



An
Coimisiún
Pleanála

Inspector's Report

PL-500969-DR-26

Development	Construction of a two-storey detached two-bed mews dwelling.
Location	Lands to the rear of Carysfort House, Carysfort Avenue, Blackrock, Dublin, A94T2D5
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D25A/0958/WEB
Applicant(s)	Avondale Wood Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Avondale Wood Limited
Observer(s)	None.

Date of Site Inspection

1st May 2026

Inspector

Paul Christy

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Appendix A - Form 1: EIA Pre-Screening

Appendix B - Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The subject site is located within what was originally a small business park but is now a mixture of commercial and residential uses on foot of various planning permissions and exempted development changes of use. The original overall business park use is reflected in the zoning for the area, '*Zoning Objective E: To provide for economic development and employment*' contained in the Dun Laoghaire-Rathdown County Development Plan, 2022-2028.
- 1.2. The overall area is comprised of an older Protected Structure, the Avondale Former Industrial School, and a number of standalone more contemporary 3-storey units granted during the 1990's and 2000's. The subject site may be described as a small area (0.013 hectares) of flat, irregular-shaped, residual lands left over after the aforementioned more modern units and associated parking areas were developed. The site immediately adjoins: the aforementioned parking area; one of the contemporary three-storey units, and a public road (Brookfield Terrace).

2.0 Proposed Development

- 2.1. The main elements of the proposed development include:
 - The erection of a two-storey dwelling and associated outdoor amenity space immediately abutting the adjacent Brookfield Terrace public road.
 - A vehicular entrance and pedestrian entrance onto Brookfield Terrace.
 - Of note is that six of the eight elevations of the dwelling are conterminous with the site boundary.
 - It is proposed to delineate the remaining, unbuilt frontage onto Brookfield Terrace by means of a combination of: a 2.8m high x 3.5m wide vehicular access gate; a 2.8m x 1m pedestrian gate, and 8.32m length of 2.8m high metal fins.
 - The remaining unbuilt boundaries generally on the eastern side of the development are to be formed of 1.8m high fencing.
- 2.2. The application was supported by a 'Planning Report' prepared by 'Hughes Planning and Development Consultants'. This report addresses, inter alia: a decision by the Local Authority to grant permission for uses including residential on a nearby site also within Zoning Objective E; the subject site's compatibility with Zoning Objective E; design elements to minimise overlooking of neighbouring properties and ensure the privacy of future occupants; compatibility of the development with the adjacent (residential) Zoning Objective A; consistency with various Development Plan and regional and national policies advocating brownfield/infill development; consistency

with mews development-related development management standards in the Development Plan; compliance with other standards in the Development Plan, including those for minimum floorspace areas, parking and bicycle parking.

2.3. Finally, A 'Services Report' addressing foul, storm and (drinking) water prepared by Kavanagh, Ryan & Associates was also submitted with the application. In the Report it is advised that:

- Effluent disposal will be by means of connection to an existing Uisce Eireann foul sewer on Brookfield Terrace;
- Storm water from the roof will be collected by rainwater planters at the front of the site; the driveway will include an infiltration area/permeable paving to take the rainwater from any other hardstandings; the run-off from the rainwater planters should be minimal but it is proposed to connect to a nearby storm manhole which is connected to the storm culvert in Brookfield Terrace.
- Drinking water will be achieved by connecting to an existing Uisce Eireann mains supply located across the road from the site.

3.0 Planning Authority Decision

3.1 Decision

3.1.1. Refuse for three reasons:

1. The subject site is located within the catchment of the Carysfort Maretimo River, and within an area designated and identified as Flood Zone 'A', as set out Appendix 15 'Strategic Flood Risk Assessment', of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The subject application proposes a 'Highly Vulnerable' form of development, on lands which are zoned as Flood Zone 'A' which is contrary to Section 5.2 of the said Appendix. The proposed development of 1 no. dwelling would not therefore accord with the provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028 regarding flood risk management, specifically Section 12.10.1 Flood Risk Management, and Appendix 15: Strategic Flood Risk Assessment, specifically Section 5.2.2 and Section 6.2.13. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, and contrary to the proper planning and sustainable development of the area.
2. The subject site is located on lands with a zoning objective 'E', which is 'To provide for economic development and employment' and under which residential development, whilst not permitted in principle, is open to

consideration, provided that the proposed residential use is in accordance Policy Objective E15 of the current County Development Plan - Securing Employment Growth. Having regard to the location of the site surrounding by land with a zoning objective 'E' and to the information submitted in support of the application, it has not been demonstrated that that to permit the proposed development for residential use would not erode the primary land use objective at this location of providing for economic development and employment. Accordingly, to permit the proposed development would be contrary to the zoning objective of the subject site and Policy Objective E15. Furthermore, concerns arise in respect of the level of amenity afforded to the proposed development/future occupants. The proposed development would thereby be contrary to the provisions of the Dun Laoghaire - Rathdown County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.

3. Having regard to the nature of the subject site, which consists of a small irregular site, within 'E' zoned lands, abutting a public road and surrounded by existing buildings, it is considered that the proposed plans and particulars represent the overdevelopment of the subject site, resulting in an unacceptable level of amenity for the future occupants and the erosion of the limited amenity levels available to the occupants of the adjacent residential block. Furthermore, the proposed access arrangements as detailed are considered to be substandard due to the inadequate visibility/sightlines from the vehicular and the pedestrian accesses onto Brookfield Terrace which would adversely impact on public safety. The proposed development would result in a poor interface with the urban environment particularly along Brookfield Terrace and if permitted, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: One report on file. The report addresses, inter alia, the following key issues:

- Principle of residential use on lands covered by Zoning Objective E for Economic Development and Employment: The Report addresses two points in support of the principle of the use as contained in the Hughes Planning Report, namely (1.) the compatibility of the use with the Zoning Objective and that residential use was not precluded; and (2.) a previous decision of the Local Authority to grant a small residential use (one apartment) on lands zoned within Zoning Objective E. The Planner concludes by disagreeing with the findings of the Hughes Report in terms of the acceptability of the principle

of development. The Planner also comments that the referenced precedent case was, in fact, on lands zoned as Zoning Objective A for residential use.

- Flood Risk: The report notes that the proposed development is for a 'Highly Vulnerable Development' in an area designated as 'Flood Risk A'. It is therefore contrary to Appendix 15, 'Strategic Flood Risk Assessment' ('the SFRA') of the Development Plan, and the Drainage Planning section recommends refusal. The Report also refers to the Drainage Planning section's reference to an additional provision in the Development Plan essentially noting that flood risk information may change over time and advising early consultation with the Authority in advance of any future application.
- Level of amenity for future occupants: The report refers to a 'substandard and insufficient' provision of private open space. Reference is also made to safety issues around occupants having to step straight out onto Brookfield Terrace where there is no footpath. The proposed pedestrian gate also opens directly onto Brookfield Terrace and this is described as being '*not a desirable design feature*'.
- The Transportation Planning section recommends a refusal based on the sightlines and visibility of the proposal onto Brookfield Terrace. The said Section also recommends the omission of the proposed parking space and it is noted that '*the Planning Authority concurs with same*'.

3.2.2. [Drainage Planning Section]: In addition to the points noted at para. 3.2.1 (second bullet) above, the Report also includes the following observations in relation to the SFRA as contained in Appendix 15 of the Development Plan:

- Notes that the site is located in Flood Zones A and B¹.
- Refers to a possible derogation for 'Minor Development' from the general precautionary policy approach for the management of proposals in Flood Risk Areas A and B as contained in paras. 5.2.1 and 5.2.2, but concludes that the proposed development is not considered to be minor development.
- Refers to para. 6.2.13 and the reference therein to the general area in which the site is located, and the associated comment that until a proposed Flood Risk Scheme has been completed, residential development within the Carysfort Maretime catchment area and outside the District Centres and Business District will be restricted to minor development as defined in Section 5.2.1.

¹ In their report, the Planner refers to Flood Zone A only.

3.2.3. [Transportation Planning]: The contents of the report are generally as summarised at para. 3.2.1 (fourth bullet), together with a recommendation to refuse the application due to endangerment of public safety as a result of substandard visibility/sightlines from the vehicular and the pedestrian accesses onto Brookfield Terrace.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Avondale Business Park (Subject site forming a small part of):

- D94A/0319 Four 3-storey light industrial blocks, demolition of Lodge and other structures. 1994 Grant
- P.A. Ref. D07A/1490, ACP Ref. 230130 Demolition of existing office, refurbishment of part of Avondale Hall (Protected Structure) for office and construction of 2 no. office buildings. 2009 Grant².
- P.A. Ref. D19A/0780 Permission for a variation of Condition No. 3 of Planning Permission Reg. Ref. No. D94A/0319 to allow office use in Blocks A, B, C and D by removing the restriction on the use of the four blocks for light industrial use and ancillary office use only. 2020 Grant³.
- (As noted in Local Authority Planner's Report) Change of use of four office blocks to residential use by way of Exempted Development provisions.

4.2. Site On Opposite Side of Brookfield Terrace

- P.A. Ref. D23A/0777, ACP Ref. 319210 Change of use from commercial unit to four apartments. 2024 Refusal for three reasons. Reason 2 was in relation to flood risk. Reason 3 included, inter alia, reference to the absence of any

² The subject site was a small part of a much larger site.

³ The subject site was a small part of a much larger site.

receiving footpath on the street (Brookfield Terrace) adjacent to the development.

5.0 Policy Context

5.1. Development Plan: Dun Laoghaire-Rathdown County Development Plan, 2022-2028

5.1.1. Zoning: The subject site is covered by Zoning Objective E. The relevant objective is: *'To provide for economic development and employment.'*

5.1.2. Infill Development: Policy Objective PHP19: 'Existing Housing Stock – Adaptation *'It is a Policy Objective to: (includes):*

- *'Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing residential neighbourhoods'*.

~ Development Management Section 12.3.1.1 'Design Criteria' (includes): *'The objective of DLR County Council is to achieve high standards of design and layout to create liveable neighbourhoods. The following criteria will be taken into account when assessing applications (includes):*

- *Synergies with adjoining complementary uses and land use zoning objectives;*
- *Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices'.*

~ Development Management Section 12.3.7.7 'Infill': (includes): *'In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units'.*

5.1.3. Flood Risk: Development Management Section 12.10.1 'Flood Risk Management' *'Applications shall adhere to the policies and objectives set out in Appendix 15 Strategic Flood Risk Assessment and Section 10.7 Flood Risk while having regard to the 'Planning System and Flood Risk Management' Guidelines for Planning Authorities DEHLG (2009) and DECLG Circular PL2/2014.'*

~ (Relevant extracts from the SFRA prepared for, and as contained in Appendix 15 of, the Development Plan):

- Section. 5.2.1 'Minor Development' (includes): *'Applications for minor development, such as small extensions to houses or the rebuilding of*

houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths ...'; and

- *'However, infill development of any scale is not, as part of this SFRA, considered minor development and should be assessed under Sections 5.2.2 and 5.2.3 below.'*
- Section 5.2.2 'Highly Vulnerable Development in Flood Zone A or B Other Than Minor Development' (includes): *'It is not appropriate for new, highly vulnerable development to be located in Flood Zones A or B other than in those areas deemed to have passed the Development Plan Justification Test in Section 6...'*
- Section 6.2.13 'Carysfort Maretimo' (Overview of Flood Risk and Implications for Development)⁴: *'Until the Flood Risk Scheme has been completed, residential development within the catchment and outside the District Centres and Business District will be restricted to Minor Development as defined in Section 5.2.1'*

5.1.4. Employment: Policy Objective E15 'Securing Employment Growth' *'It is a Policy Objective to ensure that employment zoned land facilitates its primary objective which is to provide for economic development and employment. The Council will apply a restrictive approach to residential development on employment zoned lands.'*

5.1.5. Vehicular Access: Development Management Standards Section 12.4.8 'Vehicular Entrances and Hardstanding Areas', 12.4.8.1 'General Specifications':-

~ 'Vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway layout, the traffic conditions on the road and available sightlines and will impose appropriate conditions in the interest of public safety. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres... Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary.'

~ Proper provision shall be made for sightlines at the exit from driveways in accordance with the requirements in DMURS, and as appropriate to the particular road type, and speed being accessed.'

⁴ Reference to 'Overview of Flood Risk' etc taken from Section 6.2 'Justification Test for Development Plan' (third para.).

~ Automatic electronic gates into residential developments are not favoured and should be omitted. Electronic or automatic gates are not acceptable in terms of road safety unless the entrance is set back from the back of the footway, to avoid the roadway or footway being obstructed by a vehicle while the gate is opening. In general, outward opening gates will not be considered acceptable. A minimum of a 1.2 metres access path shall be provided for each dwelling.'

- 5.1.6. Private Open Space: Development Management Standards Section 12.8.3.3(i) 'Private Open Space/(i) Private Open Space for Houses' - '*All houses shall provide an area of good quality usable private open space behind the front building as follows*'.

Table 12.10 'Private Open Space' then includes a minimum requirement of 48m² for a 1-2 bedroom house. An asterisk is marked against this provision and the following commentary attached: '*may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided*'.

5.2. **Sustainable Residential Development and Compact Settlement Guidelines (DHLGH, 2024)**

- 5.2.1. Private Garden Space for Houses: SPPR2 provides for a minimum requirement of 30m² for two-bed houses.

5.3. **Quality Housing for Sustainable Communities (DHLGH, 2007)**

- 5.3.1. Internal Living Spaces: Table 5.1, 'Space provision and room sizes for typical dwellings', includes the following relevant standards for 2-bed, 4-person, 2-storey houses):

- Target gross floor area – 80m²;
- Minimum main living room – 13m²;
- Aggregate living area – 30m²;
- Aggregate bedroom area – 25m².
- Storage – 4m².

5.4. **Natural Heritage Designations**

- 5.4.1. The site is located 805m from: the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024); the South Dublin Bay Special Area of Conservation (Site Code 000210); and the South Dublin Bay Proposed Natural Heritage Area (Site Code 000210).

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 Water Framework Directive Screening

- 7.1. The subject site is located: c.93m to the north-west of the Brewery Stream_010 river water body; and c.805m to the west of the Dublin Bay coastal waterbody. The site is also located over the Kilcullen ground water body.
- 7.2. The proposed development comprises: the erection of a two-storey dwelling and associated outdoor amenity space; the creation of a vehicular entrance and pedestrian entrance onto the adjacent public road; connections to an existing public foul sewer, and connection to a public storm drain via an infiltration area and permeable paving.
- 7.3. No water deterioration concerns were raised in the planning appeal.
- 7.4. I have assessed the proposed two-storey dwelling, associated outdoor amenity space, and proposed servicing arrangements 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.
- 7.5. The reason for this conclusion is as follows:
- whilst there is a potential hydrogeological pathway between the site and the Kilcullen ground waterbody as a result of soil exposure during groundworks, given the small-scale of the proposed development and the assimilative capacity of the waterbody, which will dilute any potential effects, it can be concluded that there is no conceivable risk to this waterbody either qualitatively or quantitatively;

- whilst there may be a hydrological connection between the site and the Brewery Stream river waterbody, given the small-scale of the proposed development and the assimilative capacity of the waterbody and the Dublin Bay coastal waterbody into which the Brewery Stream discharges and which will dilute any potential effects, it can be concluded that there is no conceivable risk to the Brewery Stream waterbody either qualitatively or quantitatively, particularly as it is proposed to dispose of effluent via an existing public sewer system.

7.6. Conclusion: 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.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. One no. appeal was received from the Applicant, Avondale Wood Ltd. The grounds of appeal are structured in terms of responding directly to each of the three refusal reasons contained in the Local Authority decision.

- Reason 1, Flood Risk: A Site-Specific Flood Risk Assessment ('the SSFRA'), inclusive of a Development Plan Justification Test and Development Management Justification Test, is submitted with the appeal. The SSFRA, prepared by 'TENT Engineering', concludes that the proposed development does not increase flood risk elsewhere and that residual flood risk can be managed through site-specific mitigation and resilience measures outlined in the report, and that, on this basis, the development is considered acceptable from a flood risk management perspective.
- Reason 2, Contrary to Zoning Objective:
 - ~ Residential use is 'Open to Consideration' in Objective E-zoned lands;
 - ~ Permitted change of use of four of the buildings within the zoned area from original light industrial use to residential;
 - ~ Section 6.4.2.14 of the Development Plan sets out circumstances in which a minor element of residential use may be considered on Objective E-zoned lands. The development satisfies these circumstances.
 - ~ Re the Commission's decision to refuse the change of use of a commercial building to 4 no. apartments on a nearby site on lands also zoned Objective E

(ACP Ref. 319210, 2024), the three refusal reasons '*do not highlight a concern with the compatibility of the use with lands designated with Zoning Objective E*'.

- Reason 3, Unacceptable Level of Amenity for Future Occupants: The Applicants address the issues raised in this refusal reason by means of revised proposals, in particular the creation of additional amenity space in place of the originally-proposed parking space.
- Reason 3, Substandard Access Arrangements:
 - ~ Refer again to the revised proposals submitted with the Appeal and, in particular, the omission of the proposed vehicular access.
 - ~ Re pedestrian safety along Brookfield Terrace, refer to the proposed metal fin boundary treatment '*which will provide future occupants with a visual*' to the street.
 - ~ Brookfield Terrace is c.5m wide. This exceeds the Development Plan lane width for mews development. Furthermore, the Development Plan also provides that '*all mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided*'.

8.2. Planning Authority Response

8.2.1. On 1st April 2026 the Planning Authority responded to the grounds of appeal. The Authority's comments can be summarised as follows:

- Reason 1, Flood Risk:
 - ~ In general, the previous concerns of the Authority's Drainage section remain.
 - ~ It is not appropriate for the Applicant's agents to carry out a Plan-making Justification Test. If a site falls within an identified flood zone that has not passed the Plan-making Justification Test, the (restrictive) requirements in relation to the management of highly vulnerable developments in flood risk areas apply.
 - ~ Refers to specific policy for the Carysfort-Maretimo watercourse in Section 6.2.13 of the Development Plan SFRA as contained in Appendix 15. Notes that the site has experienced flooding in the past and has not satisfied the Plan-making Justification Test. Therefore, the introduction of highly vulnerable development is not supported.
 - ~ Re the submitted Flood Risk Assessment, evidence-based information has not been provided to support claims that the site passes the Development

Management Justification Test, with no supporting information on the impact of the development within the site, in terms of conveyance routes and storage, as well as adjoining properties in terms of flood depths and extent.

- Reason 2, Contrary to Zoning Objective:
 - ~ The current proposal continues to conflict with the land use policies and objectives set out for the zoning.
- Reason 3, Unacceptable Level of Amenity for Future Occupants, and Substandard Access Arrangements:
 - ~ States that the revised proposal to omit the originally proposed parking space '*represents a relative improvement over the earlier scheme*' but goes on to identify concerns arising around the functionality and quality of the amended private amenity space, and the privacy of both the future occupants of the subject dwelling and the existing residential block immediately adjacent.
 - ~ Concerns re the interface with Brookfield Terrace remain.

8.3. Applicant's Response to Planning Authority Submission

8.3.1. On 9th April 2026, in accordance with Section 131 of the Planning and Development Act, 2000 (as amended), the Commission wrote to the Applicant inviting a submission or observation in relation to the Planning Authority's response to the Appeal. The Applicant responded on 6th May 2026 and the main issues addressed in the response may be summarised as follows:

- Reason 1 Flood Risk:
 - ~ Revised SSFRA submitted omitting Plan-Making Justification Test.
 - ~ Revisions made to layout. The Authority's concerns re an over-reliance on flood barriers is addressed by means of raising the proposed finished floor level from 19.52mOD to 19.82mOD, reducing the reliance on flood barriers to a secondary measure.
 - ~ The revised SSFRA also: includes additional information re climate change, culvert blockage, emergency preparedness and floodplain function/storage/conveyance; and reviews the culverted Carysfort-Maretimo reach and provides '*a conservative first-pass estimate*' of potential storage exclusion of 38m³ to 114m³.
- Reason 2: Contrary to Zoning Objective:
 - ~ Reiterate analysis contained in Appeal.

- Reason 3, Unacceptable Level of Amenity for Future Occupants, and Substandard Access Arrangements:
 - ~ Daylight and Overshadowing: Building relationships, such as that between the subject infill building and the adjacent residential block '*is to be expected in urban, built-up settings*'. It is not considered that the overshadowing of the space would impact its overall usability. Having regard also to the proposed first floor balcony, considers that there is sufficient high quality amenity space.
 - ~ Overlooking and Privacy: The proposed landscaping and boundary planting will provide sufficient privacy to future occupants and the adjacent residential block. The revised proposal for a lower fence (from 1.8m to 1.2m) addresses both the Council's previous concerns with regard to the height impacting on residential amenities and their new concern re overlooking and privacy as there is sufficient planting proposed along the boundary wall.
 - ~ Noise Impacts (Existing Residents): The development is typical of urban infill developments. Noise has not been raised as a concern. There are several instances in the vicinity of mews/infill development in close proximity to existing residences which were not considered to generate noise impacts.
 - ~ Pedestrian Gate: This is included to provide a connection between the site and wider Avondale Hall site and to enhance permeability for future occupants.
 - ~ Design and Scale: Refer to the increased private amenity space included in the revised design submitted with the Appeal. The two-storey proposal is suitable for the surrounding area having regard to the three and four-storey buildings in the vicinity. The building has been suitably designed and scaled with a considered palette of colours and materials to enhance this section of Brookfield Terrace.

8.4. Planning Authority Observations on Applicant's Response

8.4.1. On 7th May 2026, in accordance with Section 131 of the Planning and Development Act, 2000 (as amended), the Commission wrote to the Planning Authority inviting a submission or observation in relation to the Applicant's response of 6th May 2026 to the Authority's first submission of 1st April 2026. The Authority responded on 25th May 2026 and advised that:

- the Commission is referred to the previous Planner's report; and
- it is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Authority, would justify a change of attitude to the proposed development.

9.0 Assessment

9.1. Overview

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

- Zoning;
- Policy Balance Between: (i.) Support for Infill Development, and (ii.) Design Quality, and Protection of Residential Amenities;
- Flood Risk; and
- Traffic and Pedestrian Safety.

9.1.2. The following assessment in Section 9.2 is in respect only of the proposals submitted to the Local Authority. The amended proposals submitted by the Applicants to the Commission are considered in a subsequent section of this report.

9.2. Zoning

9.2.1. The site is located within lands covered by Zoning Objective E - '*To provide for economic development and employment*'. The associated Table 13.1.13 identifies two categories of uses within this zoning, 'Permitted in Principle' and 'Open to Consideration', and then lists a range of uses within each category. Residential use is included in the 'Open to Consideration' category. The table has a footnote, footnote 'b', against residential use. The footnote states: '*In accordance with Policy Objective E15: Securing Employment Growth*' ('PO15'). In other words, residential use may be considered where such proposals are in accordance with the terms of the said PO15.

9.2.2. PO15 provides that it is a policy objective '*to ensure that employment zoned land facilitates its primary objective which is to provide for economic development and employment. The Council will apply a restrictive approach to residential development on employment zoned lands*'. For the purposes of interpreting PO15, the associated narrative then distinguishes between the strategic locations of Sandyford, Cherrywood and Carrickmines on the one hand, and lands zoned elsewhere in the County, on the other hand. The subject site is in the latter sub-category. For this sub-category, the narrative states that a minor element of residential use may be considered in '*appropriate locations*'. Appropriate locations are defined as:

- a. Where a proposed development makes a positive contribution to the area in terms of adding to the richness and diversity of uses and/or significantly contributes to the public realm.
- b. Would generally be in close proximity to public transport nodes and adjacent to facilities such as shops, crèches, restaurants etc.
- c. Generally, (they) must ensure that the employment element on site in terms of floor space remains the primary land use and doesn't undermine the use of adjoining lands for employment use⁵.

9.2.3. With regards to Point c, the scenario under consideration is one where the application site is, effectively, a small area of residual land left over after the broader campus of detached buildings was developed. Much of the campus is now in residential use. In this context, the development of the site for a single dwelling would, in my opinion, have little or no impact on how much of the quantum of floor space remains the primary employment use. At a more granular level, the site is adjacent to the rear of Carysfort House, which building is currently used for offices, and an associated parking area. The proposed use is unlikely to prejudice the operation of Carysfort House for office use, in my opinion, given that the office will generally operate during normal office hours, and given also that the proposed design presents solid walls with no window openings to the aforementioned areas.

9.2.4. Regarding Point b, as noted in the Appeal Statement (bottom p.21), the site is adjacent to numerous public transport services. It is also adjacent to Carysfort Park, as well as the dedicated pedestrian and cycling lane on Carysfort Avenue providing convenient connection to the services in Blackrock located c.600m away. The proposed use is therefore compatible with Point b of PO15, in my opinion.

9.2.5. Finally in relation to Point a, the proposed development neither adds to the richness and diversity of uses in the area, nor does it significantly contribute to the public realm. However, given the language used in this provision, it is reasonable to assume that it was targeted more at larger-scale developments and not the small-scale project under consideration in the subject case, in my opinion.

9.2.6. As noted by the Applicants, planning history in the area, inclusive of a recent decision by the Commission are also of relevance to consideration of the zoning issue. Thus the permitted change of use to residential of most of the buildings within the campus under exempted development provisions is a significant factor, in my opinion. Similarly, the decision of the Commission in 2024 on ACP Ref. 319210 should also be a factor. This application was for a change of use of a commercial building to four apartments also on lands within an 'E' Zoning Objective area. The

⁵ Actual narrative in Development Plan is in the form of one paragraph. I have broken down into bullets for ease of analysis.

Commission refused the application for three reasons, but the zoning issue was not raised in any of the three reasons.

- 9.2.7. Having regard to the compliance of the proposed development with Points a and b, and given also my reasons for attaching little weight to the non-compliance with Point c, and noting also recent history in the area as set out at para. 9.2.6, I am satisfied that the proposed development is generally consistent with the requirements of PO15 and, therefore, that it is consistent with Zoning Objective E. I therefore do not agree with the Local Authority's refusal reason 2 as it pertains to this issue, nor the associated rationale as summarised in the third para. of p.12 of the Planner's report.

9.3. **Policy Balance Between: (i.) Support for Infill Development, and (ii.) Design Quality, and Protection of Residential Amenities**

- 9.3.1. The strong support for brownfield/infill development across the planning policy hierarchy, as referenced by the Applicants in the documents accompanying the application to the Local Authority, is acknowledged. However, this support is conditional on the integration of such development with its receiving environment and the achievement of a high quality design. Development Plan Policy Objective PHP19 and Development Management Section 12.3.1.1 as set out at para. 5.1.2 encapsulate this approach.
- 9.3.2. Neighbours' Residential Amenities: The proposed dwelling will be c.0.66m to the side of the adjacent residential block located immediately to the east and will project c.2.79m forward of the main building line of the said building. The eaves height of the elevation adjacent to the third party property is 5.6m. The submitted Contextual Elevations show that the eaves height of the proposed eastern elevation adjacent to the neighbouring building is higher than the first floor (second level) windows of the adjacent property and almost at the sill level of the second floor (third level).
- 9.3.3. In their application to the Local Authority, the Applicants focus on the development's mitigation of overlooking where they state that: '*Fenestration is provided along the northern and eastern elevations, which ensures that overlooking of neighbouring properties is minimised and the provision of privacy for future occupants*'; and '*Design considerations include recessed windows and brick reveals which protect amenity for existing residents in the area as well as future occupants*'.
- 9.3.4. However, whilst overlooking may be adequately mitigated, the proposed arrangements will have an unacceptably detrimental impact on the neighbouring residential amenities by virtue of overbearance and overshadowing, in my opinion, particularly as the proposed building is immediately to the west of the neighbouring building and thus will obstruct evening sunlight.

- 9.3.5. The erection of a 1.8m fence at distances ranging from c.1.4m to 2.79m in front of the ground floor windows of the adjacent structure will further compromise the amenities of the occupants of those properties, as will noise arising from parking and setting off movements at the parking space located directly in front of the adjacent property.
- 9.3.6. Having regard to the aforementioned, the proposed development would not provide for an acceptable balance between the benefits of an infill development for residential use, and the associated detrimental impacts on the amenities of established residential property in the area, in my opinion, and would therefore be contrary to the referenced policy.
- 9.3.7. Established Character of Surrounding Area: The cover letter submitted with the application to the Local Authority includes an 'Architectural Statement'. The Statement advises, inter alia:
- The dwelling has been carefully designed to integrate sensitively with the existing context of Brookfield Terrace;
 - The overall height is modest;
 - The asymmetric roof profile is designed to introduce south-facing daylight into the first floor living accommodation;
 - The dwelling will activate Brookfield Terrace and enhance the appearance of the existing lane;
 - The proposed materials (stone wall and buff brick) are consistent with materials already used on the lane.
- 9.3.8. The Hughes Planning Consultants report submitted with the application to the Local Authority includes, inter alia, the following similar commentary:
- Design considerations, including recessed windows, provide visual interest, enhancing amenity and the streetscape of Brookfield Terrace.
 - The stone wall at the ground floor and metal fins to the courtyard, enhance the streetscape of Brookfield Terrace.
 - Overall, it is considered that the high-quality design ... will integrate into the established area and architectural style of neighbouring structures ...
 - The proposed introduces an appropriately scaled infill development ... which will appear subordinate to existing structures in the vicinity, particularly noting the protected structures which neighbour the site to the north.
- 9.3.9. The Applicants also refer to Mews Lane policy in the Development Plan (Section 12.3.7.9 refers). However, I do not consider the subject irregular, standalone, brownfield, infill site to come within the general understanding of mews lane

development. Therefore, I do not consider such policy in any detail.

- 9.3.10. Notwithstanding the various specific design features as noted above, they do not overcome a more fundamental issue that arises as a result of the juxtaposition of the proposed dwelling and the residential block immediately adjacent, in my opinion. The subject site is part of a cohesive area comprised of Avondale Hall, the three residential blocks and Carysfort House, together with the associated attendant grounds and parking areas. The buildings are all three storey or more. Collectively, these components create a distinctive, if modestly-scaled, campus feel. In my opinion, the introduction of the proposed two-storey dwelling with an asymmetrical roof in such close proximity to, and partly forward of, one of the aforementioned residential blocks would present as an incongruous feature in the campus context.
- 9.3.11. In conclusion on this matter, it is my opinion that the incongruity of the proposed dwelling within the established campus context does not achieve the appropriate balance between the benefits of a brownfield, infill development and the protection of the established character of the area.
- 9.3.12. Traffic and Pedestrian Safety: The proposed development includes a vehicular sliding gate access, and an inwards-opening pedestrian gate access, both located immediately adjacent to Brookfield Terrace. The submitted plans do not identify any vision lines for the proposed vehicular entrance. Brookfield Terrace does not have a footpath, and I note the comment in the Local Authority Planner's report that: *'Brookfield Terrace is a reasonably trafficked road due to the location of commercial units along same, including gyms'*.
- 9.3.13. The Local Authority's Transportation Planning section recommended refusal due to substandard visibility/sightlines from the vehicular and pedestrian accesses onto Brookfield Terrace, and this was reflected in the Authority's third refusal reason (second half of). Having regard to the lack of footpath, the absence of vision lines for the proposed vehicular entrance, and to the Local Authority's comments in relation to the vehicular usage of Brookfield Terrace, I would agree with the concerns of the Authority.
- 9.3.14. I would finally advise on this issue that Reason 3 of the Commission's refusal decision on the nearby application ACP Ref. 319210 referred, inter alia, to *'the absence of any receiving footpath provision on the street adjacent to the development entrance'*.
- 9.3.15. Private Amenity Space: The proposals include an external courtyard of 21m² and a balcony of 3.8m² to the front of the proposed dwelling. This is significantly less than the minimum requirement of private amenity space of 48m² for 1-2 bedroom houses as per Development Management Section 12.8.3.3(i), and at odds with the stipulation that the space is to be provided and less also than the 30m² for two-bed,

four person, two-storey houses as contained in SPPR2 of the 'Sustainable Residential Development and Compact Settlement Guidelines'⁶.

- 9.3.16. Section 12.8.3.3(i) also includes two possible derogations from the minimum spatial requirement. Firstly, there is an asterisk against the minimum requirement of 48m² and it is stated that: '*may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site*'. Secondly, '*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, however, this is on a case-by-case basis. The provision of open space to the front and side of the site to serve the proposed dwelling may also be considered acceptable, subject to design, residential amenity etc.*'
- 9.3.17. With regards to the first possible derogation, it is unclear what is intended by this derogation. Regarding the second, the proposed amenity space is generally forward of the building, whereas the stated space requirement is for amenity space '*behind the front building*'. I would also conclude that there is little by way of innovative design to mitigate the already identified space and position relative to the building shortfalls.
- 9.3.18. The internal space proposed for the two bedrooms, TV lounge, and kitchen/dining room are generally in accordance with the size requirements for two-bed, two-storey houses as contained in Table 5.1 'Space Requirements and Room Sizes for Typical Dwellings' as contained in the 'Quality Housing for Sustainable Communities (DHLGH, 2024). However, it is also worth noting that the constraints of the site result in the two bathrooms being without windows.
- 9.3.19. Overall Conclusion: The collective impacts of the proposal in terms of the shortcomings in relation to: the proposed private amenity space; the protection of neighbouring amenities; traffic and pedestrian safety; and the established character of the area result in the application failing to achieve an appropriate balance between supporting infill developments on the one hand, and ensuring quality development and the protection of existing residential amenities on the other hand, as required under Policy Objective PHP19 and Development Management Section 12.3.1.1, in my opinion.

9.4. **Flood Risk**

- 9.4.1. Key Factors: The key flood risk-related factors in this case, in my opinion, are that:

⁶ DEHLG, 2024.

- Dwelling houses are classed as ‘Highly Vulnerable’ development in Table 3.1 ‘Classification of Vulnerability of Different Types of Development’ in the Flood Risk Guidelines⁷.
- The site is partly within Flood Zone A, and partly within Flood Zone B as defined in the Strategic Flood Risk Assessment included with the Development Plan (‘the SFRA’), and partly outwith either.
- The development is a new development on an infill site.
- Infill development of any scale is not considered to come within the definition of minor development for the purposes of the SFRA (Section 5.2.1, SFRA).

9.4.2. Plan-Making/Development Plan Justification Test: In the circumstances set out in the preceding paragraph, Sections 5.2.2 and 6.2.13 of the SFRA require particular consideration. Thus in Section 5.2.2, it is stated that: ‘*It is not appropriate for new, highly vulnerable development to be located in Flood Zones A or B other than in those areas deemed to have passed the Development Plan Justification Test in Section 6*’. The relevant Development Plan Justification Test for the area in which the site is located is contained at Section 6.2.13 Carysfort Maretimo. In the third para. of this Section, it is clearly stated that: ‘*Until the (Flood Relief Scheme) has been completed⁸, residential development within the catchment and outside the District Centres and Business District will be restricted to Minor Development as defined in Section 5.2.1*’.

9.4.3. I would also refer to the decision of the Commission in relation to ACP Ref. 319210 on Brookfield Terrace. The application was for a change of use from a commercial unit to four apartments. The Commission refused the application in 2024 for three reasons. Reason 2 was in relation to flood risk, and Reason 1 was also partly in relation to flood risk. There are strong similarities with the subject appeal in that the site was also for residential development in Flood Risk A within the same catchment area.

9.4.4. On the basis of the foregoing, the proposed development is contrary to the flood risk provisions of the Development Plan, in my opinion, notwithstanding the submission of an updated Site-Specific Flood Risk Assessments as discussed below.

9.4.5. Site-Specific Flood Risk Assessments: Two Site-Specific Flood Risk Assessments, (‘the SSFRA’) have been submitted during the Appeal process and I address each of these below.

⁷ Planning System and Flood Risk Management Guidelines for Planning Authorities, DHLGH, 2009.

⁸ It is noted in the SFRA that funding has been provided for the SFRA but that timelines for the works are unknown. In its submission, the Local Authority did not provide any update.

- 9.4.6. [SSFRA Submitted With Appeal]: In its observations on the Appeal, the Local Authority's Drainage Section identified two key concerns with this SSFRA. Firstly, it included a Plan-Making Justification Test. This was considered by the Local Authority to be neither appropriate, nor acceptable. Secondly, the Authority identified fundamental concerns in relation to the Development Management Justification Test contained in the SSFRA. The Authority stated that evidence-based information had not been provided to support claims that the site passes the Development Management Justification Test, and that there was no supporting information on the impact of the development within the site, in terms of conveyance routes and storage, as well as adjoining properties in terms of flood depths and extent.
- 9.4.7. [Updated SSFRA, Submitted to ACP 6th May 2026]: Having been invited by the Commission to respond to the Local Authority's observations, the Applicants submitted an 'updated' SSFRA to the Commission on 6th May 2026. In the updated SSFRA, it is stated that it does not seek to re-run the Plan-Making Justification Test included in the first SSFRA in acknowledgement of the Local Authority's concerns, Instead, it provides an updated site-specific flood risk appraisal and development management evidence base for the appeal proposal.
- 9.4.8. The updated SSFRA relies mainly on the introduction of a higher proposed finished floor level on foot of topographical survey information. Ground levels across the site are identified as ranging from 19.13mOD to 19.52mOD and it is stated that the latter is the highest surveyed level and lies outside the mapped 1% AEP⁹ and 0.1% AEP¹⁰, and therefore provides a site-specific higher ground reference for the revised floor level strategy. A revised finished floor level of 19.82mOD (as compared to the originally proposed 19.35mOD) is proposed, and is derived from the highest surveyed existing site level of 19.52mOD together with a 300mm freeboard allowance. This approach, it is stated, is consistent with Section 5.3 of the SFRA.
- 9.4.9. Notwithstanding the topographical information and proposed increased finished floor level, and whilst noting that the Local Authority did not offer any substantive comment in relation to the updated SSFRA (refer para. 8.4.1), I have concerns in relation to the extent of evidence provided in the remainder of the updated SSFRA in relation to: conveyance; and flood risk elsewhere.
- 9.4.10. In the third para. of Section 6.4, calculations are provided in relation to the storage volume of the site. The calculations include assumptions that the full site area has been inundated and is informed by nearby historic flood records, and the indicative excluded storage volume is estimated to be in the order of 38m³ to 114m³, although it is cautioned in the SFRA that this is likely to overstate actual storage loss. This section of the SFRA then concludes that:

⁹ Annual Exceedance Probability (or Flood Zone A)

¹⁰ Annual Exceedance Probability (or Flood Zone B)

- *‘The proposal should therefore be assessed on the basis that the site may presently contribute some limited floodplain storage, and that enclosure of the site may exclude part of that storage; (and)*
- *Consistent with the SFRA, the remaining SSFRA should consider whether any local routing path is displaced and whether flood depth of extent outside the site boundary would increase as a result’.*

9.4.11. Notwithstanding this conclusion, neither potential displacement of local routing, nor potential impacts outside of the site boundary are subsequently considered in the remainder of the Report. The absence of evidence, as referenced by the Local Authority in its response to the Appeal, therefore remains, in my opinion.

9.5. **Modified Proposals/Plans**

9.5.1. Modified proposals were submitted to the Commission on two separate occasions: (i.) with the Appeal; and (ii.) on 6th May 2026, and I address each of these below.

9.6. **Modified Proposals/Plans Submitted With Appeal**

9.6.1. The Appeal includes the undernoted modifications to the original design:

- Re-arrangement of (c.8.1m) of the front boundary to the east of the pedestrian gate ie. the omission of the proposed vehicular junction and privacy fins. The revised plans also show the existing block wall remaining in situ.
- Omission of the parking space and its replacement with an extended private amenity space.
- Replacement of the 1.8m boundary fence proposed in the vicinity of the adjacent building to the east with: a 1.2m ‘flood protection reinforced concrete wall’ with buffer planting (for the boundary running parallel with the road); and a similar wall and a ‘Pedestrian Gate With Flood barrier’ for the perimeter boundary at right-angles to the road.

9.6.2. I address these matters in the paragraphs hereinunder. The assessment is structured in terms of how the revised proposals address, or otherwise, the issues of concern identified in my assessment of the proposals as originally submitted to the Local Authority.

9.6.3. Traffic and Pedestrian Safety: As noted in the Local Authority’s submission in response to the Appeal, the omission of the proposed parking space and associated vehicular entrance addresses concerns in relation to vehicular movements onto/off Brookfield Terrace. Having regard to the plentiful public transport services and active travel facilities in close proximity to the site, I also note, and agree with, the

comments of the Local Authority Planner's report on the original submitted application wherein it is stated that: '*Furthermore, in the context of the Compact Settlement Guidelines and SPPR3, the provision of a car free development could be considered in this location*'.

- 9.6.4. However, notwithstanding the improvements noted in the preceding paragraph, the concerns in relation to pedestrian safety arising from the absence of a footpath on Brookfield Terrace as set out at paras. 9.3.12-9.3.14, remain. In their Appeal, the Applicants refer to the proposed metal fin boundary treatment '*which will provide future occupants with a visual*' to the street. They also state that Brookfield Terrace is c.5m wide, that this exceeds the Development Plan lane width for mews development and furthermore, that the Development Plan also provides that '*all mews laneways will be considered to be shared surfaces and footpaths need not necessarily be provided*'.
- 9.6.5. Whilst the proposed metal fins will provide a visual to the street, it will not address the absence of a footpath on Brookfield Terrace and the pedestrian and vehicular safety issues arising. With regards to the reference to Development Plan policy re mews laneways, at para. 9.3.9 I set out why I do not believe that such policy is a relevant consideration.
- 9.6.6. Private Amenity Space: The revised proposals achieve an area of 46.8m² mainly through the removal of the proposed parking space (and associated vehicular entrance). The revised proposal is therefore acceptable from the point of view of achieving minimum space standards. However, as noted by the Local Authority in its response document, the proposals give rise to new concerns in terms of the usability of the space and impacts on the amenities of the adjacent residential block.
- 9.6.7. In terms of usability, the proposed additional space is directly to the north of, and in close proximity to the existing 3-storey residential building, and would be further impacted by the new proposal to retain the existing boundary wall adjacent to Brookfield Terrace. The amount of daylight and sunlight available to future occupiers would be significantly impacted by this arrangement. It also remains the case that the space is generally to the front and side of the building whereas, as set out at paras. 9.3.15 – 9.3.17, the policy requirement as contained in Section 12.8.3.3(i) is that the space is to be provided behind the building.
- 9.6.8. With regard to existing residential amenities, the additional space is directly in front of, and in close proximity to, the aforementioned residential block and front-facing windows of this block. Whilst the proposals include the replacement of the originally-proposed 1.8m high fence with a 1.2m high flood protection wall and associated planting, the arrangement of what is effectively a front garden being located directly in front of, and in close proximity to, the front elevation of an existing residential block would result in an unacceptably detrimental impact on the existing residential

amenities in terms of noise and the visual impact of the proposed flood protection wall. It would also enable a degree of overlooking of the proposed amenity area from the ground, first and second floors of the existing building.

9.6.9. In summary, the revised proposals fail to address the original concerns in relation to amenity space, as the revised proposals themselves present new concerns as discussed in the preceding paragraphs.

9.7. **Modified Proposals Submitted On 6th May, 2026**

9.7.1. The Applicant's submission of 6th May, 2026 in response to the Local Authority's observations on the Appeal includes the following modifications:

- Minimum finished floor level raised from 19.35 mOD to 19.82 mOD.

9.7.2. My assessment of this proposal is captured in the broader assessment of the flood risk issue contained in Section 9.4.

10.0 **AA Screening**

10.1. I have considered the proposed construction of a two storey dwelling at lands to the rear of Carysfort House, Carysfort Avenue, Blackrock, Dublin in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located c.805m to the south of: the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024); and the South Dublin Bay Special Area of Conservation (Site Code 000210). No nature conservation concerns were raised in the planning appeal.

10.2. 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. The reasons for this conclusion are as follows:

- the nature of the works: erection of a small-scale dwelling within a densely developed urban area with proposed connections to public foul sewer, and connection to the public storm drain via an infiltration area and permeable paving;
- the distance of the site from the nearest European site (c.850m).

10.3. I conclude that on the basis of objective information, 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.

11.0 Recommendation

11.1. I recommend that permission for the development be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. The site is located within the catchment of the Carysfort-Maretimo River, and partly within an area designated as Flood Zone 'A' and partly within an area designated as Flood Zone 'B' as set out in Appendix 15 (Strategic Flood Risk Assessment), of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The application proposes a 'Highly Vulnerable' form of development on lands which are partly zoned as Flood Zone 'A' and partly zoned as Flood Zone 'B' which would be contrary to Section 5.2 of Appendix 15. The proposed erection of a dwelling would be contrary to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 regarding flood risk management, specifically Section 12.10.1 ('Flood Risk Management'), and Appendix 15: 'Strategic Flood Risk Assessment', specifically Section 5.2.2 and Section 6.2.13. The proposed development would be contrary to the provisions of the Dun Laoghaire - Rathdown County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed dwelling and amenity area would constitute a sub-standard form of over-development by virtue of: the overshadowing and over-dominance of the adjacent residential block that would arise as a result of the proximity of the proposed dwelling to, and position partly forward of, the said residential block; general disturbance to occupants of the adjacent residential block arising from the proximity, position and use of the proposed parking space; the sub-standard provision of private amenity space for future occupants; and the incongruity of the proposed dwelling with the established 'campus' character of the immediate area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the absence of any receiving footpath provision on the street adjacent to the development entrance, it is considered that the proposed development could give rise to a pedestrian and traffic hazard, and would result in a substandard level of amenity for future residents. The proposed development would, therefore, be contrary to the 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

P. Christy

Paul Christy
Planning Inspector

6th June, 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-500969-DR-26
Proposed Development Summary	Construction of a two-storey detached two-bed mews dwelling.
Development Address	Lands to the rear of Carysfort House, Carysfort Avenue, Blackrock, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
<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) 	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> 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 10(b)(1) Construction of more than 500 dwelling units.
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)?	
No ✓	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: **Paul Christy**
P.Christy

Date: 6th June 2026

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	PL-500969-DR-26
Proposed Development Summary	Construction of a two-storey detached two-bed mews dwelling.
Development Address	Lands to the rear of Carysfort House, Carysfort Avenue, Blackrock, Dublin
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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require to the use of substantial natural resources, or 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.</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>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development is located in a densely developed urban area zoned for employment and economic development purposes in the County Development Plan. It is remote from the coast and the nearest sites designated for nature conservation (c.805m). It is not within an area designated for landscape significance, and a check of the Government's 'Historic Environment Viewer' identified no records for archaeological resources in the area. There are Protected Structures to the south and north of the site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Having regard to the modest nature of the proposed</p>

environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Paul Christy **Date:** 6th June 2026

P.Christy