



An
Coimisiún
Pleanála

Inspector's Report

PL-500907-DR-26

Development	Modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house.
Location	Sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin 18, D18R9W2
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25A/0928/WEB
Applicant(s)	Bednarek Holdings
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John & Helena O'Connor Robert Murphy
Observer(s)	None

Date of Site Inspection

9th May 2026

Inspector

Barry Diamond

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Appendix 1 –EIA Screening

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 173sqm and is currently a construction site at the corner of Highland Grove and Highland Avenue. The site has had some site levelling works carried out and is currently defined by site/security fencing approximately 2 metres in height. There is a notable height difference of approximately 1.5 metres between the application site and the adjoining dwelling at No. 1 Highland Grove.
- 1.2. The surrounding area is defined primarily by two storey semi-detached dwellings, however, there are a number of detached dwellings, with two examples being located 25 metres east of the appeal site.
- 1.3. Semi-mature trees along the roadside verge are a notable feature in the area which helps soften the impact of the built form and adds to the visual amenity.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house. The proposed modification includes:
 - Repositioning of the permitted dwelling by approximately 0.6 metres closer to the public footpath boundary;
 - Reduction in height of the permitted boundary wall from 2 metres to 1 metre;
 - Revised external finishes comprising light grey brick at ground-floor level and off-white render at first-floor level;
 - Minor adjustments to the site layout arising from this repositioning; and
 - All associated site development works.

3.0 Planning Authority Decision

3.1. Decision

On the 4th February 2026 the Planning Authority issued a decision to grant planning permission subject to conditions.

3.1.1. Conditions

2. Save for the amendments granted on foot of this permission, the development shall otherwise be retained and completed in strict accordance with the terms and conditions of Planning Permission Reg. Ref. D21A/0297, save as may be required by the other conditions attached hereto.

Reason: In the interest of the proper planning and sustainable development of the area

3. (a) The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure. (b) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3

Driveways/Hardstanding Areas of the County Development Plan 2022-2028.

Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

4. a) The footpath and the grass verge in front of the proposed vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers. With regard to both the dishing and strengthening of the footpath and the grass verge in front of the vehicular entrance, the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required

permits. b) A minimum of one third of the front garden area shall be maintained in grass or landscaped in the interest of urban greening and SUDS in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the county development plan 2022-2028. c) The proposed side boundary treatment adjacent to Highland Avenue shall be constructed so as not to encroach on the existing public footpath. d) All necessary measures shall be taken by the Applicant and Contractor to: • prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, • repair any damage to the public road arising from carrying out the works, • avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: In the interest of public safety and of proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the processing of the application and the decision to grant planning permission. It includes the following points:

- The development should have regard to climate change action noting Policy CA7 of the Development Plan when considering the use of materials;
- The height, massing, roof form, internal layout are in keeping with the previous approval;
- The proposed changes to the location and form of the building would not affect the amenities of existing residents;
- There would be no adverse impact on the character or streetscape;
- The proposed vehicular access has been modified to 3.5 metres in width which the Transport Section have raised no objection;
- The drainage proposals are acceptable; and
- The proposal does not lead to any significant concerns in relation to Appropriate Assessment and Environmental Impact Assessment.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.

- Transport Planning Section: no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

There were three observations raised during the processing of the planning application which are attached to the file. One of the observations was a petition which included 20 names. I consider that some of the issues raised in their submissions to the Commission correlate with the issues raised, however, the additional issues raised in the observations to the Planning Authority are as follows:

- The bin storage area is 1 metre from the front door of No. 1 Highland Grove which is unacceptable;
- It will be difficult to construct the house approved under approval Ref: D21A/0297 due to encroachment from retaining walls, overhangs etc;
- The floorspace under approval Ref: D21A/0297 exceeded the maximum floorspace for a two bedroom house as per the Quality Housing for Sustainable Communities Best Practice Guidelines;
- The floor level of approval Ref: D21A/0297 is 0.762mm lower than No. 1 Highland Grove which means that retaining walls are required and there is a responsibility on the Planning Authority to ensure works don't affect adjoining structures;
- The foundations have been poured at a higher level than approval Ref: D21A/0297;
- The proposed dwelling is squeezed and shoe horned into an available area;
- The proposed relocation is simply to facilitate the construction of the house proposed under approval Ref: D21A/0297 without having to comply with the conditions;
- The proposal is contrary to Section 8.2.3.4 (v) of the Development Plan which states that the use of a gable wall as a side boundary is unacceptable;
- The pathway to the eastern wall should be retained at 800mm and not reduced to 200mm which is unusable;

- Normal development standards require a 2 metre high wall for amenity purposes. The reduction in this case is to allow light to the ground floor windows;
- No definitive reason has been put forward for relocating the house;
- The house is being moved by 760mm not 600mm;
- The application does not demonstrate how the proposal would affect the building line along Highland Grove;
- There would be views from the ground floor terrace due to the variance in levels;
- A wall of 3.37 metres in height would be required to protect amenity of the future occupants;
- The driveway cannot accommodate three vehicles with no facility for off-street parking as the proposed house is on a corner site;
- The proposed finishes do not match the other existing dwellings;
- The proposals do not address the reduction in daylight to No. 1 Highland Grove which was not assessed under approval D21A/0297;
- There has been breaches of the Construction Management Plan required under the earlier approval;
- The previous approval was a gross overdevelopment of the site; and
- The kitchen/dining area is 27sqm which is below the minimum 30sqm as per the Quality Housing for Sustainable Communities Best Practice Guidelines.

4.0 Planning History

Site

D21A/0297 & ABP-310646-21 - Permission was granted for the construction of a detached two storey house on a sub-divided site to the side of the existing house, the extended dishing of the pavement to access a new parking area to the proposed house, and to move the parking area for the existing house, a new pedestrian access door to the rear garden and associated site works at 1 Highland Grove, Cabinteely, Dublin, D18 R9W2.

D20A/0213 & ABP-307685-20 - Permission was refused for the construction of a detached three storey house on a sub-divided site to the side of the existing house, the extended dishing of the pavement to access a new parking area to the proposed house and to move the parking area for the existing house, a new pedestrian access door to the rear garden, 3 No. rooflights and associated site works.

The Planning Authority refused the application for one reason;

1. The proposed dwelling would, by reason of its excessive scale, massing and blank gable elevation onto Highland Avenue, appear visually overbearing and obtrusive on the streetscape and would seriously injure the character and visual amenity of the area. The proposed development would, therefore, be contrary to the objective 'A' zoning of the site, to protect and/or improve residential amenity, and the proper planning and sustainable development of the area. 2. The proposed development would, due to the insufficient quantity of off-street car parking proposed, result in car parking overspill on adjoining roads. As such, the proposed development would give rise to an obstruction of road users and a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

An Bord Pleanála refused the application for one reason;

1. The proposed development is in an area zoned A to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The application site comprises a narrow side garden which functions in part as public open space. The proposed development by reason of its excessive scale, mass and position on the boundary of the public footpath would comprise overdevelopment of a restricted site and would be visually incongruous and out of character with the pattern of development in the area. The proposed development would, therefore, seriously injure the visual and residential amenity of the area and would contravene the residential zoning objective set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development is therefore not in accordance with the proper planning and sustainable development of the area.

Setting

D17A/0658 - Permission was granted for the construction of two storey detached house to side of existing house including new separate vehicular entrance, relocation

of existing entrance, drainage and associated ancillary works at 18, Highland View, The Park, Cabinteely, Dublin 18.

D15A/0290 - Permission was granted for the erection of a two storey, two bedroomed detached dwelling house and vehicular access for parking on a site to the side of existing house at 29 Park Drive, Cabinteely, Dublin 18.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities.

Policy Objective PHP18 (Residential Density) is relevant and states: Increase housing (houses and apartments) 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.

Policy Objective PHP19 (Existing Housing Stock – Adaptation) states that it is a policy objective to: “conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. 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)

Section 12.3.1 (Quality Design)

Section 12.3.3 (Quantitative Standards for All Residential Development)

Section 12.3.4 (Residential Development – General Requirements)

Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas) with particular reference to Section 12.3.7.5 Corner/Side Garden Sites and Section 12.3.7.7 Infill.

Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and

passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.

Section 12.8.2 (Open Space Categories for Residential Development)

Section 12.8.3.3 Private Open Space and Table 12.10 Private Open Space indicates that the minimum private amenity space for a 1-2 bedroom house to be 48sqm provided that it can be demonstrated that good quality usable open space can be provided on site.

Section 12.8.7 (Private Amenity Space – Quality Standards)

Section 12.8.7.1 (Separation Distances)

Policy Objective EI4: Water Drainage Systems It is a Policy Objective to require all development proposals to provide a separate foul and surface water drainage system – where practicable. (Consistent with RPO 10.12)

Policy Objective EI6: Sustainable Drainage Systems - It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).

Policy Objective EI9: Drainage Impact Assessment

Section 12.8.6.2 SuDS (Sustainable Drainage Systems)

5.2 **Relevant National or Regional Policy / Ministerial Guidelines (where relevant)**

‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities’, Department of Housing, Local Government and Heritage, (2024)

Best Practice Guidelines for Quality Housing for Sustainable Communities 2007.

5.3 **Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated sites being the Dalkey Islands SPA (SPA: 004172) is located c. 4.98km northeast of the site and Rockabill to Dalkey Island SAC (SAC: 003000) is located c. 4.91km east of the site.

6.0 EIA Screening

Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced suburban area, its distance from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage (see Appendix 2) and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The appeal grounds by No. 1 Highland Grove can be summarised as follows:

- The address of the site is not accurate as the third party appellant's address is No. 1 Highland Grove;
- Under Article 8 (1) (b) of the Planning & Development Regulations 2001 a site notice must accurately state the postal address of the site;
- The applicant claimed that they are the legal owner of No. 1 Highland Grove which is not accurate;
- The Planning Authority did not consider the validity of the site address in the Planners Report; and
- The grey brick was previously considered by the Planning Authority to be unacceptable.

7.1.2 The appeal grounds by No. 31 Highland Grove can be summarised as follows:

- The applicant does not have a legal interest in No. 1 Highland Grove and has provided no evidence of ownership;
- The building will be located over a sewer serving 13 other houses;
- Failure to comply with the conditions of the previous approval D21A/0297;
- The applicant does not have permission to connect into the sewer at No. 1 Highland Grove;
- The site hoarding is very unsecure;

- Foundations have not been poured in compliance with the previous grant of permission D21A/0297;
- The repositioning of the dwelling reflects the position of the previously refused dwelling (Ref: D20A/0213) which would cause a traffic hazard;
- Any issues uncovered during construction are subject to caveat emptor and there is no obligation to grant planning permission to resolve these;
- The application form refers to the building being 92sqm while the D21A/0297 permission referred to the dwelling being 84sqm;
- No details has been provided on how the contiguous parking spaces are to be accommodated at No. 1 Highland Grove;
- The planning drawings are devoid of detail;
- There is no detail on how waste water will be managed; and
- What level of indemnity cover is mandated to ensure that No. 1 Highland Grove is not left totally exposed to potential subsidence.

7.2. Applicant Response

The applicant for planning permission has engaged Patrycja Rogala Architect Ltd to make representations on their behalf which can be summarised as follows:

- The principle of development has been established by ABP-310646-21. This application relates solely to refinements to the previously approved scheme;
- The fallback position of the permitted development remains a key material consideration;
- The revised siting provides an approximate 0.6m increase in the separation distance from the adjoining boundary;
- The changes do not alter the use, height, scale or overall form of the permitted development;
- There is no additional overlooking;
- Drainage and connections to the sewer network are engineering and compliance matters that do not constitute grounds for refusal;
- Complaints about construction activity are enforcement matters;

- The proposed access arrangements are unchanged and no evidence has been submitted to demonstrate any road safety impact;
- The address for the previous approval on the site refers to 1 Highland Grove. The current application maintains consistency with that planning reference, however, the application site now comprises a separate parcel of land. No prejudice has been caused as the reference of the previous grant of permission clearly identifies the site; and
- The proposed development is consistent with the established pattern of development.

7.3. **Planning Authority Response**

The grounds of appeal do not raise any new grounds which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

8.0 **Assessment**

8.1 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 policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Residential Amenity
- Access
- Other Matters

8.2 **Principle of Development**

8.2.1 The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' The development of additional housing is permissible under this zoning, however, its acceptability is subject to other development management policies and guidance. It should also be noted that the surrounding area is solely residential in character and that the prevailing pattern of development in the immediate vicinity of the application

site is dominated by housing. I consider that the principle of residential development is acceptable in the area.

8.2.2 The site also benefits from a previous grant of planning permission ref's: D21A/0297 & ABP-310646-21 which permitted the development of a detached two storey house on the site. The previous grant of permission remains extant and represents a viable fallback position for the developer, that is what the developer might do if permission was refused. The previous grant of planning permission therefore supports the principle of a dwelling on the site.

8.3 Design

8.3.1 The design of the proposed dwelling is similar in a number of aspects to the previously approved dwelling on the site, however, there are a number of changes to the design which are the subject of this application.

8.3.2 The proposal includes a new porch roof feature to the front elevation, the use of light grey brick to the elevations at ground floor level to all elevations, the repositioning of the dwelling 600mm to the east of the site adjacent to the existing public footpath, the repositioning of the bin store to the front elevation, the lowering of the boundary wall to one metre in height along the gable of the dwelling and the creation of a raised terrace area to the rear of the dwelling.

8.3.3 Section 12.3.7.5 of the Development Plan addresses a number of design considerations in relation to the development of corner sites. The proposed dwelling has the same form and massing, along with the same front and rear buildings lines as the previously approved dwelling on the site. A new porch roof feature is proposed on the front elevation of the dwelling which has no significant impact on the overall design of the dwelling. Similar roof overhangs above the ground floor on the fronts of dwellings are evident on the majority of the other dwellings in the area. I am of the opinion that this element of the proposal is acceptable.

8.3.4 It was stated by a third party that the positioning of the dwelling 790mm closer to the eastern boundary would mean that the gable wall of the dwelling will form part of the boundary wall. The block plan indicates that the separation distance from No. 1 Highland Grove will increase from 800mm to 1400mm and therefore the measurement is taken as being a movement of 600mm. The elevation plans indicate that a 1 metre high wall will form the boundary of the site which will run parallel to the gable wall. This boundary wall will then increase to 1.8 metres in height beyond the

rear building line of the dwelling and will secure the residential amenity of the residents. I note from the site inspection that a similar design is replicated at No. 39 which is located to the east of the site. I am of the opinion that the movement of the dwelling by 600mm eastwards on the site and lowering of the boundary wall to 1 metre along the gable of the dwelling is acceptable.

- 8.3.5 The use of a light grey brick to the ground floor elevations is a notable change under this application. While red brick is a common feature in the area, it is used only on the front elevation of dwellings at ground floor level and therefore is not a dominant building material. I note that the Development Plan at Section 12.3.7.5 requires visual harmony, including external finishes and colours in any new dwellings. In my view there is a limited use of brick evident in the area and it is considered that the use of grey brick to all the ground floor elevations of the dwelling, which would include a prominent gable elevation onto the estate road would be uncharacteristic of the area and would be unacceptable. However, I consider that a condition could be attached to the decision notice requiring amended plans to be submitted to the Planning Authority to remove the brick from the side and rear elevations and to harmonise the brick finish to the front elevation of No. 1 Highland Gove in order to allow permission to be granted.
- 8.3.6 The rear amenity space is indicated to be 51sqm which is acceptable and includes a terrace, patio and grassed area. It is proposed to relocate the bin store to the front of the dwelling, whereas this feature was previously located to the rear garden area with a side access gate providing access and egress. Section 12.8.7.2 of the Development Plan indicates that bin storage should not form any proposed defensible space areas. From the site inspection, bins located to the front of dwellings are a characteristic of the area and I am of the opinion that the visual impact of the bins to the front of the dwelling would not be significant given the context of the surrounding area.
- 8.3.7 It was indicated by a third party that the existing public footpath which runs along the eastern elevation should not be narrowed, however, there are no plans to reduce the public footpath under the current proposals. In addition, there were observations that rooms exceeded the maximum standards as per the Best Practice Guidelines for Quality Housing for Sustainable Communities 2007. The room sizes meet with the minimum room sizes as per the guidelines and I consider them to be in accordance with the guidelines. I note that there is some inconsistency with the claim from the

applicant's agent that the floorspace has not increased, however, the third party highlights that the floorspace is 92sqm while the D21A/0297 permission referred to the dwelling being 84sqm. I accept that the proposed scheme does include a small increase in the width of the building which has resulted in an increase in floorspace, however, I consider that it is a minor increase and is acceptable.

8.3.8 I am of the opinion that the proposed changes to the design and layout of the proposed dwelling would be acceptable, subject to the inclusion of a number of conditions which would require a reduction in the level of brick proposed and the relocation of the bin storage area.

8.4 Residential Amenity

8.4.1 The proposal does not include any windows in the western elevation which would impact upon No. 1 Highland Grove. In addition, there are no additional windows on the front or rear elevations. The lowering of the boundary wall along the eastern elevation does allow the two ground floor windows on the eastern elevation to be viewed from the adjoining public footpath, however, the windows do not offer any overlooking of private amenity areas. These windows serve a hallway and a secondary window to the kitchen area. Given that views into these windows would be achievable from the adjoining footpath, these windows should be finished with obscure glazing.

8.4.2 A concern was raised by a third party at planning application stage with a new raised terrace area to the rear of the property which would give views from public areas of the future occupants of the utilising this area. This terrace area would be partially shielded by the proposed boundary wall, however, given that the terrace is raised in relation to the height of the boundary wall some views would exist. I note that semi-mature trees along the road verge is a notable feature in the area and these trees would block any significant views of this raised terrace. In addition, the ground levels of the application site are lower than No. 1 Highland Grove and this would mitigate any overlooking of that property. In the circumstances I would consider that the raised terrace would not result in any significant loss of amenity to the surrounding residents and would not significantly impinge upon the amenity of the future occupants of the proposed dwelling.

8.5 Access

- 8.5.1 The application site is located within Zone 3 parking area as defined by supplementary Map T2 of the Development Plan and Table 12.5 which indicates that one parking space is required for a two bedroom house with no requirement for visitor parking. The proposed means of access has been enlarged to 3.5 metres wide which is the maximum allowed under Section 12.4.8 of the Development Plan. I note that the Transport Planning Section and the Planning Authority were satisfied with the access and parking arrangement.
- 8.5.2 The third party considered that the parking arrangements were below standard and should accommodate 3 spaces and visitor parking. There are no changes to the existing access or parking arrangements associated with No. 1 Highland Grove. I am of the view that the proposed parking arrangements are in accordance with the policies set out in the Development Plan and the proposed access to serve one dwelling would have no adverse impact on the local road network in terms of traffic generation, traffic safety, or pedestrian/vehicle conflict. I am also of the opinion that sufficient space exists within the curtilage for additional cycle storage.

8.6 Other Matters

- 8.6.1 The site address was raised by several third parties as an issue during both the processing of the planning application by the Planning Authority and within the appeal submissions. The site address provided on the site notice and the newspaper advertisement is given as being the '...sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin 18...'. The use of No. 1 Highland Grove within the site description is proper as it is the nearest postal address to the application site and does not indicate any claim of ownership over No. 1 Highland Grove. The site address then refers to the subdivided side garden area, which given that No. 1 is a semi-detached property, can only refer to one area of ground.
- 8.6.2 I note that a similar site address was used in the earlier application on the site (Ref's: D21A/0297 & ABP-310646-21) and that the site address for the current application was accepted by the Planning Authority. In my view, the site address is not misleading and a careful reader of the site notice and newspaper advertisement would be able to identify the parcel of land to which the site relates.
- 8.6.3 I note that issues to do with ownership of No. 1 Highland Grove and the potential issues with achieving a connection to a manhole with the curtilage of that property

which are not matters to be adjudicated by the Coimisiún. I refer to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. I also refer to Section 34(13) of the Planning and Development Act 2000 (as amended) states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

8.6.4 It was indicated that the current proposal would be built over a public sewer which serves 13 other houses, however, I have not been provided with any evidence of the location of the sewer. I note that the Drainage Division of the Planning Authority was consulted and raised no issue with the proposed development subject to a condition. I note that the application proposes changes to a previously approved scheme for a dwelling on the site with some modifications which represents a fallback for the developer. If there are issues uncovered during the course of construction, the developer will have to obtain any necessary consents from the relevant authority(s) to ensure that their development is compliant with all regulations.

8.6.5 I note that during the processing of the planning application that a third party raised a concern that retaining walls were required for the construction of the dwelling, however, retaining walls were also required for the construction of the previously approved dwelling (Ref's: D21A/0297 & ABP-310646-21) and the current proposal does not deviate from the previous approval in this regard.

9.0 **AA Screening**

9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at the sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin 18, D18R9W2 and there are no relevant designated sites are close by.

9.2 The proposed development comprises modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I

am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

9.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections.

9.4 I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1 The subject site is located at the sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin, D18R9W2 which is 313 metres southwest of the nearest water body.

10.2 The proposed development comprises modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house. 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 e.g. small scale and nature of the development ; and
- 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

That planning permission be granted for the reasons and considerations set out below and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the design, appearance and layout of the proposed dwelling, it is the Commissions view that, subject to compliance with conditions below, the development proposed would not seriously injure the visual amenities of the area or residential amenities of any property in the vicinity, it would not adversely impact on the character of the area. The proposed development, therefore, would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 3RD December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>
3.	<p>The ground floor windows on the eastern elevation of the proposed dwelling shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Amended plans showing the eastern gable and rear elevations of the proposed dwelling to be finished in dash finish, with the brick finish to the front elevation to harmonise with No. 1 Highland Grove shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
5.	<p>a) The footpath and the grass verge in front of the proposed vehicular entrance shall be dished and strengthened at the Applicant's own expense including any moving / adjustment of any water cocks /chamber covers. With regard to both the dishing and strengthening of the footpath and the grass verge in front of the vehicular entrance, the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits. b) A minimum of one third of the front garden area shall be maintained in grass or landscaped in the interest of urban greening and SUDS in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the county development plan 2022-2028. c) The proposed side boundary treatment adjacent to Highland Avenue shall be constructed so as not to encroach on the existing public footpath. d) All necessary measures shall be taken by the Applicant</p>

and Contractor to: • prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, • repair any damage to the public road arising from carrying out the works, • avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: In the interest of public safety and of proper planning and sustainable development of the area.

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

Barry Diamond
Planning Inspector

15th May 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-500907-DR-26
Proposed Development Summary	Modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house.
Development Address	Sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin, D18R9W2
In all cases check box /or leave blank	
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p> <p><input type="checkbox"/> No, No further action required.</p>
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<p><input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.</p> <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	<p>Class 10(b) (i) [Residential] mandatory threshold is 500 dwelling units.</p> <p>Class 10(b)(iv) [Urban Development] where the mandatory thresholds are 2ha, 10ha or 20ha depending on location.</p>
<p><input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
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?	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of</p>	

<p>proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Threshold = 500 dwelling units. Proposed development = 1 dwelling unit.</p>

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500907-DR-26
Proposed Development Summary	Modifications to previously approved development under ABP-310646-21 (DLRCC Reg. Ref. D21A/0297) for construction of a detached two storey house.
Development Address	Sub-divided site to the side of the existing house at 1 Highland Grove, Cabinteely, Dublin, D18R9W2
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The urban site is within an existing residential estate and the proposed dwelling is not exceptional in the context of the surrounding area and development.</p> <p>A short term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area adjacent to an existing row of dwellings and the scale of the single unit proposal is not considered exceptional in the context of surrounding development. It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters,</p>	<p>Having regard to the modest nature of the proposed development and the nature of the works</p>

<p>magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>constituting a single dwelling unit, 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.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p>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.</p>

Inspector: _____ **Date:** _____

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