



An
Coimisiún
Pleanála

Inspector's Report

PL-500723-DR-26

Development

Single storey family flat extension comprising of hallway linked to the existing dining of the main house, living/dining/kitchen room, 2 double bedrooms & 2 bathrooms with associated site works to the front

Location

2a, Proby Square, Carysfort Avenue, Blackrock, Dublin A94NY19

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D25B/0461

Applicant(s)

Susan Kirby and Joe Redmond

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third party

Appellant(s)

David Wheelahan

Observer(s)

Ultan O'Broin

Michael Wheelahan

Stephen Deane & Cindy Alarcon Valencia

Date of Site Inspection

28 March 2026

Inspector

Killian Harrington

Table of Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	6
5.0	Policy Context	8
6.0	EIA Screening	12
7.0	The Appeal	12
8.0	Assessment	15
9.0	AA Screening	21
10.0	Water Framework Directive	22
11.0	Recommendation	23
12.0	Reasons and Considerations	23
13.0	Conditions.....	23
	Appendix A: Form 1 EIA Pre-Screening	26

1.0 Site Location and Description

- 1.1 The subject site (c. 0.3ha) is located in Proby Square residential area off Carysfort Avenue in Blackrock, Dublin. It consists of a 2-storey terraced dwelling with a front garden and access to Proby Square to the south. It forms part of a development where the rear gardens of number 2 and 3 Proby Square were previously redeveloped to accommodate two semi-detached houses. These two-storey dwellings share access and parking with the original front-facing houses, which were converted and extended into apartments. The site is bounded by 3A Proby Square to the east and 1A Proby Square to the west and 2 Proby Square to the south which contains a number of apartments. The subject site is located in an established residential area with a mix of two-storey dwellings and infill apartment and mews-style developments.

2.0 Proposed Development

- 2.1 The proposed development comprises a single-storey extension to the front of the existing dwelling for the purpose of a granny or family flat. This will comprise a hallway linking the existing dining room of the house, a living/kitchen/dining room, 2 no. double bedrooms and 2 no. bathrooms with associated site works.

3.0 Planning Authority Decision

3.1 Decision

Dun Laoghaire-Rathdown County Council granted planning permission subject to standard conditions

3.1.1. Planning Authority Reports

The Planning Authority report noted the Objective A (residential) land use zoning and assessed the proposal in relation to the criteria set out in the Development Plan for family flats and residential extensions. It noted objections based on the issue of the subject site being used as open space in the past by the residents of the adjacent apartment building to the south (2 Proby Square).

Following a Further Information request on land ownership details (Item no. 1), demonstration of meeting open space requirement for apartment buildings (item no. 2) and confirmation of family flat use (Item no. 3) , the planning authority received a submission from the applicant demonstrating private ownership of this plot since 2021, sufficient retention of open space for the adjacent Proby Square apartment block and confirmation that the intended user of the flat is a family member and relates to multi-generational living. This fully addressed the FI Request. The planning authority was satisfied that the subject site (front garden of the existing dwelling) was no longer a space used by or under the control of the management company of the adjacent apartments. It was therefore deemed not be communal open space but the private open space of a dwelling and suitable for development.

Overall, the planning authority had no design or amenity concerns regarding the front extension and the use of this as a family flat and recommended a grant of approval subject to standard conditions including condition no. 2, which stated that the unit shall be used as a family flat extension only and not be used as a separate dwelling unit.

3.1.2 Other Technical Reports

- Drainage – no object subject to standard SuDs conditions

3.2. Prescribed Bodies

None

3.3. Third Party Observations

Observations made the following points as summarised:

- Planning history means that the subject site should be retained as private open space and the proposal contravenes existing permissions

- There would be a loss of amenity for neighbouring residents
- Parking and traffic congestion concerns including not having access rights to the communal car park owned by the apartment building management company

4.0 Planning History

4.1 Subject site – 2A Proby Square

- Reg. Ref. PR/494/91 – Planning permission granted for 2 mews houses
- Reg. Ref. PR258/93 – Planning permission granted for alterations to car parking layout and driveway to serve the two mews houses
- Reg. Ref. D00B/0653 – Planning permission granted for development comprising a two-storey extension to the side/rear
- Reg. Ref. D04B/0128 – Planning permission granted for development comprising a single storey slated roof domestic extension to the front and internal modifications to incorporate a ground floor bedroom.

2 and 3 Proby Square

- Reg. Ref. PR4794/74 – Planning permission granted for the use of no. 2 as 6 apartments
- Reg. Ref. PR12127/82 – Planning permission granted for the extension to the rear of no. 3 and for change of use to apartments

Rear of 2 and 3 Proby Square

- Reg. Ref. D98A/1097 – Planning permission refused for two townhouses, additional carparking spaces and revised layout at rear of and between nos. 2 & 3 Proby Square. Reason for refusal as follows:
 1. *The proposed development seeks to erect 2 dwellings on areas of land designated as private open space in the planning permissions for existing apartments within the site consequently, the proposed development would*

materially contravene condition no. 1 of planning permissions PR 494/ 91 and PR 258/93. It would also represent an overdevelopment of the site and in removing the open space, the development would not in keeping with the pattern and density of development in the area, would seriously injure the amenities of adjoining residences within the overall site and would be contrary to the proper planning and development of the area.

4 Proby Square

- Reg. Ref D21A/0136 – Planning permission granted for proposed development that will consist of: A. partial excavation and lowering of ground level with associated site works. B. The construction of 1 no. 3 bedroom two storey mews dwelling. C. Construction of new boundary walls to the rear of the proposed dwelling and adjacent dwelling at No. 5 Proby Square Mews. D. Construction of a parking area and a turning circle accessed from laneway. E. Installation of new foul and surface drainage runs under adjoining laneway, and all associated site works. Subsequently granted permission by ACP following a third party appeal (Ref. ABP-310134-21)
- Ref 14B/0265 – Planning permission granted for extensions and alterations to an existing part two/part three semi-detached dwelling, comprising of: 1. The construction of 2 no. dormer box extensions, one to the front and one to the rear of the main pitched roof. 2. Internal alterations and 3. All associated site works.

50B Avondale Lawn (north of subject site)

- Reg. Ref. D23A/0008 – Planning permission granted for the demolition of the attached garage and the existing single storey rear and side extension and the construction of a single storey rear extension of the existing house (to comprise a kitchen/dining living area) and construction of a single storey granny flat at the side all at ground floor level and construction of an extension at the side of the existing house at first floor level to comprise a master bedroom & ensuite and associated changes

to the elevations to include a canopy over the front entrances and associated internal alterations and site development works.

5.0 Policy Context

5.1 Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The following are relevant Development Plan policies and objectives:

Policy Objective PHP18 - Residential Density: Seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19: Existing Housing Stock – Adaptation states that it is a Policy Objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

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

Policy Objective PHP27 - Housing Mix: Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.

Chapter 12 Development Management

Section 12.3.4 refers to Residential Development – General Requirements.

Section 12.3.7 refers to Additional Accommodation in Existing Built-up Areas and includes the following:

Section 12.3.7.1 Extensions to Dwellings

Front extensions, at both ground and first level will be considered acceptable in principle subject to scale, design, and impact on visual and residential amenities. A break in the front building line will be acceptable, over two floors to the front elevation, subject to scale and design however a significant break in the building line should be resisted unless the design can demonstrate to the Planning Authority that the proposal will not impact on the visual or residential amenities of directly adjoining dwellings. Excessive scale should be avoided.

Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.

Section 12.3.7.3 Family Member/Granny Flat Extension

A family flat will be subject to the following criteria:

- The flat must not exceed 50 sq.m. in floorspace and/or comply with rural extensions guidance.
- The site must be suitable for development.
- The flat must be occupied by an immediate family member and a legal agreement - under the provisions of Section 47 of the Act - to this effect may be sought by the Planning Authority. When no longer in use as a family

flat, the unit must be subsumed back into the fabric of the main dwelling house.

- The flat must be capable of being connected to the existing wastewater treatment system on the site. Where such a system is not sufficiently sized or operating efficiently it must be capable of being replaced with a suitable wastewater treatment system to serve both the existing house and family flat.
- The creation of an additional vehicular access will not be considered acceptable and the existing access and parking on site must be capable of accommodating any additional vehicular movements or upgraded as deemed necessary by the Planning Authority.

Section 12.8.7.2 Boundaries

Boundaries located to the front of dwellings should generally consist of softer, more open boundary treatments, such as low-level walls/railings and/or hedging/planted treatments.

5.2 National Guidelines

Sustainable Residential Development and Compact Settlements (2024)

SPPR 1 – Separation Distances

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. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory

development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR2 – Minimum Private Open Space

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 2 bed house 30 sqm
- 3 bed house 40 sqm
- 4 bed + house 50 sqm

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

- (i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
- (ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling

5.2. Natural Heritage Designations

The subject site is approximately 1km from South Dublin Bay proposed NHA, Booterstown Marsh proposed NHA and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1 Grounds of Appeal

The third party appeal includes the following grounds:

- Planning history - The proposed development is in contravention of existing planning permission for the apartments PR 12127/82 and PR12457/82. Also Condition 1 of PR 494/91 and PR 258/93 designates the subject application site as private open space to be used by residents of the apartment building in that permission. This 85 sqm of green space was enjoyed by apartments residents and was a reason for the appellants purchase of an apartment in 2018. The proposed extension would further reduce the limited communal amenity space for the apartments.
- Overdevelopment - The proposed development constitutes overdevelopment and would seriously injure the residential amenity of existing residents. In a refusal in 1999 (D98A/1097), the planning authority deemed that building on land to the front of the subject dwelling would have constituted overdevelopment as it would have removed open space. The same reasoning applies to the current proposal. The applicants have since extended the property twice. There would now be an asymmetrical appearance between buildings, potential overlooking and a removal of green space and biodiversity with potential impact on drainage.
- Parking - The proposal makes inadequate provision for parking despite increasing accommodation in the mews by 2 bedrooms. The communal parking

area is restricted to Central Proby Apartment Management Limited and is private property. There will be further traffic congestion as a result of the proposal.

7.2. Applicant Response

A summary of the response is as follows:

- Planning history – The response provides a detailed overview of the planning history that is already set out in the appeal submission. The applicant's response argues that the proposed development does not contravene any planning permission. The applicant is not aware of any conditions attached to the previous permissions that sterilise the use of the subject plot of land. The residents were already aware of the apartment developer's private ownership of this area and it was never under the ownership of the apartment building management company. The sale to the applicant was subsequently made in 2021. The management company never objected to the planning application.
- Overdevelopment - The proposed development is a modest, single-storey flat for family use and would not impact on the amenity of neighbours. Any previous refusal for development on this land under D98A/1097 related to the severance of all lands between 2 and 2A Proby Square and the construction of 2-storey houses on that land and between 3 and 3A Proby Square. This would have raised density levels and introduced new amenity concerns. However, the subject proposal relates to an extension of an existing dwelling only. The FI Request submission already deals with how much amenity space is retained for use by the apartment residents and how this exceeds Development Plan minimum requirements (i.e. 6 sqm of communal open space per apartment). The total open space for the apartments is 390 sqm – 133% of the minimum requirement.
- Parking – Incorrect to state that parking provision is insufficient. The proposal does not generate parking demand. The existing provision of parking for 2A Proby Square is appropriate and the original planning permission for the mews

house assigns parking rights in the main car park (Condition 2(ii) of Reg. Ref. 258/93). It is not a requirement to be a member of Central Proby Apartment Management Company to benefit from the shared parking arrangements.

- The response includes an email from a former director of Central Proby Apartment Management Limited dated 25 February 2026 noting that up until December 2024 the company had not been in receipt of any objections from residents regarding any newly installed perimeter fence around the subject site.
- The response includes the applicant's response to the Further Information Request dated 9 December 2025.

7.3 Planning Authority Response

The planning authority has made the following response: 'It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposal'

7.4. Observations

A number of observations raise the following issues:

- Contravention of planning history – The proposed development is in contravention of existing planning permissions PR 2127/82, PR12457/82, PR 494/91 and PR 258/93 relating to the original overall site and the private open space to be used by residents of the apartment building in that permission. This 85 sqm of green space was enjoyed by apartments residents since 1982 and was a reason for the appellants purchase of an apartment in 2018. The proposed extension would further reduce the limited communal amenity space for the apartments. The planning authority did not assess the cumulative impact of the proposal in relation to the planning history
- Overdevelopment, scale and loss of amenity - The proposed development constitutes overdevelopment and would seriously injure the residential amenity

of existing residents. It is out of scale and the loss of the 85 sqm communal garden harms residents of smaller apartments

- Parking and traffic - The proposal adds two bedrooms and makes inadequate provision for parking despite increasing accommodation in the mews by 2 bedrooms. The communal parking area is restricted to Central Proby Apartment Management Limited and is private property. There will be further traffic congestion as a result of the proposal.
- Environmental Concerns – The proposal impacts on green infrastructure as it involves the removal of ‘open space’ contrary to Chapter 15 of the Development Plan. It also removes natural drainage and biodiversity

8.0 Assessment

8.1. According to Section 12.3.10.6 of the Development Plan, a family or granny flat is a temporary self-contained living unit with one or (maximum) two bedrooms for a member of the immediate family to reside in. In such cases, a direct link (in the form of an internal door) to the main dwelling house would be maintained and the unit, when no longer in use as a family flat, would be subsumed back into the fabric of the main dwelling. All such developments considered to be acceptable by the Planning Authority must enter into a legally binding agreement under the provisions of Section 47 of the Planning Act in respect of the use of the proposed family unit remaining as such and will not be permitted to be sold/let separately from the main dwelling.

8.2 The subject of the appeal is the proposal for a single storey extension to the front of the dwelling to provide ancillary family accommodation. The relevant Development Plan policy objectives for this proposal have been set out in Section 5.0 of this report. Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to the Land Use Zoning ‘Objective A’, which seeks to provide residential development and improve residential amenity while protecting

the existing residential amenities. The proposed development of an extension to an existing dwelling to provide a temporary self-contained family flat is permitted in principle under this zoning objective subject to compliance with all other policies.

- 8.3 Following a review of the file, assessment of the relevant planning policies and inspection of the site, I conclude that the primary concerns in this appeal are (1) Planning History and (2) Layout and Design.

(1) Planning History

- 8.4 I have set out the planning history in Section 4.0 of this report. The 6 no. apartments of 2 Proby Square date from the 1970s while 6 no. apartments were developed at 3 Proby Square in the 1980s. All 12 apartments are managed by Central Proby Apartment Management Limited. The dwelling that is the subject of this appeal was granted permission, as one of a pair of mews houses was granted permission in 1991. The dwelling was extended in later years. Further development of housing on land between the subject dwelling and the apartments was refused in 1999.
- 8.5 The appeal argues that the subject site (i.e. 85 sqm of middle green space to the south of the dwelling and north of the apartments) should never have been fenced off from use by the apartment building residents. I note the appeal refers to an ongoing enforcement matter relating to the height of the boundary fence for the site but this is not a matter for consideration in this appeal.
- 8.6 As part of a Further Information request, the applicant was able to confirm purchase of this plot of land in 2021 from the original developer of the apartment building by providing a copy of the deeds and land registry information whilst also making the distinction that it is not zoned as open space. I am satisfied the applicant is in full ownership of the application boundary and the site is suitable for development.
- 8.7 From a site inspection and an assessment of the file including the applicant's response, I am satisfied that the information submitted as part of the planning application confirms the site is suitable for development and that this open space is not used for the residential amenity of the Proby Square apartments. I note the

drawing submitted by the applicant (under FI item no. 2) showing a large amount of useable, landscaped open space (390 sqm) retained for residents. Furthermore, the apartments are in close proximity to Carysfort Park. I am therefore satisfied that the issue of the planning history and retention of open space for the Proby Square apartments has now been resolved.

(2) Layout and Design

- 8.8 The proposed front extension is c. 74 sqm in area and comprises a hallway linking the existing dining room of the house, a living/kitchen/dining room, 2 no. double bedrooms and 2 no. bathrooms with associated site works. There are rooflights proposed on each roof slope. There is no additional parking proposed. The external appearance would comprise a red brick finish and roof tiles to match the existing house.
- 8.9 I have assessed this proposal against the general residential standards in Section 12 and the particular criteria in Section 12.3.7.1 (extensions) and Section 12.3.7.3 (family flats) of the Development Plan in terms of design and the relationship with the existing dwelling, immediate neighbours and potential impact on their amenity.
- 8.10 Firstly, there would be sufficient private open space retained for the host dwelling in accordance with Section 12.8.3.3 and I am satisfied that this would be useable space and be acceptable in terms of quantity and quality. The proposal increases the existing dwelling from a 4 no. bed to a 6 no. bed dwelling with the remaining area of private open space equating to 60 sqm. This complies with SPPR2 of the national settlement guidelines set out in section 5.0 of this report, which specifies a 50 sqm minimum for all dwellings above 4 bedrooms. I am also satisfied that the space, in a courtyard layout, is useable and appropriate for occupants offering privacy that may not be afforded otherwise. Section 12.8.3.3 (Private Open Space) of the Development Plan states that in instances where an innovative design response is provided on site, particularly for infill and corner side garden sites, a relaxation in the quantum of private open space may be considered. The proposal therefore does not impact on residential amenity of the existing dwelling or the subject family flat, offering adequate amenity space to both.

- 8.11 In terms of the criteria for a family flat set out in Section 12.3.7.3 of the Development Plan (and Section 5.0 of this report), the proposed flat is on a suitable residential site, does not require additional car parking and maintains a hallway connection to the existing dwelling. The proposal meets the criteria except for the 50 sqm area limit, which it exceeds by 24 sqm. Although 74 sqm is large for a granny flat, I am prepared to apply an amount of flexibility and interpretation in this instance based on the particular characteristics of the site and the low impact of the proposal. The subject plot size is 353 sqm with the existing house at 178 sqm. This plot is large and commodious and can absorb the extension and still leave sufficient amenity space. There are no adverse impacts to neighbouring residential amenity. I accept that a second bedroom can often be required in cases of multigenerational living and I find the layout, being single storey with a combined kitchen and living space is practical and appropriate. In the event of a grant of permission, a condition that controls the use and future status of the dwelling can be attached.
- 8.12 The appeal raises issues around overdevelopment and a scale of development that is not in keeping with the residential character of the area. In doing so it references a 1999 refusal by the local authority (D98A/1097) for 2 no. dwellings to the front of 2A Proby Square - the dwelling that is the subject of this appeal. The appeal argues that the local authority at the time characterised the proposal as 'overdevelopment' due to it being open space and therefore impacting on residential amenity. However, I note that this refusal related to multiple dwellings on a site between the apartments and 2A Proby Square. This proposal relates to an extension only. Furthermore, the subject site is no longer considered open space but within the curtilage of a private dwelling. While the same reasoning does not apply in this case, an assessment for overdevelopment can still be made.
- 8.13 Although the proposal is larger than usual for a front extension, with a width of 14 metres and depth of 6.8 metres and there would be an asymmetrical appearance alongside 3a Proby Square, it is in keeping with the general scale of development in this mews and is similar in scale to the extended 1A Proby Square. It would not appear incongruous or overbearing due to its single-storey height and sloped roof

profile, with a maximum height of 4.5 metres and orientation away from the nearest residential units. The existing dwelling height is c. 7 metres and so the extension would appear subservient. The retention of mature hedging on the boundary would assist in screening the extension from view. The prevailing development context and the scale and nature of the surrounding residential buildings have also been taken into consideration. It would also not have any harmful impact on visual amenity or streetscape due to its relatively discreet location set back from Carysfort Avenue and its positioning between a two-storey dwelling and a three-storey apartment building.

- 8.14 I consider the proposal to comply with the design criteria set out for front extensions in Section 12.7.3.1 of the Development Plan. I am satisfied that no overshadowing or privacy issues arise due to the low height and lack of directly overlooking windows. The façade facing 3A Proby Square would have no windows while the west-facing elevation facing 1A Proby Square does not face any neighbouring windows and would be screened by boundary treatment. The proposed design has sufficiently demonstrated that, in its context, the extension is to scale and would not impact on the visual or residential amenities of directly adjoining dwellings.
- 8.15 Overall, as a result of the above design achievements, the proposal would not constitute overdevelopment. It would be a modest single-storey extension of a large 2 storey family home, visually in keeping with the residential character of Proby Square and not impacting on streetscape. There would be no harmful impact on neighbouring residential amenity as a result of the proposal thus complying with Policy Objective PHP20 and Section 12.3.7.1 (extensions) of the Development Plan.

Other Matters

- 8.16 The appeal and observations raise concerns around parking and traffic congestion. Under Section 12.3.7.3 of the Development Plan, the creation of an additional vehicular access for a family flat will not be considered acceptable and the existing access and parking on site must be capable of accommodating any additional

vehicular movements or upgraded as deemed necessary by the Planning Authority. The proposal does not include any additional parking and does not generate parking demand. The application (and applicant response to this appeal) states that there is 1 no. parking space in the existing dwelling as per the planning permission for the revised parking layout of the mews houses that designated 1 no. space each (Reg. Ref. 258/93). I am satisfied that Condition 2(ii) of this permission also allows for general parking in Proby Square. The applicant claims that this is sufficient. The proposed accommodation is for the purposes of a temporary family flat and not a permanent dwelling.

- 8.17 I note the appeal maintains that communal parking is under private ownership and therefore not an option for the applicant. However, this is not a matter for consideration as the proposal intends to utilise the existing parking arrangements within the curtilage of the property and the arrangements derived from the planning permission for the dwelling. Irrespective of these arrangements, having undertaken a site inspection, I conclude that there would be no traffic safety hazard or traffic congestion as a result of the proposal.
- 8.18 The appeal and observations also raises the concern about surface water drainage as there would now be a loss of open green space in the general area. The proposal already includes a 100mm diameter surfacewater connection to the existing soakpit. I am satisfied that the soakpit can be designed to the standards of BRE 365 or an alternative SuDS measure can be put in place in accordance with the Development Plan and that this would be resolved by way of a pre-commencement condition in the event of a grant of permission. In terms of any other environmental impact relating to protected flora and fauna, the proposal is Development Plan compliant and the proposal has been subject to environmental screening (AA and EIA). As demonstrated in this assessment, the subject site is not open space nor does it form part of the Development Plan's Section 15 Green Infrastructure network.
- 8.19 I note the observations submitted for this appeal and the concerns in relation to the planning history, residential amenity and scale and massing outlined in these

observations have already been considered in my assessment. No other issues appear have been raised.

- 8.20 Overall, the proposed development would be in keeping with the residential character of the area and would not cause harm to the visual amenity of the area. Furthermore, the proposal would retain residential amenity for 2a Proby Square whilst also not causing harm to the amenities of the adjacent Proby Square apartments and dwellings at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The subject site is approximately 1km from South Dublin Bay proposed NHA, Booterstown Marsh proposed NHA and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA
- 9.2. The proposed development comprises the construction of a single storey family flat extension and associated site works. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. 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. The subject site is located at 2a Proby Square, Carysfort Avenue, Blackrock, Co. Dublin – an established residential area approximately 1km inland from the Irish Sea and c. 0.7km south of the Brewery Stream
- 10.2 The proposed development comprises the construction of a single storey family flat extension and associated site works. No nature conservation concerns were raised in the planning appeal. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works
 - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4 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.

11.0 Recommendation

11.1. I recommend that planning permission be granted

12.0 Reasons and Considerations

12.1 Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed and the residential zoning of the site, it is considered that the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area and would not seriously injure the residential amenity of surrounding properties. 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 and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. External finishes shall be indicated on the plans submitted unless otherwise agreed in writing with the Planning Authority prior to commencement of the development.

Reason: In the interest of visual amenity

3. The independent family unit for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of

the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In the interest of residential amenity and to control the density of residential units

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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: To safeguard the residential amenities of adjoining property in the vicinity

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.

Killian Harrington
Planning Inspector

05 April 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500723-DR-26
Proposed Development Summary	Single storey family flat extension comprising of hallway linked to the existing dining of the main house, living/dining/kitchen room, 2 double bedrooms & 2 bathrooms with associated site works to the front
Development Address	2a Proby Square Carysfort Avenue, Blackrock, Co. Dublin
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal is for the construction of a 1 no. bedroom 'granny flat'.
2. 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: 05 April 2026

