



An
Coimisiún
Pleanála

Inspector's Report

PL-500481-DR-25

Development

Demolition of house and construction of replacement house with associated works.

Location

1, Knock Na Cree Road, Dalkey, Dublin, A96VN59

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/0744/WEB

Applicant(s)

Tom and Jenny Doyle

Type of Application

Permission

Planning Authority Decision

Grant Permission + Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Richard Moore and others

Observer(s)

Ken Boyle
Nicholas & Olivia Byrne
Michael & Angela Ahearne
Simon Hugh-Jones

Date of Site Inspection

14th May 2026

Inspector

Michele Beirne

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1.0 Site Location and Description

- 1.1. The site is located at the eastern end of Knocknacree Road, opposite the junction with Ardeevin Road, Dalkey, Dublin. The site contains a two-storey 1960s style dwelling. There is an existing vehicular entrance from Knocknacree Road. There is a detached dwelling known as Amritsar adjoining the site to the southwest. Sorrento Road is to the east and south, a rail line is located to the northeast and Knocknacree Road is to the northwest. Site boundaries comprise of stone walls on the south, north and west boundaries and planting separates the site from the rail line to the northeast. There are significant variations in site levels in the area. The ground level of the existing dwelling on site is approximately 2 metres below the ground level of Knocknacree Road fronting the site and is also below the ground level of the adjacent property. The site has a stated area of 0.8 hectares.
- 1.2. The site is in a mature residential area with a mix of house styles, roof profiles and building lines. The existing dwelling is not a protected structure or within an ACA. There are two protected structures (Arcadia and Prince Patrick House) located approximately 30m south of the site at an elevated level and a railway bridge adjacent to the site is a protected structure. The site is well served by local services and amenities and is approximately 480m southeast of Dalkey Village.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
- Demolition of an existing two storey 1960's dwelling (186sq.m),
 - Construction of two storey and part three storey dwelling (388.5sq.m),
 - Green Sedum and zinc canopy roofing,
 - Landscaping,
 - Widening and re-design of entrance,
 - Ancillary works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council (DLRCC) issued notification of a decision to grant permission on the 22nd January 2025 subject to 13 conditions. Condition No.'s 2, 3, 6, 9 and 10 are of note:

- Condition 2: The granite boundary wall along the north-east boundary shall be 2.4m within the applicant's land. Detailed design drawings and a risk assessed method statement must be agreed with Iarnród Éireann and the Planning Authority.
- Condition 3: The dwelling shall be used as a single dwelling unit and not subdivided into separate habitable units.
- Condition 6: The sedum green roof shall be designed, installed and maintained in accordance with a BS EN standard and SUDS Manual.
- Condition 9: The vehicular entrance shall be a maximum 3.5m wide and the footpath dishd and strengthened.
- Condition 10. A detailed Construction Environmental Management Plan shall be agreed prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report can be summarised as follows:

- The site is zoned objective A 'residential' and residential development is permitted in principle.
- Development should have regard to climate action objectives of the Plan.
- The existing dwelling is not a protected structure or contributes in any significant way to the character of the area.
- The Demolition Justification Statement identifies issues including structural defects, lack of insulation, damp and mould. Demolition and replacement of the

dwelling is justified and complies with the Development Plan. ACP and DLRCC previously accepted that demolition is justified.

- The proposal complies with internal areas, separation distances and private amenity space standards set out in the Sustainable Residential Development and Compact Settlements Guidelines.
- The retention of southwest, southeast and northwest boundaries save for improved vehicular access is acceptable.
- Iarnród Éireann requested a 2.4m high boundary wall on the applicant's land, this is considered appropriate and can be included as a condition.
- Two protected structures are located approximately 30m south of the site at an elevated level and the reason for the previous applications refusal is noted.
- The surrounding area is characterised by a range of architectural styles and house types, there is no established building line or roofline.
- There are aesthetically similar examples of the proposed dwelling in proximity.
- The planning authority is satisfied the design addresses the reason for refusal.
- The CGI submitted demonstrates the roof terrace with a small, enclosed roof area will not dominate views of protected structures.
- Due to the significant changes in site levels, the proposed dwelling generally reads as one storey with a setback element from the roof terrace when viewed from adjacent streets. The large size of site allows for the scale of the dwelling.
- Any changes to the roof level would require a future planning permission assessed on its own merits.
- There will not be any overlooking, overbearing or overshadowing impacts on adjoining properties.
- Properties to the southwest are shielded from the roof terrace by a screen, the remaining terrace has set back from roof edges on all sides and has planting to prevent overlooking.
- This is a single family dwelling and not commercial use. Noise disturbance and light pollution are not so intensive to negatively impact surrounding properties,

given the plot size, setbacks and because the site has only one directly adjacent dwelling which will be adequately screened.

- The new boundary on the railway side will be constructed within the applicant's landownership and there is a separation of 1.33m from the new boundary to the proposed dwelling. As works are within the applicant's landownership the proposal would not have a negative impact on the railway. A detailed Construction Management Plan should be prepared.
- There is an existing dwelling adjacent the railway line, the dwelling will have high performance windows and a noise assessment is not considered necessary.
- No transport report has been received, their report on the previous application raised no objection subject to conditions. Access arrangements are acceptable.
- Drainage department recommendations should be incorporated by condition.
- Discrepancies in the dwelling description in reports were noted, the assessment had regard to submitted plans and public notices.

3.2.2. Other Technical Reports

Drainage report: No objection subject to conditions relating to the green roof, surface water drainage and hardstanding areas.

3.3. Prescribed Bodies

3.3.1. Iarnród Éireann requested the dwelling be relocated 4 metres away from the boundary and submitted observations on the following:

- Have a 2.4m high solid boundary built on the applicant's land.
- Have a detailed construction (including demolition) management plan.
- As the dwelling is near the railway line assess how noise and vibration would affect the dwelling.
- Other observations related to restrictions on trespass, overhang, crane, drainage discharge, tree felling.

3.4. Third Party Observations

- 3.4.1. Fourteen third party observations were received on the planning application. Twelve objected and two were in support of the proposed development.
- 3.4.2. Observations objecting to the application largely reflect the grounds of appeal set out in Section 7, additional points raised are as follows:
- Overshadowing,
 - Impact on setting of protected structure,
 - Roof terrace could be developed as a third storey in the future,
 - Inadequate and misleading drawings,
 - Demolition of habitable dwelling contrary to policy,
 - Justification for demolition instead of retrofitting not provided,
 - Inadequate planting,
 - Proximity to railway line.
- 3.4.3. Observations in support of the appeal largely reflect observations set out in Section 7, additional points raised are as follows:
- The redesign has a softer appearance,
 - No increase in overshadowing expected to Amristar.

4.0 Planning History

4.1.1. Site

ACP Ref: 321911-25, Planning Ref: D24A/0926: Permission refused on appeal for the demolition of an existing 1960s two storey dwelling (186sqm), construction of a three storey dwelling (455sqm), green sedum roofing, landscaping, widening and redesign of entrance and ancillary works.

The Commission considered demolition of the dwelling justified but did not agree with the proposed development. The reason for refusal was as follows:

‘Having regard to the height, scale, massing and bulk of the proposed development, to the established built form and character of the surrounding area and the existing

dwelling on the site, and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the 'A' zoning objective for the area "To provide residential development and improve residential amenity while protecting the existing residential amenities", it is considered that the proposed three-storey house, in a prominent position in close proximity to three Protected Structures, would by virtue of its excessive height and scale, be visually obtrusive and incongruous and out of character with the established pattern of development in the surrounding neighbourhood, including the adjacent Amristar property, and would dominate the view from Sorrento Road to the Protected Structures Prince Patrick House and the adjoining Arcadia. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

5.0 Policy Context

5.1. Development Plan

Dún Laoghaire-Rathdown County Development Plan 2022-2028:

Zoning:

- 5.1.1 The area is zoned 'A', the zoning objective is to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development is permitted in principle in this zone.
- 5.1.2 There are a number of objectives on the Development Plan map for consideration:
- There are three protected structures in the vicinity of the site: RPS 1547 comprising of a railway bridge is located immediately southeast of the site. RPS 1911 Prince Patrick House and RPS 2128 Arcadia are located c. 30m south of the site.
 - 'East Coast Cycle Route' is indicated adjacent to the railway line.

Summary of key policy:

5.1.3 Chapter 3 Climate Action:

- Policy Objective CA6 Retrofit and Reuse of Buildings: Require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. *(part of)*

5.1.4 Chapter 4 Neighbourhood – People, Homes and Place:

- Policy Objective PHP20 Protection of Existing Residential Amenity: Ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill development.
- Policy Objective PHP42 Building Design and Height: Encourage high quality design of all new development.

5.1.5 Chapter 10 Environmental Infrastructure and Flood Risk:

- Policy Objective EI6 Sustainable Drainage Systems: Ensure that all development proposals incorporate Sustainable Drainage Systems.

5.1.6 Chapter 12 Development Management, in particular:

- 12.3 Neighbourhood - People, Homes and Place
 - 12.3.1 Quality design
 - 12.3.1.1 Design criteria
 - 12.3.3 Quantitative standards for all residential development
 - 12.3.4.2 Habitable rooms
 - 12.3.9 Demolition and replacement dwellings
- 12.4 Transport
 - 12.4.5 Car parking standards
- 12.8 Open Space and Recreation
 - 12.8.3.3 (i) Private open space for houses
 - 12.8.6.3 Green roofs/blue roofs
 - 12.8.7 Private amenity space – quality standards
 - 12.8.7.1 Separation distances
 - 12.8.7.2 Boundaries
- 12.9 Environmental Infrastructure
 - 12.9.2 Noise pollution and noise nuisance
 - 12.9.4 Construction management plans
 - 12.9.5 Hours of construction
- 12.11 Heritage
 - 12.11.2 Architectural heritage – protected structures

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024:

The 2024 Guidelines set out guidance on sustainable residential development, compact settlements and development standards for housing. It provides guidance on quality design and placemaking and Specific Planning Policy Requirements (SPPRs) on separation distances, provision of open space, car parking and cycle parking.

5.3. Natural Heritage Designations

5.3.1. The closest designated sites are Dalkey Islands SPA (004172) located c.435m east of the site and Rockabill to Dalkey Island SAC (003000) located c.470m east of the site. Dalkey Coastal Zone and Killiney Hill pNHA is located c.290m south of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A third party appeal was lodged on behalf of eight appellants regarding the decision to grant permission. The appellants reside at (1) Prince Patrick House, Knocknacree Road (2) 47, Eglington, Sorrento Road, (3) Prince Patrick Cottage, Knocknacree Road, (4) Greylands, Ardeevin Road, (5) 42, Sorrento Road (6) Eastmount, 1, Knocknacree Road, (7) Greylands, Knocknacree Road and (8) Mount Salus, Dalkey. It is summarised as follows:

- The overall height of the terrace structure is marginally lower than the original proposal, in principle the scale of the building has been maintained.

- The terraces scale presents too much flexibility of use. It is not presented exclusively as a private amenity space and has potential to host large gatherings.
- There is no precedent for rooftop terraces of such scale for a single family home and there is potential to set an undesirable precedent.
- The use of the roof terrace would have significant impact on surrounding residents and their privacy.
- The appeal notes Section 10.4 of the Development Plan referring to the 'Dublin Agglomeration Environmental Noise Action Plan and the Noise Directive excludes noise from domestic activities and noise created by neighbours.
- The appeal highlights design criteria in Section 12.3.1.1 of the Plan to take into account when assessing applications.
- The proposal is significant enough in scale and capacity to be assessed under Section 12.9.2 Noise pollution and noise nuisance.
- The terrace has not been scrutinised on how noise, acoustics, privacy, overlooking and light pollution impacts may be mitigated.
- The roof terrace serves no essential utility that cannot be facilitated at ground level where there is a large garden.
- A right to a sea view is not given. It is reasonable to question the provision of a large rooftop when options exist that will not compromise residential amenity.
- It is requested that the roof terrace is removed from any permission granted.

7.2. Applicant Response in the case of a 3rd Party Appeal

The applicant response to the appeal is as follows:

- The response has been prepared in consultation with the expert multidisciplinary project team who conclude the proposal is justified and would not adversely impact the area.
- The applicant notes DCLRR assessment is informed by internal reports, the existing dwelling is not a protected structure, in an ACA and there are no protected views.

- Photomontages have been provided to illustrate how the proposal integrates into the area.
- The applicants' consultants agree with DLCRRs assessment of Iarnród Éireann submission, note the appellants have not raised this issue and that the Outline Construction Management Plan commits to coordination with Iarnród Éireann.
- While residents of Prince Patrick House and Cottage have appealed again, it is noted other parties who appealed the previous application did not appeal.
- Appellants are not adjoining properties but neighbouring properties appealing from a distance. Case law is cited highlighting the appellants standing.¹
- There is no legal error in DLRCC assessments or technical expert referral reports. Third parties are challenging expert reports without an expert, case law is cited on this matter².
- The appellants do not argue the previous ACP reason for refusal still applies.
- The appellants statements provided are misleading.
- The roof terrace is modest and does not impact any view from Sorrento Road which would not also be negligently or slightly impacted by a pitched roof.
- Residents at Arcadia and the adjoining property Amritsar have not objected to the application or the previous application. They have no difficulty with views toward their properties and a replacement dwelling on site.
- Private open space provided by a balcony/terrace is standard practice in the Development Plan and 2024 Guidelines. These policy documents do not set any blanket restrictions. Irish planning applies presumption in favour of developments that address performance criteria.
- The proposal offers high levels of residential amenity.
- The proposal has been carefully designed to address the previous refusal. This removed a third story which enjoyed sea views. The roof terrace allows sea views

¹ McDonagh v ABP 2017, and Case C – 826/18 LB.

² Graymound House Action Group. Darragh Richardsoin and Aoife Grimes v ABP, Fingal CoCo, Minister of Housing ,Local Government, Heritage, Attorney General and Trafalgar Capital Limited (2024). Morris v ABP 2024, Grafton Group PLC v ABP and Strategic Power Limited and Offaly CoCo (2023)

while not causing any new adverse planning impact. A roof terrace is a reasonable proposal at this location.

- A single domestic private open space roof terrace is far below the threshold for a noise impact assessment and would not cause any adverse impacts.
- The proposal is setback so far from any of the appellants properties that no possible noise impacts could arise.
- It is noted the appellants do not raise concerns over the other terrace in the proposed development.
- ACP did not raise concerns with regard overlooking, overshadowing or noise on the previous application.
- The applicants' consultants and DLRCC disagree there would be significant implications to the privacy, noise and light pollution for the surrounding houses.
- The suggestion the applicant should not be allowed to enjoy views toward the sea as they have a garden is unnecessary meanness.
- There is no longer basis for the previous ACP decision. It is requested the Commission uphold DLRCCs decision.

7.3. Planning Authority Response

- 7.3.1. The Planning Authority stated the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.4. Observations

- 7.4.1. Four observations were received from residents in support of the application. They are summarised as follows:

Observation from resident of adjacent property Amritsar, Knocknacree Road

- Support for design of proposal.
- Balconies/roof terraces are not frequently used in the area.
- Support for house replaced with family home with local ties to Dalkey.
- Prince Patricks terrace will remain the dominant property with unrestricted views.

Observation from resident of Arcadia, Sorrento Road

- Support for design of proposal (as above).
- Windswept roof terraces are less likely to be used (as above).
- A single dwelling is preferred to a multi-unit development.
- There are examples of modern homes in the immediate area.
- Given the location, the roof terrace is not overlooking.
- Social family noise can also occur from any garden.

Observations from residents of 3 Sorrento Mews and 5 Sorrento Mews

- Support for design (as above).
- Support for house replaced with family home with local ties (as above).

7.5. Further Responses

None.

8.0 Assessment

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, 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 are as follows:

- Justification for Demolition and Replacement
- Residential Amenity
- Other Matters

8.2. Justification for Demolition and Replacement

- 8.2.1. Although not raised in the grounds of appeal, a key part of the application is the demolition of the existing house. I note that Policy Objective CA6 of the Development Plan requires retrofitting and reuse of existing buildings where possible and Section 12.3.9 Demolition and Replacement of Dwellings states a preference for retention and retrofitting of 'structurally sound, habitable dwellings in good condition' as opposed to demolition and replacement unless a submission of 'strong justification' for demolition and replacement and states that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable.
- 8.2.2. The applicant has submitted the following reports to support the application: Demolition Justification Statement prepared by STEM Consulting Engineers which identifies issues including structural defects, lack of insulation, damp and mould and an Energy and Sustainability Report prepared by KRA renewables outlining that the retrofit of the existing building would be technically challenging, costly and limited in its results. They also submitted a Resource and Waste Management Plan on waste management during demolition, construction and operation phases and an Outline Construction Management Plan setting out measures to mitigate/minimise disruption during the construction phase, both by Ashview Consultants.
- 8.2.3. I note that while permission was previously refused on appeal for the demolition of a two storey dwelling and construction of a three storey dwelling, demolition of the dwelling was considered justified by the Commission (ACP Ref: 321911-25, Planning Ref: D24A/0926). The Planning Authority accepted for the previous and current application that demolition was justified.
- 8.2.4. Having reviewed the submitted documentation and having regard to the planning history, I am satisfied that the existing house is in very poor condition, that sufficient justification has been submitted and that the proposal complies with Policy Objective CA6 and Section 12.3.9 Demolition and replacement dwellings of the Development Plan. I note that the existing dwelling is not of any architectural or other interest that would warrant its protection and I do not consider it contributes to the character of the streetscape.

8.3. Residential Amenity

- 8.3.1. The proposed development involves replacing the existing two storey dwelling with a contemporary two storey and part three storey dwelling. The existing dwelling has a floor area of 186sqm and is between 2m and 3m below the level of Knocknacree Road, it has a chimney height of c.7.1m and roof height of 6.7m above ground level. The proposed dwelling is split level and the floor level has been reduced from 455sqm under the previous application to 388.5sqm. The proposed dwelling is set back between c.5.6m and 14m from the northwestern site boundary with Knocknacree Road, 3.3m from the southwestern site boundary with the adjacent property Amristar, between 7.2m and 11m from the southeastern (rear) site boundary and 1.3m from the northeastern site boundary beyond which is the railway line. From the public road, its height will appear 5.95m tall with the roof top terrace 8.3m tall. From the sides and rear, parts of the proposed dwelling will have heights above ground levels of 7.5m to the main parapet height, with the rooftop terrace rising to 9.8 tall.
- 8.3.2. I note the height of the proposed three storey dwelling under the previous application was 10.4m and the height of the proposed roof terrace structure reflects the height of a roof feature on top of the adjacent property. I also note the planners report states due to the significant changes in site levels, the proposed dwelling generally reads as one storey with a setback element from the roof terrace when viewed from adjacent streets. In assessing the proposed development, I note measures in Chapters 4 and 12 of the Development Plan to protect the amenities of adjacent properties. I will assess the impact of the proposed development having regard to scale and visual impacts, overlooking, shadowing impacts, noise and light impacts.

Scale and Visual Impacts

- 8.3.3. The appellants are concerned that the roof terrace is too large in scale, note it is marginally lower than the original proposal and request its removal in any permission granted. They are concerned that the scale presents too much flexibility of use and would set an undesirable precedent. They state a right to a sea view is not a given and the terrace serves no essential utility that cannot be facilitated in the garden which will not compromise residential amenity.
- 8.3.4. The applicant's response to the appeal states the proposal has been informed by refusal of permission under ACP Ref: 321911-25. The third floor has been removed.

The proposed roof terrace is modest in scale to allow sea views and has been carefully designed to avoid impact. They state the proposed roof terrace does not impact any view from Sorrento Road of the protected structure Patrick House which would not also be negligently or slightly impacted by a pitched roof. They note the appellants do not argue the previous ACP reason for refusal still applies. Four observations have been received in support of the proposed development.

- 8.3.5. The 2024 Guidelines state private open space must be designed to provide a high standard of external amenity space in one or more usable areas, these include gardens, and or well designed and integrated terraces and/or balconies at upper levels. Section 12.8.6.3 Green Roofs/Blue Roofs of the Development Plan outlines green roofs can form part of an integrated approach to green infrastructure and should complement the required open space provided within the site. Having regard to the above, I consider that the principle of the proposed roof terrace accords with the 2024 Guidelines and the Development Plan.
- 8.3.6. The roof terrace access is 8sqm and there is an associated amenity space at c.57sqm. The amenity space is set a minimum of 1m from the building edge on the terrace area, the remaining roof is covered by a sedum roof. The main private amenity space, the ground floor side and rear garden is c.255sqm, there is also an outdoor seating area at c.5msqm from the first floor level kitchen and dining room area on the north elevation. I am satisfied that the private open space for the proposed dwelling well exceeds private open space standards set out in the Development Plan and the 2024 Guidelines. I note the applicant highlights the Plan and 2024 Guidelines do not set out any blanket restrictions and that the design and layout have been developed to provide quality recreational space to serve the dwelling.
- 8.3.7. I note the application for the proposed development included a Design Report and 3D images produced by MCLA Architecture to demonstrate how the proposal integrates into the area. I consider that the images adequately reflect the design and, in my opinion, show that the revised design would not dominate views of protected structures. I note that DLRCC came to a similar conclusion. I also note that the existing dwelling on site is not a protected structure, in an Architectural Area and does not impact on protected views in the area.

- 8.3.8. I observed on my site visit significant variations in levels, a range of architectural styles and roof profiles and examples of balconies in the area. The applicant provided examples of projects that have significantly altered the existing appearance of dwellings in the Dalkey area and precedents of three storeys in proximity to the site to support their application. I note that some of these examples have been developed under the previous Development Plan or are long established. It is also my view that all cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 8.3.9. Having regard to the scale, design and position of the proposed development, to the size of the site, the degree the roof terrace is set back, screening and landscaping proposals, variations in levels, the surrounding area and Policy Objective PHP42 Building Design and Height which encourages high quality design, I am satisfied that the scale of the proposed roof terrace respects the sites context and can be accommodated on this large site. I therefore do not consider that it will give rise to unacceptable visual impacts or form an overbearing or incongruous feature. Views of the protected structures Prince Patrick House and Arcadia would remain prominent from Sorrento Road and I am satisfied the proposed development would not have negative impacts on the setting of protected structures, the character of the area or set an undesirable precedent. I have had regard to the appellants concerns about impacts associated with the proposed roof terrace and they are addressed below.

Overlooking

- 8.3.10. The appellants raised concerns that the proposed house would have a significant impact on their privacy. The applicant in their response has stated the rooftop terrace is designed to avoid impact and disagree with the suggestion that the applicant should not be allowed to enjoy views toward the sea as they have a garden.
- 8.3.11. Section 12.3.1.1 of the Development Plan outlines that design criteria to take into account in the assessment of applications includes *'levels of privacy and amenity, the relationship of buildings to one another, consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices'*. I note the Design Report and 3D Images by MCLC Architecture illustrates that areas of roof terrace are screened to prevent overlooking. The proposed amenity space

associated with the terrace is set back from roof edges on all sides and enclosed with a wall c.1.1m in height and perimeter planting. The proposal also incorporates a glass panel between a small section of the terrace and the sedum roof. The glass panel is illustrated as marginally above the height of the wall/planting and the sedum roof covers c.60% of the roof space.

- 8.3.12. With regard the location of the appellants properties in relation to the site, I note the following: The protected structure Prince Patrick House, Knocknacree Road is located at a higher level to the site and c.32m from the proposed dwelling. Prince Patrick Cottage, Knocknacree Road is located at a higher level to the site, there is a detached dwelling between the properties and it is c.45m from the proposed dwelling. Greylands, Ardeevin Road is located on the other side of the public road and is c.20m from the proposed dwelling. Greylands, Knocknacree Road is on an elevated position across the road and c.42m from the proposed dwelling. The properties on Sorrento Road are located at a lower level to the site and on the other side of the railway line and public road. No. 47, Egington, Sorrento Road is across from the site and c.48m from the proposed dwelling and No. 42 Sorrento Road is c.80m from the proposed dwelling. There are a number of properties between the Eastmount and Mount Salus areas and the site.
- 8.3.13. Having regard to the design of the proposed roof terrace and these separation distances which in my opinion are acceptable, I do not consider that the proposed development would result in any undue loss of privacy. I note there is no objection to the outdoor seating area from the first floor level kitchen and dining room area on the north elevation. This proposal addresses the public road and is at a lower level. Having regard to its location, I am satisfied no overlooking issues arise.
- 8.3.14. In relation to the adjoining dwelling Amristar, I note there is a separation distance of c6.5m between the side elevation of the proposed dwelling and this property and the design of the dining section of the roof terrace incorporates louvre screening c.2m in height to prevent overlooking. Having regard to the design of the proposed roof terrace and the sites characteristics, I am satisfied that the proposed screening is sufficient and that the proposal would not result in any undue loss of privacy to the adjacent property. I note residents of this property submitted observations in support of the application.

8.3.15. I also note there is a high level window for a living room on the west facing elevation and the existing dwelling has a large west facing window. Considering the existing level of intervisibility between the existing dwelling and the adjoining dwelling Amristar and the design of the proposed window, I am satisfied this proposed window will not give rise to unacceptable overlooking. Bedroom windows are located at the lower ground level of the proposed split level dwelling and are not visible from the public road. Remaining windows have separation distances in excess of 16m between opposing windows serving habitable rooms and meet the requirements of the 2024 Guidelines. I am therefore satisfied no overlooking issues arises.

Shadowing

8.3.16. While not raised in the grounds of appeal, I note that the application is supported by a Shadowing Analysis produced by MCLA Architecture. The assessment indicates the extent of overshadowing at 9am, 12pm, 3pm and 5pm for winter, spring, summer and autumn seasons. I consider the assessment to adequately reflect the proposal and the potential impacts from overshadowing. Having regard to the scale, design and position of the proposed development, to the size of the site, variations in levels and separation distances from surrounding properties, I am satisfied that adjacent dwellings and amenity spaces will not be adversely affected by the proposal in terms of a loss of daylight or sunlight.

Noise and Light Impacts

8.3.17. The appellants raised concern about potential impacts of noise and light associated with the terrace and state the proposal is significant enough in scale to be assessed under Section 12.9.2 Noise pollution and noise nuisance. The applicant in their response state their consultants and DLCRR disagree there would be significant implications for surrounding properties, the proposed terrace is designed to avoid impact and a single domestic private open space roof terrace is far below the threshold for a noise impact assessment. They also note the appellants have not stated screening is insufficient and are challenging expert reports without expert evidence. An observation noted social family noise can also occur from any garden.

8.3.18. Section 12.3.1.1 of the Development Plan outlines design criteria to consider in the assessment of applications includes the *quality of the pre-existing environmental*

sound environment and *site context*. Having regard to the domestic nature of the proposed development, I am satisfied a noise impact assessment is not required.

8.3.19. The proposed development is in an urban residential area. The site is bound by public roads to the north and south and a rail line to the east and I note noise occurs from traffic and railways³ and light from street lighting and existing dwellings. I also note the size of the site and the domestic nature of the proposal. The design of the proposed roof terrace includes screening to mitigate potential impacts on the adjacent property. The application is supported by a detailed landscaping scheme by Jane McCorkell Design Landscape Architect, which incorporates plant screening for the proposed roof terrace and garden areas.

8.3.20. Having regard to the nature of the proposal in an urban environment, the scale, design and position of the proposed terrace, the size of the site, screening and landscaping proposals, separations distances and the location of the appellants properties described in Section 8.3.12 above, I am satisfied that any potential noise and light impacts associated with the terrace will not unduly impact residential amenities. Should the Commission grant permission, I consider it appropriate to include a condition that landscaping proposals are carried out within the first planting season following substantial completion of external construction works, in the interests of residential amenity.

8.3.21. Although not raised in the appeal, there is also an outdoor seating area from the kitchen and dining room area at a lower level that addresses the public road. Given its location, the size of the site and separation distances, I do not consider potential noise and light impacts will arise.

8.4. Other Matters

8.4.1. *Railway*: Iarnród Éireann requested the proposed dwelling be set back 4m from the mutual boundary and that a new boundary be constructed within the applicant's landownership. They also requested a detailed construction (including demolition) management plan. I note the applicant in their response to the appeal states the application is supported by an Outline Construction Management Plan which includes

³ SEA Environmental Assessment Report of Dún Laoghaire-Rathdown County Development Plan 2022-2028

a commitment to co-ordinate with Iarnród Éireann. With regard the location of the proposed dwelling, I note the existing dwelling on site is c.3.2m from the boundary with the railway line, that DLRCC considered the separation of c1.3m from the new boundary to the proposed dwelling acceptable and as works are within the applicants landownership did not consider that the proposed development would have a negative impact on the railway. Having regard to the existing dwelling on site, that works are within the applicant's landownership and measures in the outline Construction Management Plan to coordinate with Iarnród Éireann, I accept DLRCCs assessment and am satisfied that the location of the dwelling is justified. I note the decision to grant permission included a condition to construct a 2.4m boundary wall along the north-east boundary within the applicant's land and that detailed design drawings and a risk assessed method statement must be agreed with Iarnród Éireann and the Planning Authority (Condition 2). A further condition was included that a detailed Construction Management Plan must be agreed with the Planning Authority (Condition 10). I consider these conditions appropriate should the Commission grant permission in the interests of environmental protection, residential amenity, public health and safety.

Iarnród Éireann recommended the applicant assess how noise and vibration would affect the proposed dwelling. Having regard to the existing dwelling on site, the design of the proposed dwelling and that it will have high performance windows, I consider that potential noise impacts on the dwelling from the railway have been adequately addressed. I note DLRCC considered a noise assessment was not necessary for similar reasons.

- 8.4.2. *Green roof and surface water management:* Although not raised in the grounds of appeal, I note DLRCCs Drainage Department had no objection to the proposed development subject to conditions relating to the green roof, surface water drainage and any changes to hardstanding areas. Policy Objective E16 requires all development proposals to incorporate Sustainable Drainage Systems. Having regard to the nature of the proposed development, the size of the ground and rear garden at 255sqm, the existing dwelling on site and the footprint of the proposed dwelling at 193.5sqm, I am satisfied that surface water runoff can be accommodated on site and Policy Objective E16 can be complied with by way of condition. The decision to grant permission included a condition that the sedum green roof be designed, installed and

maintained in accordance with a BS EN standard and SUD manual (Condition 6). I consider this condition appropriate in the interests of public health.

8.4.3. *Subdivision of dwelling*: I note that the appellants did not object to the principle of the proposed dwelling and the decision to grant permission included a condition that the dwelling be used as a single dwelling unit and not sub-divided (Condition 3). I consider it appropriate to include this condition to protect residential amenities.

8.4.4. *Access*: I note the decision to grant permission included a condition requiring the vehicular entrance to be a maximum of 3.5m and the footpath dished and strengthened (Condition 9). I consider it appropriate to include this condition in any grant of permission in the interests of traffic safety, visual and residential amenity.

8.4.5. *Contribution*: A contribution is required for the proposed development under the Dún Laoghaire-Rathdown County Council Contribution Scheme 2023-2028.

9.0 **AA Screening**

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

9.2. The subject site is located c.435m west of Dalkey Islands SPA (004172) and c.470m west of Rockabill to Dalkey Island SAC (003000).

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

9.4. Having considered the nature, scale and location of the proposed development, 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:

- The nature of the development proposal.
- The location of the development in a serviced area.
- The distance to the Natura 2000 network and the absence of pathways to any European Site.

9.5. 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.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

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

12.0 Reasons and Considerations

- 12.1. Having regard to the condition of the existing dwelling on the site, the design, scale and nature of the proposed development, the location of the site in a serviced urban area, the established built form and the character of the surrounding area, the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028 and the 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 be an acceptable form of infill development, would not seriously injure the residential or visual amenities of the

area, detract from the setting of protected structures or the character of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions. REASON: To clarify the plans and particulars for which permission is granted.
2.	The granite boundary wall along the north-east boundary shall be 2.4m unless otherwise agreed with the Planning Authority. The foundation of this boundary treatment must be constructed entirely within the applicant's land and must not encroach upon railway property. The maintenance of this boundary treatment rests with the Applicant and the Successor-in Title. Due to the close proximity to the railway cutting, the Applicant must submit detailed design drawings and a Risk Assessed Method Statement (RAMS) to Iarnród Éireann. Evidence of agreed details with Iarnród Éireann shall be submitted to the Planning Authority prior to commencement of development. REASON: In the interests of the proper planning and sustainable development of the area.
3.	The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units. REASON: In the interest of residential amenity.
4.	The width of the proposed widened vehicular entrance shall be no more than 3.5m. The access arrangements and works to the public footpath shall comply with the requirements of the planning authority for such works and services. REASON: In the interest of traffic safety and visual and residential amenity
5.	Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban

	Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works. REASON: In the interest of public health and surface water management.
6.	The proposed sedum green roof shall be designed, installed and maintained in accordance with the requirements of the planning authority for such works. REASON: In the interest of public health.
7.	The landscaping scheme shown on drawing number PP451-01 shall be carried out within the first planting season following substantial completion of external construction works, unless otherwise agreed in writing with the planning authority. REASON: In the interest of residential and visual amenity.
8.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. REASON: In order to safeguard the amenities of property in the vicinity.
9.	Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a detailed Construction Management Plan, which shall be adhered to during demolition and construction phases. This plan shall provide details of measures to ensure there is no impact on the adjacent railway line, intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste and traffic management arrangements. REASON: In the interest of public safety and amenity.
10.	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.
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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.

Michele Beirne

Planning Inspector

28th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	500481-DR-25
Proposed Development Summary	Demolition of house and construction of replacement house with associated works.
Development Address	1, Knock Na Cree Road, Dalkey, Dublin, A96VN59
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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.	

☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold Class 10 (b) (i), threshold > 500 dwellings
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	500481-DR-25
Proposed Development Summary	Demolition of house and construction of replacement house with associated works.
Development Address	1 Knock Na Cree Road, Dalkey, Dublin, A96VN59
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The site is located in a serviced urban area. The development has a modest footprint, comes forward as a standalone project and does not require the use of substantial natural resources. It does not give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.	The site is located in a serviced urban area. The dwelling is not a protected structure, within an ACA or in the immediate area of protected views. Two protected structures are located approximately 30m south of the site and the railway bridge adjacent to the site is a protected structure. The site is not located in a designated site. The closest European sites are Dalkey Islands SPA (004172) located c.435m east of the site and Rockabill to Dalkey Island SAC (003000) located

wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	c470m east of the site. Screening for AA concluded 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.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site is in a serviced urban area. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____