east of the River Tolka. The proposed development comprises the demolition of the existing garage and construction of a new dwelling and all associated site works at 1 Kincora Ave., Clontarf, Dublin 3. No water deterioration concerns were raised in the planning appeal.

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 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.

9.3. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site c.1.24km east of the River Tolka and the lack of a hydrological connection.

9.4. 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

I recommend that the Commission uphold the decision of Dublin City Council and Grant planning permission for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the backland and infill nature of the proposed development on zoned Z1 Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022-2028, the policies and objectives of the development plan and in particular policies QHSN6 and QHSNO4, which support residential consolidation, intensification and densification, the development standards set out in the plan, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the design, scale and layout of the proposed single storey development, and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development on this serviced land, would not seriously injure the character of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would accord with the zoning objectives, policies and provisions of the Dublin City Development Plan 2022-2028 and 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, as amended by the further plans and particulars submitted on the 28 th day of October 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: in the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>All screening and solid non-glazed openings shall be permanently retained.</p> <p>Reason: In the interests of residential amenity to prevent overlooking.</p>
5.	<p>The developer shall comply with the following transportation-planning requirements of the Planning Authority:</p> <p>a) Prior to the commencement of development, the applicant shall submit to the Planning Authority for written agreement a revised site layout drawing with a turning area which is consistent with the auto-tracking drawing submitted at Further Information stage. The turnabout area and private open space area shall be free of all structures/ obstructions. The proposed development shall operate in accordance with the details agreed under this Condition.</p> <p>b) The vehicular entrance shall be a maximum of 4.0 metres in width and shall not have outward opening gates.</p> <p>c) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Division.</p> <p>d) 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.</p>

	<p>Reason: In the interest of traffic and pedestrian safety and Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028.</p>
6.	<p>Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.</p> <p>Reason: in the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>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.</p> <p>Reason: in the Interests of visual and residential amenity.</p>
8.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: in the interest of public health and surface water management.</p>
9.	<p>The naming and numbering of the dwelling unit shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the planning authority, prior to the occupation of the dwelling.</p> <p>Reason: in the interest of orderly street numbering.</p>
10.	<p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviations from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: in the interests of public safety and residential amenity.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p>Reason: it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Susan McHugh
Senior Planning Inspector

26th February 2026

Appendix 1 - Form 1
EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500449-DN		
Proposed Development Summary	Construction of a single dwelling and all associated site works.		
Development Address	1 Kincora Avenue, Clontarf, Dublin 3.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No	No further action required	
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	S.5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

EIA Preliminary Examination

Case Reference	PL-500449-DN
Proposed Development Summary	Construction of a single dwelling and all associated site works.
Development Address	1 Kincora Avenue, Clontarf, Dublin 3.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Permission is being sought for the demolition of the existing garage structure on site and the construction of a single storey dwelling which is located to the rear of no. No. 1 Kincora Avenue, Clontarf.</p> <p>Access to the dwelling is provided from Kincora Avenue via a widened shared entrance.</p> <p>Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows:</p> <ul style="list-style-type: none"> • South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is situated c.380m to the south of the site.

	<ul style="list-style-type: none"> • North Dublin Bay SAC (Site Code 000206) is situated c.380m to the south of the site. • North Bull Island SPA (Site Code 004006).is situated c.1.84km to the east of the site. <p>My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site size measures c.151sqm. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the east, west and south. The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
Conclusion	
Likelihood of Significant Effects	Significant Effects Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	E IA is not required.

Inspector: _____ Date: _____

Appendix 3

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The proposed development comprises the demolition of garage and construction of a single storey dwelling and all associated site works to the rear of no. 1 Kincora Avenue, Clontarf, Dublin 3.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km of 3no. of European sites are located within a potential zone of influence of the proposed development. These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Dublin Bay SAC (000206)
- North Bull Island SPA (004006)

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

Likely impacts of the project (alone or in combination)

It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development.

With regard to surface water, it is proposed to collect rainfall runoff before the system connects to the final foul manhole prior to connecting to the Irish Water Combined network.

All wastewater generated from the new development site is to discharge to the Irish water local wastewater drainage network.

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natura 2000 sites located within the zone of influence.