



An
Coimisiún
Pleanála

Inspector's Report

PL-501044-DR-26

Development

Retrofit, upgrade, and extension of house, with associated works.

Location

Coolkeel, 33 Knocknacree Park, Dalkey, Dublin, A96V250

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D25A/1004/WEB

Applicant(s)

Rory and Yulianna Finnegan

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Rory and Yulianna Finnegan

Observer(s)

Gerard & Agnieszka Whelan
Knocknacree Park Residents Association
Mary & Ralph O'Callaghan
Brian McCabe & Niamh Ryder
Brian O'Sullivan
Sylvia Teskey
Markus Grimmeisen
Andrew Walsh & Ilana Hastings
Olga Roche
Rachel Bell

Malcolm Connolly
Paul Engel
Kirsten Dehn
Lisa Gaughran & Garret Whelan
John & Dee Flynn

Date of Site Inspection

22nd May 2026

Inspector

Kenneth Moloney

Table of Contents

1.0	Site Location and Description	4
2.0	Proposed Development.....	4
3.0	Planning Authority Decision	5
4.0	Planning History.....	8
5.0	Policy Context.....	10
6.0	EIA Screening.....	12
7.0	The Appeal	12
8.0	Assessment	20
9.0	AA Screening.....	30
10.0	Water Framework Directive.....	31
11.0	Recommendation.....	31
12.0	Reasons and Considerations	32
Appendix 1 – Form 1: EIA Pre-Screening		
Appendix 2 – Form 2 - EIA Preliminary Examination		

1.0 Site Location and Description

- 1.1.1. The appeal site is located on the south of Knocknacree Park, a housing estate which includes some 40 non-identical houses of similar character, in Dalkey, Co. Dublin.
- 1.1.2. The appeal property is an existing three-bedroom split-level detached house, dating from the 1960s, on a sloping site. The site slopes downwards from the rear to the front of the site. The size of the site measures c. 811 sq. m.
- 1.1.3. The upper ground floor level contains living accommodation over a converted garage, with a staircase connecting the living area to the first-floor area, which includes three bedrooms and bathrooms.
- 1.1.4. The converted garage is accessible from the side of the property, but there is no internal connection to the rest of the house. The house has a two-storey elevation to the road, with a full-width veranda-style terrace over the converted garage.
- 1.1.5. The house has a single-storey elevation to the rear, with a conservatory extension running the full width of the house, accessible from one bedroom and from the rear garden.
- 1.1.6. The site is bordered to the west by 35 Knocknacree Park (a bungalow with a pitched roof), to the east by 32 Knocknacree Park (similar in form and character to no 33), and to the south by the rear gardens of Ardburgh House, a protected structure on an elevated site, visible from the public realm of Knocknacree Park.

2.0 Proposed Development

- 2.1.1. The proposed development is for the retrofit, upgrade and extension to the existing dwelling (c. 236sq.m), and includes the following.
 - Partial demolition of sections of the existing dwelling, including removal of portions of external and internal walls, floors, and roof structures as necessary to facilitate proposed works;
 - Extension of the existing dwelling resulting in a two-storey over sub-basement, three-bedroom contemporary flat roofed dwelling (c. 388sq.m);

- Alterations to all elevations including revised fenestration, insulation, new wall and roof finishes;
- Installation of rooflights;
- Pedestrian gate is proposed on the northern site boundary;
- Refurbishment of the existing rustic timber cabin located to the rear of the site;
- Provision of ancillary works including tree removal and replacement landscaping, boundary treatments, lighting, SuDs drainage, and all other engineering/drainage works necessary to facilitate the development.

2.1.2. The lower ground floor level of the proposed development will comprise a private spa, including a steam room, sauna, sunken hot tub, WC and plant rooms. The ground floor level of the proposed dwelling will comprise the kitchen/dining, utility, washroom, WC and living room, with the bedrooms at first floor level.

2.1.3. The appeal submission includes an alternative design option. The alternative design option, supported by accompanying drawings, provides for a reduced floor area of 368.5 sq. m.

3.0 Planning Authority Decision

3.1.1. The Planning Authority decided to **refuse** permission for the following reason.

1. Having regard to the nature of the proposed development, which comprises the substantial and almost complete demolition and reconstruction of a residential dwelling, it would not be in accordance with Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation, nor would it accord with the provisions of Section 12.3.9 Demolition and Replacement Dwellings of the Dun Laoghaire Rathdown County Development Plan 2022-2028, as a strong justification has not been provided for the significant scope of demolition works proposed on site. Furthermore, the proposed development, if permitted, would set an undesirable precedent for the demolition of existing habitable dwellings and would, therefore, be contrary to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, and to the proper planning and sustainable development of the area.

2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 29th February 2026, notes the following.

Principle of Development

- Acceptable with zoning objective subject to compliance with CDP policy objectives.

Context / History

- Two recent planning applications on site relating to demolition and replacement dwelling.
- Both applications refused permission by PA and on appeal.
- Current application proposes targeted retention.

Climate Action

- Property has existing BER of F and intention to achieve A2 Ber Rating.
- Applicants' climate measure is noted as positive but does not justify the demolition.

Proposed Demolition Works

- Although proposal classed as 'retrofit/ upgrade with partial demolition', it is considered substantial demolition is proposed.
- Compared to planning history (PA Ref. D24A/0678) only limited design changes are evident.
- The proposed floor levels are the same in the previous application.
- No structural report to demonstrate that the partial demolition is feasible.
- The walls proposed for retention may not be capable of safe retention.
- Proposal not consistent with Sections 12.3.7 (Additional Accommodation in Existing Built-up Areas) and 12.3.9 (Demolition and Replacement Dwelling), and Policy Objective CA6 of the CDP.
- Strong justification for demolition not provided, as such development does not overcome previous refusal.

Compliance with Development Standards

- Internal floor areas acceptable.

Separation Distances

- Exceeds the minimum requirements of SPPR 1 (16m).

Private Amenity Spaces

- Proposal includes 190 sq. metres of private open space which satisfactorily meets the minimum requirements of 40 sq. m.

Residential Amenity

- No overlooking concerns in relation to adjacent residential amenities.
- No unreasonable overshadowing or diffuse loss is anticipated to adjoining gardens or side windows.
- Building line, height profile and articulation consistent with neighbouring properties, as such proposal will not be visually overbearing as viewed from adjoining properties.
- Temporary effects of construction can be managed by a Construction and Environmental Management Plan.

Visual Impact

- Original character of Knocknaree Park is already eroded.
- Local context is evolving.
- Site not within an ACA.
- Design approach considered acceptable in principle.
- Owing to the estate layout, the subject property does not feature prominently.
- The visual effects of the proposal are considered localised.
- Proposal is not out of character with the area.

Other Issues

- Development would not significantly impact on Natura 2000 sites.
- EIA not required.

3.2.2. Other Technical Reports

- **Drainage Planning:** Proposal acceptable subject to conditions (1) Blue roof designed in accordance with SuDS, (2) surface water run-off, and (3) Any changes to hardstanding / parking areas shall be completed in accordance with SuDs and section 12.4.8.3 of the CDP.
- **Transportation Planning:** No objection subject to the following conditions, (1) width of revised vehicular entrance shall be a maximum of 3.5m, (2) Proposed hardstanding / parking areas shall be completed in accordance with SuDs and s. 12.4.8.3 of the CDP, (3) a minimum of one-third of the front garden shall be maintained in the interest of urban greening, and (4) construction management.

3.2.3. Prescribed Bodies

- None

3.2.4. Third Party Observations

15 no. received from neighbouring residents at Knocknacree Park. Issues raised were subsequently addressed in observations to the appeal.

4.0 Planning History

- ABP-321283-24 (D24A/0678/WEB)

Demolition of existing dwelling for the construction of a new dwelling and all associated site works.

Permission refused by the Board (following a first party appeal against refusal) for the following reason:

1. It is considered that the applicants have failed to provide a strong justification for the demolition of the existing dwelling on the application site. The proposed development would be inconsistent with Policy Objective CA6: 'Retrofit and Reuse of Buildings', would be contrary to the provisions of Section 12.3.9 (Demolition and Replacement Dwellings) 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.

- PL06D.314950 (D22A/0576)

Demolition of the existing 1960's two storey over sub-basement single detached dwelling and the construction of a new 3-bedroom three storey over sub-basement single detached dwelling, all ancillary services and site works.

Permission refused by the Board (following a first party appeal against refusal) for the following reasons:

1. The proposed development, which includes the demolition of the existing dwelling and the construction of a replacement dwelling, would be contrary to Section 12.3.9 (Demolition and Replacement Dwellings) and Section 3.4.1.2, Policy Objective CA6 (Retrofit and Reuse of Buildings) of the Dun Laoghaire-Rathdown County Development Plan, 2022-2028, where it is the policy of the planning authority to require the retrofit and reuse of existing buildings rather than their demolition and reconstruction where possible. Furthermore, the proposed development would, if permitted, set an undesirable precedent for similar type development in the area in the absence of a strong justification for the demolition of the existing habitable house at number 33 Knocknacree Park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The application site is zoned Objective A - 'To provide residential development and improve residential amenity while protecting the existing residential amenities' - in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Having regard to the sloping and elevated configuration of the site and the proximity of dwellings to the east and west, the proposed development would, by reason of its height, design, massing, fenestration and terracing, be physically overbearing and excessively overlook adjoining properties. The proposed development would be visually dominant when viewed from its surroundings, would seriously injure the visual and residential amenities of the area and of property in the vicinity of the site, and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

1. Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028.

5.1.1. The appeal site is zoned 'Objective A' and the stated objective for such land use is
'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

5.1.2. Chapter 3 – Climate Action

The following policies are relevant to the proposed development;

- Policy Objective CA5: Energy Performance in Buildings
'It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock'.
- Policy Objective CA6: Retrofit and Reuse of Buildings
'It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)'.
- Policy Objective CA7: Construction Materials
- Policy Objective CA8: Sustainability Adaptable Design

5.1.3. Chapter 4 – Neighbourhood – People, Homes and Place

5.1.4. The following policies are relevant to the proposed development;

- Policy Objective PHP19: Existing Housing Stock – Adaptation
- Policy Objective PHP20: Protection of Existing Residential Amenity

5.1.5. Chapter 12 – Development Management

The following section is relevant to the proposed development;

- Section 12.3.9: Demolition and Replacement Dwelling, states as follows:

The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock - Adaptation).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is uninhabitable.

Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER21 in Chapter 11. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares. Applications for replacement dwelling within the rural area will be assessed under the provision of Section 12.3.10.4.

2. **Proposed Variation no. 1 to the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028.**

- 5.2.1. On April 21st, 2026, the Elected Members agreed, by resolution, to make the proposed variation no. 1 with material alterations. In accordance with Section 13 (6)

of the Planning and Development Act 2000 (as amended), Material Alterations to Proposed Variation No.1 of the County Development Plan, 2022-2028 is now on Public Display for a period of 4 weeks from Thursday 28th May 2026 to 26th June 2026 inclusive.

- 5.2.2. The Variation no.1 is proposed to partly respond to the recent changes introduced by the NPF Implementation – Housing Growth Targets (2025), the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and the Design Standards for New Apartments, Guidelines for Planning Authorities (2025). There are no direct amendments to the ‘A’ Zoning Objective of the appeal site.

3. Natural Heritage Designations

- Rockabill to Dalkey SAC (Site Code 003000) – 900 m east
- Dalkey Islands SPA (Site Code 004172) – 700 m east
- Dalkey Coastal Zone and Killiney Hill pNHA (Site Code 001206) – 200 m south

6.0 EIA Screening

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

7.0 The Appeal

First Party Appeal

1. The appeal submission refers to the PA Decision, the Planning History, relevant Planning Policy, and the grounds of appeal. The grounds of appeal may be summarised as follows:

Justification for Retrofit Works

- A retrofit would not have negative impacts on adjoining amenities.
- The local area is transitional in design terms.
- The existing dwelling does not exhibit any features of architectural merit.
- The proposed retrofit will present as an appropriate modern architectural expression.
- Additional planting is proposed to appropriately screen the proposal.
- Given the site's size there is potential to accommodate a larger family home.
- Off-street parking will be provided to the front.
- Proposal will occupy a smaller footprint than previous proposals.
- Primary aim of the proposal is to provide an efficient use of the site.
- Proposal is respectful of the character and built form of adjacent properties and includes high quality materials.

Grounds of Appeal

- The proposal has incorporated retrofit-first approach where possible in accordance with the CDP, by retaining and upgrading structural elements while removing those items that prevent compliance with access, amenity, adaptability and climate objectives.
- This approach preserves embodied carbon and reduces construction waste and complies with policy objectives CA5, CA6 and CA7 of the CDP.
- The proposal does not constitute a demolition and replacement scheme but a targeted retrofit with selective retention.
- The PA were satisfied with the proposed alterations and the design relative to the previous proposal (LA. Ref. D22A0576 (appeal ref. 314950)).

- The proposed height, design and massing are deemed acceptable as these issues did not form part of the refusal reasons on appeal 321283.
- Similar style developments have been granted permission in the local estate (No. 26 and no. 29 Knocknaree Park).
- Proposal consistent with the zoning objective of the site.
- Proposal represents an efficient use of a centrally located, zoned and serviced site.
- Development will enhance the streetscape.
- The PA's refusal reason '*substantial and almost complete demolition*' disregards the area being retained.
- Section 12.3.9 'Demolition and Replacement Dwellings' is not an applicable refusal reason for the proposed development, as proposal relates to retrofit not demolition.
- The proposed design overcomes previous refusal reasons in relation to overbearance on adjacent properties.
- Proposal meets the qualitative standards of the Compact Settlement Guidelines (2024) and the Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007).
- An alternative design option has been prepared for ACP's consideration.
- Submitted Daylight and Sunlight Analysis confirm no adverse impacts on sunlight received to rear amenity spaces of neighbouring properties. Daylight availability to the rear of the nearby residential properties is not adversely affected by the proposal and the development would not cause an unacceptable overshadowing impact on adjacent properties.

Planning Precedents in the Surrounding Area

- PA Ref. 25B/0644/WEB (Avila, York Road, Dun Laoghaire)
 - This application shifted to retention and adaptation relative to previous applications which sought a complete demolition.

- The alternative design option submitted to ACP for consideration, retains sufficient amount of dwelling similar to PA Ref. 25B/0644/WEB.
- This precedent case demonstrates DLR CC's willingness to permit substantial reconstruction were justified on the grounds of energy efficiency, structural condition, sustainable reuse of materials.
- PA Ref. 19A/0065 (Talbot Lane, Killiney)
 - Permission granted for substantial demolition of the existing dwelling. Boundary walls retained and construction of new dwelling on site.
 - Planner's Report justified the proposal on the basis that existing building had limited architectural value, substandard construction and poor energy performance.
 - Planner's Report also justified on basis that embodied energy lost through partial demolition is offset by energy savings through modern efficient design.
 - Demonstrates that deep retrofit significantly improves energy performance.
- PA Ref. 23A/0662 (Seafield Road, Killiney)
 - Permission granted by PA and on appeal (ref. 319952) Bord's Inspector concluded that demolition was justified as no architectural merit present and dwelling is not suitable for long term habitation due to lack of light and damp observed during site inspection.
- PA Ref. 21A/00835 (Appeal Ref. 313301) (Green Road, Dalkey)
 - Permission granted by the Board for demolition and reconstruction, noting that no architectural merits present and there is potential for a replacement dwelling to achieve a more qualitative architectural response to the site and context.
- PA Ref. 19A/0505 (Westminister Road, D. 18)
 - PA permitted the demolition of 1950's house with replacement dwelling.

- Existing dwelling had no architectural merit.
- Energy Report demonstrated that the proposed dwellings CO2 production, after 9 years of operational savings, would be at par with existing dwelling (including embodied carbon in existing dwelling).

Appropriate Assessment

- Incorporation of SUDs drainage system into the development will ensure no significant adverse impacts on Natura 2000 sites.

Alternative Design Option

- The alternative design option seeks to overcome concerns in the PA Planning Officer's report.
- The alternative design option retains more of the original fabric of the existing dwelling.
- The rationale for the alternative design is as follows.
 - Increases the level of practicable fabric retained.
 - Existing house is limited by sectional configuration, including lack of direct access to the private amenity spaces, substandard ceiling heights, limited daylight and restricted access.
 - These limitations cannot be addressed by incremental alteration.
 - Substantial internal reconfiguration is required to address this issue, including removal of internal walls, adjustment of levels and replacement of roof structure.
 - Drawing ACP-15 (Retention Comparison Drawing) demonstrates a significant increase in retained structure.
 - Demolition is limited to those areas which is necessary to achieve the required sectional and spatial rationalisation.
 - Revised proposal represents a balanced approach between retention and intervention.
 - The development therefore

- Increases the retention of existing fabric
- Reduces the extent of demolition
- Integrates retained elements into the design
- Addresses issues such as access, amenity and usability

Structural Assessment of the Alternative Design

- Retaining a greater fabric of the original dwelling is more costly and time consuming.
- The original proposal is more cost efficient, practical and less disruptive on neighbouring properties.
- Key aspects of the project include.
 - Removal of the structural elements where retention is not feasible.
 - Temporary support structures to each side of the existing walls to be retained.
 - New foundations, retaining walls and permanent support structures for the refurbished dwelling.
 - Supporting the upper levels can be constructed, by tying the retained walls and façade structurally.
- The outlined scheme is subject to.
 - Vertical and lateral propping.
 - Excavation of the weathered and intact granite bedrock on site, while not impacting on adjoining properties.
 - Adequate noise, dust and vibration control as part of a Construction Management Plan.

2. Planning Authority Response

- The PA response (dated 7th April 2026) refer the Board to the previous planner's report and considers that the appeal did not raise any new matter which would justify a change of attitude to the proposed development.

3. Observations

15 no. observations received and the names of the observers are listed on the cover page above. The following is a summary of the issues raised by the submitted observers.

- Inaccurate and misleading description of the proposed works on statutory notices, as no meaningful existing building elements retained.
- Proposal is demolition, not retrofit.
- Appellant's Engineers document confirms a 'stand-alone dwelling' is proposed.
- No justification for demolition.
- No. 32 Knocknacree is a precedent for a retrofit project.
- Claims that both no. 26 and no. 32 Knocknacree are local precedents have no validity or basis.
- Contrary to DLR CC Policy CA6 and Section 12.3.9 of CDP.
- Material contravention as development has already been refused five times under these policy provisions.
- Contrary to PHP 19 Existing Housing Stock.
- Proposal contravenes Section 12.3.1 / 12.3.1.1 (Quality Design / Criteria), Section 12.2.1 (Built Environment), Section 12.3.7 (Additional Accommodation), Section 12.3.7.1 (Extensions to the Front) Section 12.3.7.5 (Corner /Side Garden Sites) and Section 12.3.7.7 (Infill).
- Proposal fails to address and policies HER 20/21 (character).
- Section 12.3.7(iii) recommends a structural report may be required to determine the integrity of walls and structures to be retained.
- Existing house is habitable and in satisfactory condition. Confirmed by Condition Survey.
- No gains in terms of energy performance and sustainability.

- Proposal increases both embodied and operational carbon relative to the existing dwelling.
- Modifications include
 - Existing building line increased by 4m.
 - New building almost 5m taller than existing (Substantial height increase from +60.52 front elevation to +64.62).
 - Substantial excavation requiring further structural support.
 - 5m excavation for 114 sq. m. basement spa.
 - New roof structure.
- Misleading description of the scale of the development.
 - Proposed massing is greater than existing.
 - Proposal is 3-storey building, rather than 2-storey.
- Proposed massing similar to that refused permission in previous applications.
- Overdevelopment of site creating an abrupt visual change, overbearing and dominating the streetscape.
- Overlooking and overshadowing of neighbouring properties.
- Loss of local architectural design characterised by mid-century Californian Architecture and Heritage.
- Proposed ground level changes to the rear garden area including excavation, terracing, drainage configuration and tree removal will foreseeably damage or destroy the established boundary hedgerows having a negative impact on screening. The existing hedging system provides privacy.
- Inaccuracies in the submitted Daylight and Overshadowing analysis. Window dimension for No. 32 (kitchen windows is 2.31 sq. m. while actual dimension is 1.5 sq. m. and main bedroom assumed at 2.31 sq. m when actual dimension is 2.64 sq. m.). The analysis shows substantial daylight loss to bedroom windows, kitchen window and dining room window.
- Adverse construction impacts in terms of noise, vibration and dust.

- Alternative scheme is a material change and not appropriately advertised in public notices.
- The scale, floor area, site coverage, and plot ratio has not been definitively stated.
- The alternative scheme is misleading as it proposes to retain a front wall which does not exist.
- The referenced garden cabin is a shed with no services.
- Retention of non-load-bearing infill panels is structurally impossible once the surrounding RC frame is altered or removed.
- No structural walls are present to the front of the house undermining the structural approach to tie structural front walls to new steel frame.
- No structural report verifies that excavation into the weathered granite bedrock is possible.
- Excavations on site would have an adverse effect on the neighbouring single storey garage of no. 35 Knocknacree Park, which adjoins the appeal site.
- No proposals to address concerns in relation to asbestos cement sheeting of a shed structure that adjoins the boundary of the appeal site.
- The existing house on the appeal site is occupied since 2021.
- Numerous neighbouring bungalows within the estate have been successfully retrofitted to A – B Ber standards without demolition.

8.0 **Assessment**

1. **Introduction**

- 8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows.

- Principle of Development
- Principle of Demolition / Reuse of Existing Dwelling
- Impact on Adjoining Residential Amenities
- Alternative Design Option

2. Principle of Development

- 8.2.1. The proposed development is located in an area zoned for residential. The principle of development is therefore acceptable, subject to the detailed considerations below.

3. Principle of Demolition / Reuse of Existing Dwelling

- 8.3.1. Appeal grounds include proposal is a retrofit first approach, not demolition, the proposal would reduce construction waste, and complies with CDP policy objectives CA5, CA6 and CA7. In addition, the appeal grounds argue that Section 12.3.9 of CDP is not relevant, the proposed height design and massing is considered acceptable as these issues did not form part of previous refusal reason (appeal ref. 321283), and several planning precedents demonstrate acceptability of the proposed development.
- 8.3.2. Notwithstanding the appeal grounds I would acknowledge that the PA in refusing permission for the proposed development concluded that the development comprises of substantial and almost complete demolition and reconstruction of a residential dwelling contrary to CDP policies and would not accord with Section 12.3.9 (Demolition and Replacement Dwellings) of the CDP.
- 8.3.3. I would note that in the previous appeal on the subject site, the Board in refusing permission concluded that the application failed to provide a strong justification for the demolition of the existing dwelling on the subject site, and as such the proposal would not be in accordance with Policy Objectives CA6 (Retrofit and Reuse of Buildings) and PHP19 (Existing Housing Stock – Adaptation) of the CDP, nor would it accord with the provisions of Section 12.3.9 of the CDP.
- 8.3.4. The first issue to consider in this case, in assessing whether the proposal is policy compliant, is whether the development proposal represents substantial demolition of

a house and replacement, as claimed by the PA, or whether, as argued by the first party, the development is a deep retrofit and partial demolition.

- 8.3.5. I would consider that the submitted floor plans that accompanied the application assists to inform the extent of demolition proposed. I note from the submitted plans that the gross floor area of the existing house is 236 sq. metres, and that the proposal has a floor area of 388 sq. metres, which is an increase in floor area of 152 sq. metres, and is therefore a significant increase in footprint.
- 8.3.6. The established property effectively has three levels, and it is evident from the submitted '*Existing and Proposed Lower Ground Floor Plans*' that the lower ground floor area will increase by 76.6 sq. metres, in the development proposal. Further, I would note from the submitted plans¹ that two external walls will be retained at the lower ground floor level. These modifications, in my view would represent a substantial alteration to the lower ground floor level and the construction of the proposed floor area would, in my view, necessitate a significant removal of original fabric from the existing floor plan.
- 8.3.7. In relation to the upper ground floor area, I would also note from the submitted drawing '*Existing and Proposed Upper Ground Floor Plans*' that only a limited area of the original internal and external wall will be retained, and the construction of the proposed floor plan would again necessitate a significant removal of the existing fabric from the established floor plan.
- 8.3.8. Furthermore, it is evident from the submitted drawing '*Existing and Proposed First Floor Plans*' that an extensive area to the rear is proposed for demolition, and a limited area will be retained at this floor level.
- 8.3.9. Having regard to the scale of the proposed extended areas, the limited area of external walls to be retained and the large-scale remodelling of the internal floor plans which would necessitate a significant removal of the existing building fabric, I would concur with the PA that the proposed development involves substantial demolition, as a significant proportion of the original fabric will be removed.

¹ PL-05A

- 8.3.10. The second issue to consider is whether the extent of the proposal, which includes a substantial amount of demolition is justified, having regard to the development plan policy provisions.
- 8.3.11. I have noted in para 5.1 above that a relevant CDP policy objective is CA 6 (*Retrofit and Reuse of Buildings*) which advises that priority should be given to repairing and re-using existing buildings in preference to demolition and new build, on the basis of the high percentage of construction related emissions locked into the completed building as 'embodied carbon'. Further, CDP policy objective PHP19 (Existing Housing Stock – Adaptation) which promotes the reuse of existing housing stock is relevant. In addition, section 12.3.9 of the CDP provides further guidance, reiterating the preference for deep retrofit of structurally sound, habitable dwellings in good condition, and noting that in applications for one-for-one replacement, the planning authority will assess each application on a case-by-case basis and may only permit such developments, where the existing dwelling is uninhabitable. Section 12.3.9 also advises that demolition or replacement is not favoured unless strong justification for same has been put forward by the applicant.
- 8.3.12. I will now examine whether the application which includes a substantial amount of demolition is supported by a strong justification rationale.
- 8.3.13. Conservation Merit / Design Character
- In terms of the justification for the substantial demolition in the development proposal the applicant submits that the subject property is not a protected structure nor is the property located in an ACA and has no architectural merit, the proposal will have no adverse visual impacts. In terms of design, given the high-quality finishes, the proposal is acceptable as the local area is transitioning in design terms.
- 8.3.14. I would accept, having regard to the information on the file and my site assessment, that the existing property has no architectural heritage of merit that would warrant its retention, as the property is neither a protected structure nor located within an ACA.
- 8.3.15. Furthermore, I would therefore not consider that the proposed development would be a contravention of policies relating to buildings of interest or exemplar buildings (Policy Objective HER20 and Policy Objective HER21), as claimed by the submitted observations.

- 8.3.16. I note the submissions from the observers referring to the mid-twentieth century California design character of Knocknacree Park. Notwithstanding I would consider that there is an established variance in the design character within the existing estate, and there is no uniformed design character, which would therefore, in my view, provides scope for variance in redesign proposals, such as that proposed.
- 8.3.17. I therefore would consider, having regard to the above, that architectural conservation or local design character of Knocknacree Park would not be reasons to preclude the demolition of the existing house.
- 8.3.18. Substandard Internal Layout
- A further reason for justifying the extent of demolition in the appeal grounds, is that the proposal will provide an efficient use of the site and that the proposed internal reconfiguration would deliver a bright, functional and spacious layout that provides a high-quality standard of living accommodation, and that indiscriminate retention would undermine access, amenity and residential quality standards of the development. In support of this argument, I would note that the Architectural Design Statement, that accompanied the planning application, submits that the inherited split-level layout of the existing property, causes severe access deficiencies, substandard relationship between living spaces and private amenity areas, and argues that the fundamental accessibility failures cannot be resolved without extensive structural intervention.
- 8.3.19. Notwithstanding the applicant's assertions that the split-level layout of the existing property, causes severe access deficiencies and results in substandard relationship between living spaces and private amenity areas, I would acknowledge that there is a good standard of living space accommodation at the upper ground floor level.
- 8.3.20. The upper ground floor is accessible from both side entrances of this detached house and the north facing elevation provides expansive sea views and the living area has direct access to a balcony / terrace. A stairway to the rear of the upper ground floor provides access to the 3 no. bedrooms at first floor level.
- 8.3.21. Although I note that a rear conservatory is accessed from bedroom no. 1, the conservatory is not the sole access to the garden, which is accessed, via steps, from both sides of the property. The conservatory structure is fully glazed and would

therefore not impede daylight or sunlight to the property, and the amenity value of the property would not therefore be impacted by this structure.

8.3.22. Although I would acknowledge that the existing lower ground floor (converted garage) is not internally connected to the living accommodation, I would consider that the low floor to ceiling height would not appear to preclude the provision of an internal staircase, should that be required.

8.3.23. I have had regard to the layout and floor plans of the existing house, and although the property is split level, I do not consider the layout and design of the existing house is such a poor quality that it would constitute a strong justification for its demolition.

8.3.24. Condition of Property

Another reason submitted by the appellant to argue the extent of demolition proposed justified is that the poor condition of the property. I would note from the submitted Condition Survey Report, which accompanied the appeal, and also from my site assessment, that the property includes the presence of condensation on internal walls and some ceiling cracks.

8.3.25. However, I noted from my site assessment that the condensation and the ceiling cracks are concentrated in a limited number of locations within the house and are not widespread throughout the property. Furthermore, I noted that the appellant's Condition Survey Report submits that the lack of wall insulation and poor ventilation in bedrooms would leave the walls in these rooms more susceptible to condensation and moisture. I would consider that the provision of insulation to address these issues is not evidence of structural concerns to the property.

8.3.26. I would also note from the submitted Condition Survey Report that several minor cracks were observed on the external walls, however the Condition Survey Report indicates that they would appear to be cosmetic issues that are likely to be limited to the wall plaster / render finishes, and that the walls remain structurally sound. Further, I would also note that the Condition Survey Report did not demonstrate that the main roof of the property was structurally unsound.

8.3.27. The Condition Survey Report concluded that the property is deemed to be in satisfactory condition. I would therefore be satisfied, based on the information on the

file, that the current condition of the property would not provide a strong justification for the demolition of the house, having regard to section 12.3.9 of the CDP.

8.3.28. Energy Performance

It is also argued by the appellant that the energy performance of the existing property is a consideration in justifying the extent of demolition proposed. I would note that the applicant's Architectural Design Statement submits that the existing dwelling performs at BER F, and that the proposed strategy therefore retains structurally viable wall elements to reduce embodied carbon, while enabling a targeted retrofit and rebuild approach that aligns with DLR's sustainable retrofit objectives.

8.3.29. The Architectural Design Statement submits that the retention of structurally viable wall elements combined with the targeted retrofit, that a realistic objective would be BER A2, which would achieve a good carbon operation performance.

8.3.30. I would note that the Architectural Design Statement also submits that the building's poor fabric performance, end-of-life elements and limited achievable BER outcome would lock in long-term operational and carbon deficiencies, contrary to national and local climate objectives, while achieving a high energy performance.

8.3.31. I have noted above the proposed development represents a substantial portion of demolition, and although I accept that the applicant has demonstrated that the operational energy performance of this largely new build would have positive outcomes, it has not been demonstrated that retrofitting and reuse of the house is not possible. The BER rating of F would benefit from overall insulation and this is evident from the appellants submitted Condition Survey Report which identifies that targeted insulation would result in benefits.

8.3.32. Precedents

I note that the appellant has put forward a number of cases as precedent for the proposed development, there are also a number of precedents for refusal, and each case must be assessed on its merits, and I would also consider that the characteristics of each individual property would differ in terms of design, finishes and context and therefore I would not consider that the examples submitted would act as precedents for the proposed development.

8.3.33. Conclusion

- 8.3.34. I would conclude having regard to the above considerations that the proposed development which involves an extensive level of demolition of an existing house would be contrary to Policies Objective CA6 (Retrofit and Reuse of Buildings) and PHP19 (Existing Housing Stock – Adaptation).
- 8.3.35. I would also note from the information on the file and my site assessment, that the appeal property is currently habitable and occupied by the applicants, as such the proposed development would not comply with Section 12.3.9: ‘Demolition and Replacement Dwelling’ which requires that in the case of a single replacement dwellings within an urban area that the planning authority may only permit such developments where the existing dwelling is uninhabitable.
- 8.3.36. Having regard to the information on file and having regard to Policy Objectives CA6 and PHP19, and Section 12.3.9, it has not been demonstrated that retrofitting and reuse of the house is not possible, and no strong justification is given for its demolition.
- 8.3.37. I would also acknowledge the observation comment that the proposed development is a material contravention of the CDP as the development has already been refused five times under these policy provisions. I would not consider that the quantum of refusal reasons in respect of a development type would trigger a material contravention of a development plan, and while I would conclude that the proposed development would be contrary to CDP policies, I would not consider that the development proposed is a material contravention of the CDP, as the policies are not sufficiently specific so as to justify the use of the term “materially contravene” in terms of normal planning practice. I would also note that the PA has not refused this development on the basis that it is a material contravention.

4. Impact on Adjoining Residential Amenities

- 8.4.1. The observers submit that the proposed massing is similar to that of the previously refused permission, proposal represents overdevelopment of site creating an abrupt visual change, development is overbearing and dominates the streetscape. Further it is submitted that the proposal will result in overlooking and overshadowing of neighbouring properties and loss of local architectural design characterised by mid-twentieth Californian Architecture and Heritage.

- 8.4.2. In terms of protecting residential amenities from potential overlooking concerns, I would note that the DLR CDP (section 12.8.7.1) refers to a minimum 22 metre separation distance between directly opposing rear first floor windows. The CDP also allows for a relaxation in standards in exceptionally well-designed schemes. Furthermore, SPPR 1 of the Compact Settlement Guidelines (2024), requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses. The development as proposed would not be in breach of any of these standards.
- 8.4.3. In terms of potential overlooking concerns, I would note that the current application differs slightly to that of the previous refusal (ABP-321283-24) and that in the previous application the Board did not refuse the development based on overlooking concerns. The floor area of the current proposal is c. 388 sq. metres, whereas in the previous proposal the floor area was 371 sq. metres. I note from the submitted drawings that both the upper ground and first floor plans in the current proposal are slightly larger than that in the previous proposal, however the window openings are generally in the same locations.
- 8.4.4. In the current proposal I would note that a design alteration relative to the previous application relates to the west facing window to serve bedroom no. 3. This window is larger than that of the same window in the previous proposal. I would consider having regard to the nature of the existing housing, comprising of two-storey detached houses within a suburban context, a degree of overlooking from rear facing bedrooms to rear amenity spaces can be expected. The subject west facing window is a bedroom window, and I would not consider that this window would unduly overlook adjoining residential amenities, given the level of pre-existing overlooking.
- 8.4.5. I would also acknowledge that the north facing balcony, situated to the front of the property, is identical, in terms of size and form, to that in the previously refused application. The balcony overlooks the public areas to the front and there are established first floor balconies / terraces to the front of existing properties in Knocknacree Park.
- 8.4.6. The development proposal will therefore not result in overlooking of adjacent residential amenities. Therefore, the proposal would not unduly impact on the

established residential amenities of adjacent properties, in terms of overlooking impacts.

- 8.4.7. Having regard to visual overbearing of the proposed design and loss of local architectural design characterised by mid-century Californian Architecture and Heritage, I have assessed this issue in para. 8.3 above and concluded that there is no uniformed design character within the existing housing estate and that there would therefore be scope for variance in redesign proposals. I therefore would not consider that the proposed design or massing would unduly impact on visual amenities.
- 8.4.8. The application documentation includes a 'Daylight Analysis and Overshadowing' report, and the report assesses the impact, if any, that the proposed development would have on daylight access and sunlight access to nearby existing dwellings. The report also assesses the impact that the proposed development would have on sunlight access to existing amenity space. The assessment was carried out using the methodology as outlined in the BR 209 Guidance Document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022).
- 8.4.9. I would acknowledge that the results from this Report demonstrate that the daylight availability to the rear of the nearby residential properties is not adversely affected by the proposal and as such the proposed development is therefore compliant with BR 209 (2022) Guidance.
- 8.4.10. In relation to adjoining amenity spaces of no. 32 and no. 35 Knocknacree Park these were tested to determine adequacy of sunlight throughout the year in accordance with BR 209 guidelines. The results from the report confirm that the impact is considered negligible.
- 8.4.11. I am satisfied that the submitted 'Daylight Analysis and Overshadowing' report is robust and adequately demonstrates that the proposed development would not adversely impact on existing residential amenities in terms of loss of sunlight and daylight or sunlight access to amenity spaces, and therefore the proposed development would not be overbearing on established residential amenities.
- 8.4.12. I am also satisfied, on the basis of the above considerations and having regard to the nature of the proposal, that that the development would not be contrary to Section 12.3.1 / 12.3.1.1 (Quality Design / Criteria), Section 12.2.1 (Built Environment),

Section 12.3.7 (Additional Accommodation), Section 12.3.7.1 (Extensions to the Front) Section 12.3.7.5 (Corner /Side Garden Sites) and Section 12.3.7.7 (Infill).

8.4.13. Conclusion

Overall, I would conclude, having regard to the above considerations, that the proposed development would not adversely impact on established residential amenities.

5. **Alternative Design Option**

- 8.5.1. I have reviewed the revised plans submitted with the appeal submission, and I note that the proposed floor area is reduced for the lower ground floor by c. 6.3 sq. m. and the upper ground floor is reduced by c. 13.3 sq. m. I would also note that the proposed first floor area is unchanged and as such is identical to that in the original application.
- 8.5.2. I would consider, based on the submitted drawings that accompanied the appeal submission, that the scale of demolition is still extensive, and having regard to the limited area of external and internal walls to be retained, and the extensive area of remodelling to the internal floor plans which would require a significant removal of the established building fabric, that the amended development involves substantial demolition, as a significant proportion of the original fabric will be removed.
- 8.5.3. I would consider that the extent of demolition would not overcome the concerns raised above.

9.0 **AA Screening**

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the the Rockabill to Dalkey Island SAC (Site Code 003000) and the Dalkey Islands SPA (Site Code 004172) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.1.2. This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- The scale of the development site and location of the development in a fully developed urban area.
- Location-distance from nearest European sites.

10.0 Water Framework Directive

- 10.1.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.
- 10.1.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. The file documentation includes a SuDS-based drainage strategy, ensuring controlled discharge and no adverse impacts on downstream quality, ensuring no deterioration of water quality.
- 10.1.3. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management.
- 10.1.4. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that planning permission be refused for the reason set out below.

12.0 Reasons and Considerations

It is considered that the applicants have failed to provide a strong justification for the substantial and almost complete demolition and reconstruction of the existing dwelling on the application site. The proposed development would be inconsistent with Policy Objective CA6: 'Retrofit and Reuse of Buildings' and Policy Objective PHP19: Existing Housing Stock - Adaptation, would be contrary to the provisions of Section 12.3.9 (Demolition and Replacement Dwellings) 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.

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."

Kenneth Moloney
Senior Planning Inspector

19th June 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-PL-501044-26
Proposed Development Summary	Retrofit, upgrade, and extension of house, with associated works.
Development Address	Coolkeel, 33 Knocknacree Park, Dalkey, Dublin, A96V250
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) of Part 2: threshold 500 dwelling units. Class 10(b)(iv) of Part 2: threshold 10 ha.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP-PL-501044-26
Proposed Development Summary	Retrofit, upgrade, and extension of house, with associated works.
Development Address	Coolkeel, 33 Knocknacree Park, Dalkey, Dublin, A96V250
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development will consist of a partial demolition and reconstruction of an existing dwelling. Given the urban location within a predominantly residential area, there are established residential uses in the immediate vicinity of the subject site. The proposal is not considered exceptional in the context of the established pattern of development in the area. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance. The nearest designated site to the appeal site is the Dalkey Islands SPA (Site Code 004172) 700m to the east of the development site, and Rockabill to Dalkey Island SAC (Site Code 003000) situated 900m to the east. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)