



An
Coimisiún
Pleanála

Inspector's Report PL-501053-SD-26

Development	Detached two-storey building for 2no. 2-bedroom apartments and all associated site works.
Location	Lands at Castlefield Avenue, Knocklyon adjoining Mimosa Castlefield Ave, Dublin 16, D16 R2F3
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD26A/0001W
Applicant(s)	Ross Hollingsworth
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Barry Minnock
Observer(s)	Castlefield Manor Residents Association Ann Shouldice, Elaine Shouldice and Redmond Shouldice
Date of Site Inspection	9 th July 2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site (stated area 375 sq.m) is a small, undeveloped corner site located on the north-eastern corner of the junction of Castlefield Avenue and the Old Knocklyon Road, Knocklyon, Dublin 16. The site adjoins the northern splay entrance to the Castlefield Manor housing estate and comprises an area of unmaintained scrubland. From the adjoining roads, the site reads as an incidental grassed area at the entrance to the estate.

The western boundary onto the Old Knocklyon Road is defined by an existing boundary wall which forms part of the main splay entrance to Castlefield Manor. The southern boundary addressing Castlefield Avenue has no boundary treatment to the public footpath and adjoining grass verge, within which a number of street trees are located. A timber fence defines the shared boundary with 'St. Anthony's', No. 5 Old Knocklyon Road, to the north, and a low gabion wall separates the site from the adjoining property to the east.

The site is bounded to the east by 'Mimosa', a two-storey detached dwelling. The appeal site formed part of the original landholding of that property and has been subdivided from it, with the applicant having purchased the site from the owners of 'Mimosa'.

The Old Knocklyon Road is characterised by detached two-storey dwellings with two-storey gabled front projections and dormer windows. Dwellings on the southern side of Castlefield Avenue are one-and-a-half storey with hipped roofs, gabled front projections and dormer windows. 'St. Anthony's' to the north is a substantially renovated and extended dwelling, contemporary in style, largely single storey where it addresses the appeal site, with a flat-roofed first floor element to the front and a pitched roof with low eaves and rooflights serving first floor accommodation to the rear.

The topography of the site slopes downwards from east to west, as do the adjoining road levels on Castlefield Avenue. Ground levels within St. Anthony's to the north are lower than the appeal site, while levels at 'Mimosa' to the east are at a similar level to the higher, eastern end of the site. The M50 motorway is located approximately 98m to the east. Knocklyon Castle, a Protected Structure (RPS Ref. 295) and Recorded Monument, is located to the south of the site on elevated ground

adjacent to the Ballycullen Road. The subject site occupies a locally elevated ground level relative to the wider surrounding area which predominantly falls away to the north towards the Dodder River.

2.0 Proposed Development

The proposed development comprises a detached two storey building to provide two 2-bedroom apartment units with balconies (each circa 82sq.m). The proposed development will avail of existing drainage arrangements within the existing development (St. Anthony's to the north) as permitted under planning reg ref SD11A/0065 and as amended by SD15A/0299, & SD17A/0163. The proposed development includes for a new pedestrian and vehicular access off Castlefield Avenue and boundary walls.

As per the drawings submitted, the building would have a stated gross floor area of 172.6 sq.m and a maximum height of approximately 8.6m to the ridge of a hipped roof. A first floor balcony (c. 10 sq.m) would be provided on the western elevation over a ground floor terrace of matching dimensions. The main entrance to both units would be positioned on the southern elevation addressing Castlefield Avenue. Open space would be provided to the east and west of the building, with an off-street parking area for 3 no. cars, a bin store and a storage/plant structure located to the east of the building, accessed from Castlefield Avenue via a 3.5m wide gated entrance. Obscure glazing is indicated to the 4 no. windows on the northern elevation facing No. 5 Old Knocklyon Road.

The proposal is near identical to that refused by the Commission under ABP-320268-24 (SD24A/0111), save for the addition of 6 no. vertical slit windows (three at each floor level) to the southern elevation serving the living areas of each unit.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council decided to grant planning permission for the development subject to 11no. conditions.

Conditions of note include the following:

Condition 2. Amendments.

Prior to the commencement of development, the owner/occupier/developer shall submit the following for the written agreement of the Planning Authority:

(a) Screening, to a minimum height of 1.8m, to the northern elevation of the first floor level balcony on the western elevation of the proposed building.

(b) Details of the bin store/storage space structure to the east of the proposed building. This structure shall not exceed 1.2m in height, and shall have external finishes to match/harmonise with those of the main building.

(c) A Green Infrastructure Plan (which can be submitted as part of a Landscape Plan) for the proposal in accordance with Section 12.4.2 of the 2022-2028 CDP.

(d) Green Space Factor score for the proposal in accordance with Section 12.4.2 of the 2022-2028 CDP.

(e) A Building Lifecycle Report as required by the 2025 Apartment Guidelines.

REASON: To protect existing amenities and to comply with relevant Council policies.

Condition 3. Street Trees.

(a) The applicant is to ensure the protection of the existing street trees located in the grass verge to the south of the subject site through the installation of suitable tree protection fencing in line with BS 5837 to protect the existing tree during any construction works. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle, or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.

(b) In the event a revision to the subject site access location along the southern boundary of the site is required to ensure protection of street trees, this shall be subject to agreement with SDCC Roads department, with revised plans and particulars to be submitted for the written agreement of the

Planning Authority (Roads and Public Realm) prior to the commencement of development.

REASON: To ensure protection of existing street trees.

Condition 4. Access.

(a) Prior to commencement of development, the applicant/owner/developer shall submit the following for the written agreement of the Planning Authority (Roads).

(i) A revised site layout showing car parking spaces for two cars within the site boundary.

(ii) A revised site layout showing bicycle parking spaces for 5no bicycles within the site boundary

(b) The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(b) Any gates shall open inwards and not out over the public domain.

(c) All bicycle parking spaces must be covered and shall be constructed in line with National Cycle Manual standards.

(d) Footpath and kerb shall be dished and widened and dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

REASON: In the interest of traffic safety and sustainable transport.

Condition 5. Water Services.

(a) Surface water generated by the development hereby permitted shall be attenuated by way of above-ground SuDs systems. Surface water attenuation calculations of surface water in m3 shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

(b) If above-ground SuDs systems are not feasible, surface water may be infiltrated within the site by means of a soakaway that is certified to BRE Digest 365 standard by a suitably qualified person carrying professional

indemnity insurance. If this is not feasible, this must be demonstrated alternative proposals shall be agreed in writing with the Planning Authority (Water Services) and same implemented thereafter.

(c) Any areas of parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

(d) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. Foul and surface water drainage plans showing all manholes shall be submitted for the public record.

(e) Prior to the commencement of development, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

(f) The applicant shall ensure that appropriate minimum setback distances from Uisce Éireann water infrastructure is maintained from any development proposed.

REASON: To provide for adequate, sustainable and appropriate water drainage provision.

3.2. Planning Authority Reports

Planning Reports

There is one planning report on file (dated 27/02/2026). The report is summarised as follows:

- **Planning Note:** The permitted but unbuilt garage at 'Mimosa' (SD17A/0163) is shown on the submitted drawings, with annotation confirming it is not constructed. The flat-roofed first floor element at St. Anthony's is not accurately depicted on the site layout plan. Neither item was considered to affect the assessment.

- **Zoning and Council Policy:** The site is zoned 'RES'. Apartment development is permitted in principle under the zoning subject to compliance with the CDP, with specific reference to Section 12.6.8 (Infill and Corner/Side Garden Sites) and H13 Objective 3.
- **Overcoming Previous Reasons for Refusal:** To be favourably considered, the proposal must materially overcome the previous reasons for refusal under SD24A/0111 / ABP-320268-24, particularly the Commission's flood risk refusal, which is assessed under Infrastructure and Environmental Services below.
- **Corner/Side Garden Sites and Infill:** The proposed building would exceed the ridge line of St. Anthony's by approximately 2.7m but would sit lower than the constructed and permitted dwellings to the east given the topography, thereby providing a transition. The units would be dual aspect, with the main entrance and additional glazing addressing Castlefield Avenue. The proposal was considered acceptable in principle against the corner/side garden and infill provisions of Section 12.6.8, noting that the submission did not specifically reference all relevant s.28 guidelines.
- **Visual Impact:** The design is substantially unchanged from that refused under SD24A/0111 save for the modified southern fenestration. The report placed weight on the previous Inspector's assessment under ABP-320268-24, which found the two-storey hipped roof building suitably sized for the narrow elongated site, an acceptable 'bookend' to the street, and that a window at each floor level on the southern elevation would provide acceptable animation onto Castlefield Avenue. Having regard to that assessment and the additional southern fenestration now provided, the proposal was considered, on balance, not to significantly detract from the visual amenities of the area.
- **Impact on Residential Amenities:** Obscure glazing is proposed to the 4 no. northern elevation windows and upper floor windows would not directly oppose windows in adjacent properties. To mitigate overlooking of No. 5 Old Knocklyon Road from the first-floor balcony, screening to a minimum height of 1.8m to its northern elevation was recommended by condition. Subject to this,

no undue overlooking would arise, and having regard to design and separation distances, no undue overshadowing was identified.

- **Standard of Accommodation:** The units were assessed as 2-bed / 3-person apartments against the 2025 Apartment Guidelines (which supersede CDP Table 12.21). Internal room sizes comply. Internal storage (c. 3 sq.m) falls below the 5 sq.m standard but is supplemented by walk-in closets and external storage; this was considered acceptable. The balcony/terrace depth (1.4m) falls marginally short of the 1.5m standard but the 10 sq.m area exceeds the 6 sq.m minimum. Communal open space exceeds requirements and could be subdivided. A Building Lifecycle Report and bin store details to be secured by condition.
- **Access and Parking:** The Roads Department raised no objection subject to conditions, noting adequate sightlines (31m available where 23m is required on the 30km/h road), a requirement for 2 no. car parking spaces (Zone 2 rate of 1 per unit, against 3 shown), 5 no. covered bicycle spaces, boundary/pillar height limits, and consultation with the Public Realm section regarding street trees at the access.
- **Green Infrastructure and Landscaping:** The site lies within the Dodder River and M50 Green Infrastructure Corridors. A Green Infrastructure Plan and Green Space Factor score (Section 12.4.2) are to be secured by condition, as are SuDS details and street tree protection measures, noting the submitted particulars do not accurately reflect tree locations.
- **Infrastructure and Environmental Services (Flood Risk):** The report records the Water Services (Natural Water Section) recommendation to refuse permission on the basis that approximately 80% of the site is within Flood Zone B and that Section 5.2.3.2 of the CDP does not permit highly vulnerable development in Flood Zones A or B, together with its concerns regarding the legibility of the surface water drawings and the absence of SuDS and attenuation details. Notwithstanding that report, the Planning Authority considered that the revised SSFRA which addresses the location of the culverted Ballycullen Stream and the Ballycullen Flood Alleviation Scheme provides sufficient detail to demonstrate that flood risk to the development and

elsewhere has been mitigated and managed to an acceptable level, having regard to Section 5.28 of the Flood Risk Management Guidelines (as revised by Circular 2/14) under which the proposal constitutes minor infill development. On this basis, the previous reason for refusal under ABP-320268-24 was considered materially overcome. Surface water management details were considered capable of being secured by condition.

- **Environmental / Public Health:** The EHO deemed the proposal acceptable subject to standard construction phase noise, dust and general impact conditions.
- **AA and EIA Screening:** Having regard to the scale and nature of the development, its location in a built-up area and the absence of a pathway to any European site, the Planning Authority screened out Appropriate Assessment. EIA was excluded at preliminary examination.
- **Conclusion:** Subject to conditions, the development would comply with Council policy, would not seriously injure the amenities of the area or of property in the vicinity, and would accord with the proper planning and sustainable development of the area. A grant of permission subject to 11 no. conditions was recommended.

Other Technical Reports

- Roads Department: No objection subject to conditions.
- Natural Water Section: Refuse Permission
- Environmental Health Officer: No objection subject to conditions.

3.3. Prescribed Bodies

- Uisce Éireann: No objection subject to conditions.

3.4. Third Party Observations

Three third party submissions were received by the Planning Authority, from BPS Planning Consultants on behalf of Barry Minnock (No. 5 Old Knocklyon Road – 'St. Anthony'), Castlefield Manor Residents Association, and Andrew Tunney (No. 1

Castlefield Avenue). The BPS submission is substantially the same, in structure and content, as the subsequent appeal, which is summarised at Section 6.1 of this report. Taken together, the main issues raised in the submissions are as follows:

- **Flood risk and drainage:** the site is partly within Flood Zone B and close to the culverted Ballycullen Stream; there is a history of flooding and sewage problems in the area; the SSFRA lacks credibility; and the existing drainage and sewage arrangements are inadequate for the development.
- **Repeat application:** the proposal is materially identical to that refused under SD24A/0111 and ABP-320268-24 and does not address the reasons for refusal.
- **Visual impact and character:** an almost 9m high building on elevated ground at the entrance to Castlefield Manor would be overbearing and out of character with the area; the orientation ignores the established grain of development; the drawings give a misleading impression, including the depiction of the unbuilt garage at 'Mimosa'; and the setting of Knocklyon Castle (a Protected Structure) would be affected.
- **Residential amenity:** overbearing, overshadowing and overlooking impacts on the adjoining property to the north, as set out in the appeal.
- **Parking and traffic safety:** parking provision is inadequate and would result in overspill parking on Castlefield Avenue, impeding access to the estate, including for emergency vehicles; vehicles reversing onto a busy corner on a walking and cycling route (to be intensified under the Old Bawn–Ballyboden active travel scheme) would create a traffic hazard.
- **Estate entrance and construction:** the entrance and boundary wall of Castlefield Manor would be affected and the ownership of the wall requires clarification; construction works would disrupt the sole entrance to the estate.
- **Precedent:** a grant of permission would set a precedent for apartment development within the estate.

4.0 Planning History

Subject Site including adjoining lands to the east (Mimosa)

ABP Ref. 320268-24 / P.A. Ref. SD24A/0111: ABP Refused Permission following a 1st Party Appeal of SDCC's Decision to Refuse Permission for a detached two storey building to provide 2 number circa 82 sq.m 2 bed apartments with balconies.

SDCC's Reason for Refusal was as follows:

Having regard to the prominent corner location and to the height, design, scale and massing of the proposed development, it is considered that the proposed development, which would exceed the ridge height of the adjoining property to the north and has insufficient animation along Castlefield Avenue would be out of keeping and unsympathetic to the design and character of the surrounding area, and would result in an incongruous insertion into the streetscape at this location and would seriously detract from the character and visual amenities of the area. The proposal is therefore contrary to the proper planning and sustainable development of the area.

ABP's reason for refusal was as follows:

Having regard to the location of the site within Flood Zone B in the South Dublin County Development Plan 2022-2028 Strategic Flood Risk Assessment, Section 5.2.1, Development Plan IE 4 Objective 1 Flood Risk, and The Planning System and Flood Risk Management Guidelines (November 2009) Section 5.28, as revised by Circular 2/14 Flooding Issues, requiring developments to demonstrate that flood risk to a development can be adequately managed and will not cause unacceptable adverse impact elsewhere, it is considered that the applicant has failed to provide a Site - Specific Flood Risk Assessment of sufficient site specific detail to ensure that the flood risk to the proposed development and elsewhere has been mitigated and managed to an acceptable level of risk. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Relevant Applications to the Neighbouring Properties

P.A. Ref. SD22A/0080: Application for a detached three storey, four-bedroom house in a contemporary design with flat roofs and bedroom balconies. The Planning Authority requested 10 no. items of further information; no response was received and the application was deemed withdrawn on 16/02/2023.

ABP Ref. 308637-20 / SD20A/0115: Five bedroom detached dwelling with converted attic and single storey rear extension, to the side/west of 'Mimosa', in the approximate location of the garage permitted under SD17A/0163, with the current appeal site included within the red line boundary. Refused by SDCC for four reasons, including that the dwelling, by reason of its excessive height and depth and its proximity to the shared boundary with the neighbouring property to the west, would be overbearing and create an unacceptable sense of enclosure, and that the access and parking arrangements would generate a traffic hazard. Permission was granted by the Board in 2021 following a first party appeal, on the basis of revised drawings showing a two storey dwelling of traditional design with a height of 8.3m. The permitted dwelling has not been constructed.

P.A. Ref. SD17A/0163 ('Mimosa'): Permission granted on 13/09/2017 for a detached two storey, double fronted, five bedroom house with converted attic, a detached double garage, boiler house and garden shed, with drainage arrangements as approved under SD11A/0065 and as amended by SD15A/0299. The dwelling ('Mimosa') has been constructed; the garage has not.

P.A. Ref. SD15A/0299: Permission Granted for detached two storey dwelling with new boundary wall, new vehicular access with dished concrete footpath, landscaping and associated site works at a site to the rear of 'St. Anthony's', Ballycullen Road and Castlefield Avenue.

P.A. Ref. SD11A/0065: Permission Granted for the revised design of a detached two storey dwelling with a hipped and gable type slate roofs and rooflights, garage, stone boundary walls with railings, water treatment unit with percolation area, vehicular access with a dished concrete footpath, landscaping and associated site works.

P.A. Ref. SD10A/0329: Application Withdrawn following FI Request for the construction of a dormer type two storey dwelling with hipped and gabled type slate roofs and rooflights, garage, stone boundary wall with railings, new vehicular access with dished concrete footpath, landscaping and associated site works at the site to the rear of the existing bungalow.

Adjacent Properties

P.A. Ref. SD15B/0234: Permission Granted for the extension of the existing single storey dwelling to include the addition of a room to front and an adjoining domestic

garage to the side, reconfiguration of internal space & front door to allow for use on upper floor; existing roof to be removed and replaced with dormer style roof allowing use of upper floor; dormer roof to include a covered balcony with carport under giving access to garage; all elevations to be altered to allow for new design; existing vehicle entrance to be closed and new entrance walls & piers created other side of site; existing septic tank to be decommissioned and sewerage and surface water connected to Council mains and all ancillary site works.

5.0 Policy Context

National Policy

National Planning Framework (Project Ireland 2040, First Revision, April 2025)

The NPF prioritises compact growth and the delivery of a significant proportion of new homes within the existing built-up footprints of cities and suburbs. National Policy Objective 3(b) targets the delivery of at least half of all new homes within the existing built-up footprint of the five cities and their suburbs, and NPO 11 provides for a presumption in favour of development that can encourage more people and activity within existing settlements, subject to appropriate planning standards. The efficient use of zoned and serviced urban land, including infill and brownfield sites, is central to this approach.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, January 2024)

The Guidelines set out density ranges and design standards for residential development in urban areas. Section 3.4.2 requires that new development respond positively to the receiving environment and not result in significant negative impacts on character or amenity. Section 5.3.7 addresses daylight, indicating that where a technical assessment of daylight performance is considered necessary by the planning authority, regard should be had to quantitative approaches such as IS EN 17037 and the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2022).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (DHLGH, 2025)

The Guidelines set out Specific Planning Policy Requirements and standards for apartment development, including minimum floor areas, private open space (6 sq.m for a 2-bed / 3-person unit), storage, dual aspect and communal amenity space, together with the requirement for a Building Lifecycle Report. Under section 28(1C) of the Planning and Development Act 2000, the Specific Planning Policy Requirements apply notwithstanding any conflicting provision of the Development Plan. The Guidelines also provide for flexibility in the application of standards, including dwelling mix, for small-scale urban infill schemes.

The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG/OPW, 2009), as revised by Circular PL2/2014

The Guidelines require a sequential, precautionary approach to flood risk. Residential development is 'highly vulnerable development' (Table 3.1) and, under Table 3.2, is subject to the Justification Test in Flood Zones A and B. Section 5.28, as revised by Circular PL2/2014, provides that applications for minor development, including small-scale infill, are unlikely to raise significant flooding issues; the sequential approach and Justification Test will not apply to such applications, but a commensurate assessment of flood risk should accompany them to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood management facilities.

Urban Development and Building Heights Guidelines for Planning Authorities (2018) and the Urban Design Manual – A Best Practice Guide (2009) are also of relevance to the assessment of infill development of this nature.

Regional Policy

Eastern and Midland Regional Spatial and Economic Strategy 2019–2031

The RSES supports the consolidation and re-intensification of Dublin city and suburbs, promoting compact growth and the sustainable intensification of existing built-up areas served by infrastructure and public transport.

Development Plan

South Dublin County Development Plan 2022–2028

The statutory development plan for the area is the South Dublin County Development Plan 2022–2028 (CDP). The following sets out the relevant provisions; it is not intended as an exhaustive list.

Land Use Zoning

The site is zoned 'RES': 'To protect and/or improve residential amenity'. Residential development, including apartments, is permitted in principle under this zoning objective. The CDP mapping indicates that the site overlaps Flood Zone B, lies within the Dodder River and M50 Green Infrastructure Corridors and within aviation safeguarding zones for Casement Aerodrome, and is within 50m of a Protected Structure (RPS Ref. 291: boundary walls and gate piers at the site of Prospect House) and an SMR notification zone. The Dodder Valley pNHA (Site Code: 000991) is within 1km.

Housing Policy and Residential Consolidation

Section 6.8 (Residential Consolidation in Urban Areas) supports sensitive intensification through infill development and the development of corner sites. Policy H13 promotes residential consolidation at appropriate locations. H13 Objective 3 favourably considers proposals for the development of corner or side garden sites within the curtilage of existing houses in established residential areas, subject to the safeguards and standards in Chapter 12, while H13 Objective 5 requires that new development in established areas does not unduly impact on the amenities or character of an area.

Section 6.7 and Policies H7 to H11 address quality of residential design and layout, open space, internal accommodation, and privacy and security (Policy H11).

Development Management Standards (Chapter 12)

Section 12.6.7 (Residential Standards) sets out qualitative and quantitative standards for residential development, including privacy, acoustic and open space standards. Section 12.6.8 (Residential Consolidation) sets out the criteria for infill and corner/side garden sites. Development on corner/side garden sites should be innovative in design appropriate to its context; the site should be of sufficient size to accommodate an additional dwelling with an appropriate setback from adjacent dwellings ensuring no adverse impacts on residential amenity; corner development

should provide a dual frontage to avoid blank facades and maximise passive surveillance; the dwelling should generally match the front building line and respond to the roof profile of adjoining dwellings, with transitional elements where height exceeds that of the surrounding area; and open space to the side of dwellings will only count towards private open space where it is useable, good quality space. Infill development is to be guided by the relevant s.28 guidelines and BRE daylight/sunlight guidance.

Table 12.21 sets out minimum apartment standards, now superseded where inconsistent by the 2025 Apartment Guidelines. Section 12.7.4 sets out car parking standards; the site is within Parking Zone 2, requiring 1 no. space per apartment, with cycle parking at 1 no. space per bedroom plus 1 no. visitor space per two units. Section 12.4.2 requires a Green Infrastructure Plan and a minimum Green Space Factor score for developments of 2 or more units.

Flood Risk

Policy IE4 seeks to ensure the continued incorporation of flood risk management into the spatial planning of the County. IE4 Objective 1 requires site-specific flood risk assessments for all new developments in accordance with the Flood Risk Management Guidelines and Circular PL2/2014, and IE4 Objective 2 requires all developments to be designed and constructed in accordance with the precautionary principle in the OPW Guidelines.

The CDP Strategic Flood Risk Assessment identifies the site as predominantly within Flood Zone B; Section 5.2.1 of the SFRA requires site-specific flood risk assessment of an appropriate level of detail for new development, and Section 5.2.3.2 states that highly vulnerable development shall not be permitted in Flood Zone A or B. Policy IE3 and GI4 Objective 1 require SuDS to be integrated into all new development.

5.1. Natural Heritage Designations

The site is not located within or adjacent to any European site, Natural Heritage Area or proposed Natural Heritage Area. The closest natural heritage area to the subject site is the Dodder Valley pNHA (Site Code: 000991) which is within 1km. The closest

European site is the Glenasmole Valley SAC (Site Code: 001209) located 3.8km to south-west.

5.2. 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). The proposed development is of a class specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended), namely Class 10(b)(i), Construction of more than 500 dwelling units, but is significantly sub-threshold. 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.

5.3. Water Framework Directive

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. 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.

These measures ensure that there will be no likely significant 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.

The proposed development will not be likely to significantly impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged by BPS Planning Consultants Ltd on behalf of Barry Minnock of 'Saint Anthony', No. 5 Old Knocklyon Road, the adjoining property to the north, against the Council's decision to grant permission. The cover letter states that the letter, the accompanying Planning Appeal Report and the appeal form together constitute the full appeal. The grounds substantially mirror the appellant's objection to the Planning Authority. A summary of the appeal is as follows:

- Preliminary matters: The appellant was not consulted by the applicant and has given no consent for alterations to the party boundary, excavations adjoining his property, or access to drainage infrastructure within his property. No pre-planning consultation took place with the Planning Authority and the application is considered premature and incomplete.
- Rationale for the appeal — flood risk and the Water Services report: The SDCC decision is said to undermine the Commission's refusal under ABP-320268-24, as the SSFRA now submitted is essentially the same document assessed at that appeal. The site remains predominantly within Flood Zone B, and Section 5.2.3.2 of the CDP states that highly vulnerable development shall not be permitted in Flood Zone A or B; a grant could therefore be considered a material contravention of the Development Plan. SDCC Water Services, recommended refusal, and the appellant contends that SDCC Planning disregarded its own expert report without countervailing expert evidence, citing *Graymount House Action Group v An Bord Pleanála* [2024] IEHC 327, *Morris v An Bord Pleanála* [2024] IEHC 328 and *Grafton Group plc v An Bord Pleanála* [2023] IEHC 725. The Commission is asked to prefer the Water Services assessment. The appellant also objects to surface water attenuation being left to condition (Condition 5).
- Planning history: The planning history is characterised as exhaustive. Neither the SDCC refusal reason under SD24A/0111 nor the Commission's flood risk refusal under ABP-320268-24 is considered to have been addressed, and the 10 no. items of further information sought under SD22A/0080 remain

unaddressed. Queries are raised over the subdivision and ownership of the wider landholding, the succession of applications in different family names, the status of the permission for a dwelling to the east (ABP-308637-20), and the desirability of a masterplan for the wider lands.

- Technical, validation and planning law concerns: The SSFRA is considered brief, inconsistent between the appeal-stage and current versions (for example, fluvial risk moving from 'low' to 'not any', and conclusions of reduced pluvial risk alongside proposed flood barriers to doors and low-level windows and an acco drain), lacking cross-sections showing finished floor levels relative to flood sources, and silent on flood impacts on the appellant's lower-lying property. The site layout plan is said not to accurately depict the appellant's dwelling or its levels, the contiguous elevations are considered misleading, and the cut and fill required to achieve the proposed floor levels is not shown or described. The cover letter refers to the scheme as a house, relies on the 2016–2022 CDP and superseded density guidelines, and makes no reference to the 2024 Compact Settlements Guidelines or the 2025 Apartment Guidelines. The development description omits the car parking spaces, refers to boundary walls for which no consent exists, and relies for drainage on permissions which the applicant states will not be commenced or which have lapsed, with the red line boundary excluding the off-site drainage infrastructure concerned (*Horne v Freeney* is cited). Further concerns relate to the planning status of 'Mimosa', the absence of delineated communal or public open space, the treatment of street trees at the proposed entrance, the permitted cycle route in the vicinity, and the provision of an accessible WC at a stair-accessed first floor unit.
- Ground 1 — Orientation of the site layout and building: The proposed west–east orientation, with the 'front' amenity area to the east adjoining the appellant's rear garden and the vehicular entrance, parking, bin store and plant room alongside it, is contrary to the established orientation of plots along the Old Knocklyon Road. The building is oriented with its principal elevations north–south, placing a wide 'rear' elevation 1.5m from the shared boundary. A redesign as a single dwelling with front elevation facing west is sought.

- Ground 2 — Scale, bulk, massing and design: The block, at approximately 13.5m wide (including balconies) by 8.62m high and set back only 1.5m from the shared boundary, is considered excessive in its cumulative scale on a 375 sq.m site with artificially raised ground levels. The self-described 'dummied down' design is considered bland and poorly articulated, with random opes, a commercial appearance and no adequate response to context; a split-level single dwelling or dormer bungalow is suggested as the appropriate form.
- Ground 3 — Character and pattern of development: An apartment block is out of character with an area of one to two storey detached dwellings of conservative design and would be visually disruptive within the streetscape.
- Ground 4 — Residential and visual amenity impacts on the appellant's property: (i) Overbearing: the height, width and massing of the northern elevation, 1.5m from the boundary and on higher ground, would be visually overbearing on the dwelling and gardens; the claimed 8m separation is disputed as it relies on the appellant's own 6m setback from the boundary. (ii) Overshadowing: no BRE-compliant daylight and sunlight assessment was submitted; the appellant's own sun path analysis (www.suncalc.org) indicates overshadowing of significant areas of his property from 9am to 5pm at the equinoxes and from 11am to 4pm in June, with substantial overshadowing in December, and the submitted shadow diagrams are said themselves to confirm shading of the southern end of the property. (iii) Overlooking: the first floor west-facing balcony (serving living areas rather than a bedroom), the large opening bathroom and walk-in wardrobe windows on the northern elevation, and the large east-facing first floor windows would cause direct, indirect and perceived overlooking of the dwelling and gardens.
- Ground 5 — Impact on the permitted dwelling to the east: The block's eastern elevation, with large first floor windows, would overbear, overlook and overshadow the dwelling permitted under ABP-308637-20, which remains a live permission notwithstanding the applicant's statement that it will not be implemented.
- Ground 6 — Overdevelopment: The insertion of a 164.6 sq.m apartment block on a restricted sliver of land, with inadequate parking, no public open space

and undelineated communal space, represents overdevelopment contrary to Section 12.6.7, NCBH21 Objective 4, H2 Objective 3 and QDP6 Objective 6 of the CDP and to the zoning objective.

- Ground 7 — Contrary to planning policy: The proposal is contended to be contrary to national guidance, including Sections 3.4.2 (character and amenity) and 5.3.7 (daylight) of the 2024 Compact Settlements Guidelines, in the absence of a daylight and sunlight assessment; contrary to the 'RES' zoning; contrary to Section 6.8 and to the Section 12.6.8 criteria for infill and corner/side garden sites (insufficient site size, inadequate setbacks, no transition in height, blank/poorly modulated corner frontage, no site analysis, no landscape details); and contrary to Section 12.6.7 privacy and security standards and to IE4 Objectives 1 and 2 on flood risk.
- Ground 8 — Flood risk, sewage and drainage: In addition to the flood risk case above, the appellant contends that the existing foul pumping arrangement was designed for a limited number of dwellings, that its claimed capacity for eight properties is untested and relies on the applicant's own assertion, that the connection relies on lapsed or permissions not commenced and on infrastructure outside the red line boundary (including a pump chamber shown within the appellant's property without consent), and that existing odour problems would be compounded. The proposal is considered premature pending resolution of these matters.
- Ground 9 — Access and parking: The layout would require vehicles to reverse onto Castlefield Avenue; three tightly clustered spaces without internal manoeuvring space are unrealistic; street trees are omitted from the sightline assessment; and a single dwelling with one or two spaces is suggested.
- Ground 10 — Landscaping: No landscape plan or planting schedule has been submitted, despite this having been sought by way of further information on the previous applications, with the cover letter stating one was omitted as 'it is unlikely to be complied with as we might propose it'.
- Ground 11 — Precedent: A grant would set an undesirable precedent for similar development on restricted sites adjoining dwellings and rear gardens

in the vicinity, including for reliance on flood barriers as mitigation and for back-to-front site orientation.

- Ground 12 — Depreciation of property value: The development would seriously injure the amenities and depreciate the value of the appellant's property, by reference to reason 10(c) of the Fourth Schedule to the Planning and Development Act and *Gleann Fia v An Bord Pleanála* [2019] IEHC 618 on the level of evidence required.
- Ground 13 — Construction phase: Without prejudice to the case for refusal, a Construction Management Plan addressing construction traffic, deliveries, parking restrictions on the Old Knocklyon Road, protection of the footpath and adjoining properties, restricted working hours and a phasing programme should be required, and agreed by way of further information rather than condition.
- Conclusion and recommendation: The appellant recommends refusal for eight suggested reasons addressing flood risk (including material contravention of Section 5.2.3.2 of the CDP), character and streetscape, overdevelopment, precedent, loss of light and outlook, and overbearing impact. In the alternative, should the Commission be minded to seek further details, the appellant seeks (inter alia) confirmation of flood impacts on his property, surface water attenuation details addressing Condition 5, corrected notices and drawings, reorientation of the block, a reduction to a single dwelling of one to two storeys, revised levels information, and a landscape plan.

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

The applicant's agent submitted a response to the appeal, which is summarised as follows:

- **Support for the Council's decision**: The applicant supports the decision to grant and asks the Commission to affirm it, seeking nothing that has not already been approved by the Planning Authority or the Commission in similar circumstances.

- **Previous appeal (ABP-320268-24):** The applicant relies on the previous Inspector's findings that the principle of development at this location is acceptable, that the building would suitably 'bookend' the street, and that a window at ground and first floor level on the southern elevation would provide acceptable animation onto Castlefield Avenue. Those windows have now been incorporated, and the applicant is willing to accept a condition reducing the Castlefield Avenue boundary wall.
- **Flood risk:** The previous refusal is said to have arisen from a misreading of the SFRA mapping: the feature shown is a surface water drain in the adjoining footpath, not a watercourse through the site, and the culverted stream is a considerable distance away. The engineers were asked to restate their methodology and conclusions, and the revised SSFRA is said to address the matters raised in the Inspector's addendum report. The Planning Authority accepted that the Commission's reason for refusal has been materially addressed.
- **Personal circumstances and planning history:** The applicant is the nephew of the owners of 'Mimosa', who sold him the site; the proposal would allow him to remain close to family at substantially lower cost than purchasing a home. The response also sets out the site's planning history and alleges administrative failures by the Council across previous applications, in respect of which a formal complaint is said to have been lodged.
- **Design rationale:** The building was deliberately designed to be as plain as possible and to mimic a standard two storey house, as a direct response to the Council's treatment of the contemporary design proposed under SD22A/0080, and was informed by the variety of house types in the vicinity (photographs enclosed) and by comparable infill permissions in the wider area.
- **Residential amenity:** A separation of approximately 8m to the nearest part of No. 5 Old Knocklyon Road means the building would not be unduly overbearing; overshadowing of the side and rear garden of No. 5 would be brief, confined to evening periods and to garden rather than habitable areas; and overlooking is within the norms of an urban setting having regard to

separation distances, the existing 2m boundary wall and the orientation of windows.

- **Standards and services:** Each unit provides 10 sq.m of private open space against a 6 sq.m requirement; storage is provided by the 3 sq.m store, hallway storage and walk-in closets; the drainage system serving 'Mimosa' was designed by the respondent with capacity for several properties, with a pumped foul connection incorporating a back-up pump; two parking spaces (with a third occasional space) are considered appropriate; the access is approximately 28.8m from the corner with unobstructed sightlines; and the area is well served by public transport.
- **Housing need and conclusion:** The response cites the deficit of one and two person dwellings, national policy support for apartment delivery, flexibility in dwelling mix for small infill schemes and the efficient use of zoned and serviced land, and urges the Commission to uphold the decision to grant permission.

6.3. Planning Authority Response

The Planning Authority made a response to the appeal dated 27/03/2026. The Planning Authority confirmed its decision and stated that the issues raised in the appeal have been covered in the Chief Executive Order.

6.4. Observations

Two observations in support of the appeal were received. The first is from Castlefield Manor Residents Association. The second is from the owner-occupiers of Knocklyon Castle, a Protected Structure (RPS Ref. 295) and Recorded Monument (DU022-010), located to the south of the site adjacent to the Ballycullen Road. The issues raised largely reflect the grounds of appeal and the submissions made to the Planning Authority. Taken together, the main issues are as follows:

- **Setting of Knocklyon Castle:** the application does not adequately assess or safeguard the setting and visual integrity of the protected structure and recorded monument, including longer-distance views, the approach experience from Castlefield Avenue and the interface with the estate entrance

wall and corner; development of this height and built form on the boundary of a sensitive heritage curtilage requires a robust heritage-led justification, which has not been provided.

- Flood risk and drainage: the site is substantially within Flood Zone B and close to the culverted Ballycullen Stream; the area has experienced flooding (2021) and sewage surcharge incidents (2025/26), locally and downstream towards the Homeville estate and the Dodder Valley; SDCC Water Services recommended refusal; the proposal is highly vulnerable development; the SSFRA relies on mitigation such as flood barriers and attenuation rather than demonstrating that risk is avoided; additional hardstanding, roof area and servicing would alter runoff patterns in a constrained hydraulic environment; and reliance on conditions to resolve flood risk is inappropriate and contrary to the precautionary principle.
- Repeat application: the proposal is materially similar to the scheme refused under SD24A/0111 and ABP-320268-24, without clear evidence of substantive change; permission was also refused for a four-apartment scheme on the site opposite under SD09A/0155.
- Character and visual impact: a building of approximately 9m in height on elevated ground at the sole entrance to Castlefield Manor, an estate of detached and semi-detached family homes containing no apartment development, would be overbearing and visually dominant, would provide a poor transition between the public road, the estate entrance and the development, and would fundamentally alter the character of the area.
- Traffic, access and pedestrian safety: the access is onto a busy corner with limited visibility on a heavily used walking and cycling route serving local schools; vehicles would reverse onto the public road; parking provision is insufficient and would displace parking to the estate entrance, impeding access including for emergency vehicles; and the development would compromise the continuity of a future cycle route at the corner.
- Estate entrance and construction: questions remain over the ownership, protection and future maintenance of the estate boundary wall; construction traffic and site operations would concentrate impacts on the single access

point serving the estate; and no adequate traffic or construction management framework has been secured.

- Precedent and cumulative impact: a grant would set a precedent for further intensification at the entrance to a low-density estate and beside a protected structure and recorded monument, and there is no overarching plan for the wider lands notwithstanding the previous refusals.

7.0 Assessment

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

- Zoning and Principle of Development
- Impact on the Visual Amenities and Character of the Area
- Impact on Residential Amenities
- Car Parking and Access
- Site Services
- Flood Risk
- Other Issues

The grounds of appeal and the third party submissions to the Planning Authority are addressed under these headings. The procedural, technical and validation matters raised by the appellant are addressed under Other Issues.

7.2. Zoning and Principle of Development

7.2.1. The site is zoned 'RES' under the South Dublin County Development Plan 2022-2028, where it is an objective to protect and/or improve residential amenity. The Plan supports sustainable intensification in established residential areas through infill development and the development of corner sites (Section 6.8.1, Policy H13 and H13 Objective 3), subject to the safeguards and standards set out in Chapter 12, in

particular Section 12.6.8. Apartment development is permitted in principle under the zoning. The previous Inspector under ABP-320268-24 concluded that the principle of development at this location is acceptable, and nothing in the current proposal alters that position. I am satisfied that the principle of residential development on this serviced corner site is acceptable, subject to the detailed assessment set out below.

- 7.2.2. The appellant contends that the site should accommodate a single dwelling only, ideally a bungalow or dormer bungalow, and that an apartment building is inappropriate in an area of detached houses. Neither the zoning objective nor the Development Plan restricts this site to a single dwelling. The acceptability of two apartments is subject to assessment against the relevant standards and the impacts of the building proposed, not against a preference for an alternative scheme. I also note the Planning Authority's observation that the proposed unit mix would add to an area otherwise dominated by lower density housing.

7.3. Impact on the Visual Amenities and Character of the Area

- 7.3.1. The appellant's case on visual impact concerns the orientation of the building and site layout (Ground 1), its scale, bulk, massing and design (Ground 2), and its compatibility with the established character and pattern of development (Ground 3), together with the related policy objections under Ground 7. The appellant asks the Commission to adopt the Council's 2024 refusal reason (recommended refusal reason no. 3 of the appeal). The previous Inspector assessed what is materially the same building under ABP-320268-24 and found the design acceptable, concluding that the two-storey hipped roof building was suitably sized for this narrow, elongated site and would bookend the street. Secondly, the Commission refused permission on flood risk grounds only and did not include a design-based reason for refusal. The only design change since then is the addition of windows to the southern elevation, which improves the building.
- 7.3.2. There is no consistent building height, character or building line at this corner. The proposed building, at approximately 8.6m in height, would exceed the ridge of St. Anthony's by approximately 2.7m but, by reason of the topography and the proposed reduction of the existing ground levels, it would sit below the ridge line of the constructed dwelling to the east. It therefore provides the transition in height that Section 12.6.8 requires. The western elevation largely aligns with the building line of

St. Anthony's, and there is no prevailing front building line at this corner from which the proposal departs. The site visit indicated that the building would occupy a visible corner position but would not be unduly prominent in views along the Ballycullen Road.

- 7.3.3. The appellant contends that the building is orientated back to front, with its principal elevations facing north and south rather than east to west (Ground 1). This is a corner site to which the Development Plan applies a dual frontage requirement. The western elevation addresses the Old Knocklyon Road with substantial glazing, the balcony and the terrace, and the southern elevation now incorporates the main entrance and additional windows addressing Castlefield Avenue. Both public frontages are addressed.
- 7.3.4. The Council's 2024 refusal centred on insufficient animation along Castlefield Avenue. The previous Inspector considered that a window at ground and first floor level on the southern elevation serving the living room of each unit would provide an acceptable level of animation, and those windows have now been provided, together with the entrance door and a first-floor window. The balcony and terrace on the western elevation overlook open space within the site and the Old Knocklyon Road, and the adjoining dwelling to the north has a first-floor balcony on the same frontage. In short, the design is appropriate to its context and complies with Sections 6.8 and 12.6.8 of the Development Plan and with Section 3.4.2 of the Sustainable Residential Development and Compact Settlements Guidelines 2024. The development would not injure the visual amenities or character of the area. Boundary treatments, including the height of the wall along Castlefield Avenue, can be controlled by condition.
- 7.3.5. Setting of Knocklyon Castle (Protected Structure and Recorded Monument)
- 7.3.6. The observers at Knocklyon Castle contend that the application does not adequately assess or safeguard the setting and visual integrity of the castle, a Protected Structure (RPS Ref. 295) and Recorded Monument (DU022-010), including longer-distance views and the approach along Castlefield Avenue. Policy NCBH19 of the Development Plan requires careful consideration of any proposal for development that would affect the setting, special character or appearance of a Protected Structure, and NCBH19 Objective 2 requires that such proposals are sympathetic to

its special character and consistent with the Architectural Heritage Protection Guidelines for Planning Authorities (2011). NCBH13 Objective 3 requires that development in the vicinity of a Recorded Monument does not detract from its setting. Section 12.3.7 of the Plan provides that applications for development in proximity to a Protected Structure may require a Design Statement.

- 7.3.7. Knocklyon Castle is located approximately 50m to the south of the site adjacent to the Ballycullen Road. The appeal site is not within the curtilage or attendant grounds of the castle. The subject site is a leftover corner plot within an established residential area, separated from the castle lands by Castlefield Avenue and its junction, boundary walls and mature vegetation and an infill site (which was previously refused permission for an apartment development). The castle lands are heavily vegetated to their boundaries. My site inspection confirmed that the castle is screened and not visible from the site. The site is outside the zone of archaeological potential of the Recorded Monument.
- 7.3.8. The proposal is a two-storey building of domestic scale within this established residential context. Having regard to the separation distance, the screening and intervening and existing built context in which the castle sits, I do not consider that the development would have any significant or adverse impact on the setting, special character or appearance of the Protected Structure, or that it would detract from the setting of the Recorded Monument. The previous Inspector under ABP-320268-24 made a similar conclusion in respect of materially the same building, and the Commission's decision raised no heritage issue. Given the nature of this relationship, a Design Statement was not necessary in this instance. The proposal complies with Policy NCBH19 and its objectives and with NCBH13 Objective 3.
- 7.3.9. The observers refer to the refusal of permission under SD09A/0155 for a four-apartment building on lands adjacent to No. 1 Castlefield Avenue, on the opposite side of Castlefield Avenue, which included a reason relating to visual impact on the character, setting and integrity of Knocklyon Castle. That decision concerned a different site in a different relationship with the castle and its attendant grounds, a larger scheme, and was determined under the 2004-2010 Development Plan. It does not alter my assessment of the current proposal.

7.4. Impact on Residential Amenities

- 7.4.1. The appellant (St. Anthony's) contends that the proposed building would be overbearing (Ground 4), would overshadow his dwelling and gardens, and would cause direct and perceived overlooking. Ground 5 raises equivalent impacts on the permitted dwelling to the east, and Ground 6 contends that the proposal amounts to overdevelopment. St. Anthony's is the property most sensitive to the proposed development.
- 7.4.2. The proposed building would sit generally to the side of St. Anthony's, with the rear building lines of the two properties broadly aligned. The northern elevation would be set back approximately 1.5m from the shared boundary and approximately 8m from the southern elevation of St. Anthony's. Ground levels on the site are to be reduced by approximately 1m so that the building would sit at a level similar to the adjoining dwelling (St. Anthony), which limits its relative height. The submitted section shows existing and proposed ground levels, including levels within the appellant's property. The site visit indicated that this was consistent with the submitted drawings and I have no reason to doubt their accuracy.
- 7.4.3. The previous Inspector considered this same relationship, the same building height, separation and reduced levels and was satisfied that significant issues of overshadowing, overbearing or overlooking did not arise. I agree with that assessment for the reasons set out below.
- 7.4.4. The appellant raises concerns relating to the absence of a BRE-compliant daylight and sunlight assessment and has submitted a sun path analysis indicating extensive overshadowing. Section 5.3.7 of the 2024 Compact Settlements Guidelines allows the planning authority to decide whether a technical assessment is necessary. For a two-storey building of domestic scale in this relationship, I am satisfied that the impacts can be judged from the drawings, the levels and the site inspection, and I do not consider a full BRE assessment necessary. I acknowledge that it is likely that overshadowing of parts of the southern side of the appellant's property will occur at certain times of day, but the principal rear garden to the east will retain adequate levels of sunlight, and the living space served by the south-facing glazing also has west-facing windows and a rooflight and will continue to receive adequate daylight. Some change to the outlook and experience of an adjoining property is inevitable with infill development of this nature. I am satisfied that the impact here is within

acceptable limits and that the development would not be unduly overbearing or cause significant overshadowing.

- 7.4.5. Relating to overlooking, the four windows on the northern elevation are indicated as obscure glazed; two serve an en-suite and a walk-in closet at first floor level and as such will not result in excessive overlooking of the appellant's site. However, I would concur with the planning authority's assessment relating to the requirement for screening to a minimum height of 1.8m to the northern side of the first-floor balcony as included under Condition 2(a) of the Planning Authority's decision. Subject to these amendments, the development will not give rise to undue overlooking, or perception of overlooking of the appellant's dwelling or gardens.
- 7.4.6. As regards the lands to the east, the eastern elevation is set back approximately 11m from the boundary, and its first floor windows would face the front garden area of the adjoining property, Mimosa, without directly opposing any upper floor windows or overlooking private open space. The dwelling permitted under ABP-308637-20 has not been constructed and its planning status is not clear. Even if it were in place, it would sit on higher ground, its principal amenity space would not be directly overlooked and there would be no opposing upper floor windows.
- 7.4.7. Relating to overdevelopment (Ground 6), the proposal provides two units on a site of 375 sq.m. Each unit (82sq.m) exceeds the minimum floor areas of the 2025 Apartment Guidelines. The balcony and terrace, at approximately 10 sq.m each, exceed the 6 sq.m private open space requirement. Internal storage falls marginally below the 5 sq.m standard but is supplemented by the walk-in closets and the external store. The open space to the east and west of the building is likely to offer limited amenity notwithstanding meeting required quantum. Relating to these sub-standard aspects, I note the flexibility the Guidelines provide for small-scale infill schemes and in this instance I consider the shortfall to be acceptable. Details of the bin store design and provision of a Building Lifecycle Report may be provided by way of condition. A development that meets the applicable standards on a zoned, serviced urban site while also having no significant or adverse impacts upon the residential and visual amenities of the area does not constitute overdevelopment. I consider that the development complies with the criteria set out under Sections 12.6.7 and 12.6.8 of the CDP and the proposal is consistent with the zoning objective and with H13 Objective 5.

7.5. Car Parking and Access

- 7.5.1. The site is within Parking Zone 2, where the Development Plan (Section 12.7.4) provides for 1 no. space per apartment. The Roads Department raised no objection subject to conditions, requiring the three spaces shown to be reduced to two, together with 5 no. covered bicycle spaces, limits on wall and pillar heights at the access, and resolution of the street tree conflict with the Public Realm section. The Roads report indicates good sightlines and distance from the junction (31m) with Old Knocklyon meets the minimum requirement of 23m for a 30km/hr road.
- 7.5.2. The appellant and the third parties contend that vehicles reversing onto Castlefield Avenue at a busy corner on a walking and cycling route would create a hazard, that the clustered spaces are unworkable, that overspill parking would result, and that the street trees have been ignored in the sightline assessment. Having regard to the sightlines available, the low traffic generation of two units, the 30km/h speed limit and the separation of the access from the junction, and in agreement with the Roads Department, I am satisfied that the proposal would not endanger public safety by reason of a traffic hazard. The reduction to two spaces addresses the manoeuvring concern, and parking at the Development Plan rate for this location does not support the contention of significant overspill. The street tree issue is acknowledged and is to be resolved with the Roads and Public Realm sections under Condition 3, with a revised access location if necessary. The proposal is acceptable in terms of access, parking and traffic safety, subject to conditions.

7.6. Site Services

- 7.6.1. Foul drainage is to connect to the existing private drainage system serving 'Mimosa', which discharges via a pumped chamber to the public sewer. The appellant contends that this system lacks capacity for further units, that the applicant relies on permissions which have lapsed or will not be commenced, and that the red line boundary excludes the receiving infrastructure, including a pump chamber shown within his own property without consent (Ground 8).
- 7.6.2. The drainage infrastructure exists on the ground and serves the existing dwelling to the east. The relevant planning question is whether the development can be adequately serviced. Uisce Éireann has reviewed the application and raised no objection, subject to conditions requiring a connection agreement prior to

commencement. Insofar as any works or connections require the consent of third parties, I refer to section 34(13) of the Planning and Development Act 2000 which provides that a person is not entitled solely by reason of a permission to carry out any development, and a grant of permission would confer no right to enter or carry out works on the appellant's lands.

- 7.6.3. As regards surface water, the Water Services report identified deficiencies in the submitted details, including the legibility of the surface water layout and the absence of attenuation calculations and SuDS proposals. These are matters of detailed design for a scheme of this scale and can be secured by condition, together with the Green Infrastructure Plan and Green Space Factor score required under Section 12.4.2. The adequacy of the surface water regime is relevant to the flood risk issue, which is the main issue in this appeal and is assessed below.

7.7. Flood Risk

- 7.7.1. Flood risk is the main issue in this appeal. Permission for materially the same development was refused by the Commission under ABP-320268-24 because the submitted Site-Specific Flood Risk Assessment did not have sufficient site-specific detail to ensure that the flood risk to the development and elsewhere had been mitigated and managed to an acceptable level. The question is whether that reason has been materially overcome.
- 7.7.2. Approximately 80% of the site is located in Flood Zone B per the CDP SFRA. Residential development is classified as 'highly vulnerable development' under the Flood Risk Management Guidelines and would normally be subject to the Justification Test in this zone. However, Section 5.28 of the Guidelines, as revised by Circular 2/14, states that the sequential approach and the Justification Test do not apply to minor development, including small scale infill. Instead, a commensurate assessment of flood risk is required. I agree with the previous Inspector that two apartments on this 375 sq.m urban site is minor infill development under Section 5.28. The issues to consider are therefore whether the flood risk to the development can be adequately managed, and whether the development would cause unacceptable adverse impacts elsewhere.
- 7.7.3. The appellant argues that a grant of permission would be a material contravention of Section 5.2.3.2 of the Development Plan SFRA, which states that highly vulnerable

development shall not be permitted in Flood Zone A or B. I do not accept this argument. IE4 Objective 1 requires flood risk assessments to be carried out in accordance with the Guidelines and Circular 2/14. The Plan therefore includes the minor infill provisions of Section 5.28. I note the previous decision of the Commission on this site was itself based on Section 5.28. In my view, no material contravention arises in the event of a grant of permission.

- 7.7.4. The previous refusal related to three gaps in the information: no detail on the location of the culverted Ballycullen Stream, which the SFRA Mapping (Sheet 16) appeared to show crossing the eastern part of the site; no cross-sections showing the finished floor level relative to the source of flooding and the anticipated water levels; and no reference to the Ballycullen Flood Alleviation Scheme.
- 7.7.5. The revised SSFRA (O'Neill Consultant Engineering Services, dated 24/09/2025) addresses the flow path issue. It includes the Council's own drainage records, a site layout and a cross-section (Appendices B2 and B3, Drawings 856-05-001 and 856-05-002). These show that the Ballycullen Stream has been culverted and diverted, that the culvert runs to the west of the site, that the 1,500mm flood alleviation culvert lies to the east, and that neither crosses the site. The only drainage infrastructure adjacent to the site is a 225mm surface water sewer in Castlefield Avenue at the southern boundary. I note that the Water Services report confirms these facts, including that the stream does not pass through the site. The previous Inspector's concern that a major flow path crossed the eastern part of the site has therefore been resolved. I am satisfied that the development will not obstruct or impede access to any watercourse, flow path or flood management infrastructure.
- 7.7.6. The revised SSFRA also addresses the 2011 flood event and the alleviation scheme. The 2011 flooding was caused by water escaping the then 1,050mm culvert at three manholes, c.500m to the south. This failure had been predicted in the Greater Dublin Strategic Drainage Study. It was addressed by the 1.6km long, 1,500mm alleviation culvert to the east completed in 2018. There are no records of flooding on the subject site or in its immediate vicinity, and no repeat of the 2011 event since the scheme was completed. I am satisfied that the SSFRA can reasonably rely on a scheme built specifically to address the only recorded flood event in the vicinity.

- 7.7.7. The site visit and the surroundings confirmed the site's position as described in the SSFRA. The visual perception of the site indicates it occupies locally elevated ground off the Ballycullen Road, and the surrounding land falls away from it (to the north). It did not appear that there was a localised low point within the site or its immediate surrounds in which significant levels of surface water could accumulate and the topography would suggest that it provides ample scope for water to drain away. These visual observations are consistent with the conclusions of the SSFRA.
- 7.7.8. The cross-sections sought by the appellant come from Appendix A of the Technical Appendices to the Guidelines, which assumes a flood source for which water levels can be established. It has now been shown that no watercourse crosses or adjoins the site. The revised Section 5.28 requires a commensurate assessment, and the level of detail must be proportionate to the scale of development. This is a two-storey 2no. apartment infill scheme, not a large development that would warrant detailed hydraulic modelling. The submitted section shows the position of the development relative to the culvert. The appellant noted that the SSFRA's fluvial risk conclusion changed from 'low' to 'not any' between the two versions without any significant additions to the report. The revised conclusion reflects the drainage records now included, namely details of the location of the culverted Ballycullen Stream and the flood alleviation scheme. I am satisfied that the information provided is commensurate with the scale of development and the level of residual risk.
- 7.7.9. In relation to the risk to the development itself, the drainage design provides for the 1 in 100 year storm event to be contained within the site through permeable surfacing, a 3,500 litre attenuation and reuse tank, and an acco drain to intercept overland flow from the footpath. Flood barriers are proposed to doors and low-level openings as a resilience measure against more extreme events. It is acknowledged that further details are required in this regard as per condition 5 of the Council's Grant of permission. Designing for the residual risk aligns with the precautionary approach required by the Guidelines and IE4 Objective 2. I am satisfied that the proposed measures are appropriate and do not indicate any unacceptable level of risk to the development.
- 7.7.10. The development includes for the reduction in ground levels to the site which would appear to be in the interests of residential amenity. The site will remain on locally

elevated ground relative to its surroundings, distant from the culverted stream, and the reduction does not, in my view, materially alter the flood risk position.

- 7.7.11. The second issue is whether the development would cause unacceptable adverse impacts elsewhere. The appellant's concern is his own property to the north, which is on lower ground and has no flood defences. However, the development will not obstruct any flow path. Surface water will be contained and attenuated on site (subject to agreement with the relevant department within SDCC), so the rate and volume of runoff towards adjoining lands will not increase. The flood barriers protect openings on a building footprint of approximately 110 sq.m and would not displace any meaningful volume of water towards adjoining property. I am satisfied that the development would not cause unacceptable adverse flood impacts elsewhere, including to the appellant's property.
- 7.7.12. The appellant asks the Commission to align with the recommendation of the Water Services department of SDCC and refers to *Graymount House Action Group v An Bord Pleanála* [2024] IEHC 327, *Morris v An Bord Pleanála* [2024] IEHC 328 and *Grafton Group plc v An Bord Pleanála* [2023] IEHC 725, arguing that the Planning Authority disregarded its own experts without countervailing expert evidence. This appeal is determined de novo based on all of the evidence, and I have considered the Water Services report in full. Its findings are consistent with the SSFRA. Its recommendation of refusal is based not on any technical criticism of the flood risk analysis but on the absolute reading of Section 5.2.3.2, which I have not accepted. The only expert flood assessment on the file is the SSFRA prepared by a chartered engineer submitted by the applicant, and it has not been contradicted by any other technical analysis.
- 7.7.13. The remaining points in the Water Services report relate to the legibility of the surface water drawings and the absence of attenuation calculations and SuDS details. As part of the Council's Grant of Permission, condition 5 sought to address these issues. The appellant objects to surface water matters being left to condition. However, I consider a condition to be the proportionate approach for a development of this scale. Alternatively, should the Commission wish to satisfy itself that adequate SuDS and attenuation measures can be provided within the boundaries of the site before making a decision, it may seek these details from the applicant under section 132 of the Planning and Development Act 2000.

7.7.14. Subject to that condition, I am satisfied that the deficiencies identified under ABP-320268-24 have been addressed, that the flood risk to the development can be adequately managed, and that the development will not cause unacceptable adverse impacts elsewhere. The previous reason for refusal has been overcome and the proposal is consistent with revised Section 5.28 of the Guidelines, IE4 Objectives 1 and 2, and the Development Plan read as a whole.

7.8. Other Issues

- 7.8.1. Protected structures and archaeology: Knocklyon Castle located to the immediate south is heavily screened and not visible from the site, the site is outside the zone of archaeological potential, and the boundary walls and gate piers at the site of Prospect House (RPS Ref. 291) are unaffected.
- 7.8.2. Depreciation of property value: having found the amenity impacts of the development to be within acceptable limits, there is no evidential basis for refusal for this reason.
- 7.8.3. Construction phase: impacts from a two-unit scheme are managed by condition; the Environmental Health Officer's recommended conditions and a construction management plan condition are sufficient, and further information is not required.
- 7.8.4. Landscaping: the absence of a landscape plan is remedied by the pre-commencement condition requiring a Green Infrastructure Plan and Landscape Plan and a Green Space Factor score under Section 12.4.2, together with the street tree protection measures under Condition 3 of the Council's grant of permission.

8.0 AA Screening

I have considered the proposal for the construction of a two storey building accommodating 2no. 2-bedroom apartment units and all associated siteworks in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is an infill site located within an established residential estate accessed off the Ballycullen Road to the west, c. 300m from the junction with Firhouse Road to the north.

The closest Natura 2000 site to the subject sites includes: Glenasmole Valley SAC (Site Code: 001209) – c. 3.8km to southwest, Wicklow Mountains SAC (Site Code:

002122) – c. 5.4km to south, Wicklow Mountains SPA (Site Code: 004040) – c. 6.8km to south, South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) – c. 9km to north-east, South Dublin Bay SAC (Site Code: 000210) – c. 9km to north-east, Knocksink Wood SAC (Site Code: 000725) – c. 11.1km to south-east, Ballyman Glen SAC (Site Code: 000713) – c. 13.5km to south-east.

There is a culverted watercourse in the vicinity of the site at the Ballycullen Road, which flows northeast to the River Dodder. The River Dodder discharges to Dublin Bay and provides an indirect hydrological connection to the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC, c. 9km to the north-east. There are no other water features within the zone of influence of the development. The site comprises scrub and grassland and is not suitable as an ex-situ habitat.

The proposed development comprises the construction of a two storey building accommodating 2no. apartment units and associated siteworks. Foul drainage will discharge to the public sewer subject to a connection agreement with Uisce Éireann. Surface water will be attenuated within the site by way of SuDS measures or an infiltration soakaway, with complete separation of the foul and surface water systems, as required by condition. Having regard to the small scale of the development, its location in a serviced urban area, and the distance to the nearest hydrologically connected European site with further dilution within the intervening watercourse, significant effects are not considered likely. The planning authority screened the proposed development and determined that it would not be likely to have a significant effect, individually or in combination with other plans and projects, on any European site.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any no likely significant effect on a European Site. The reason for this conclusion is as follows:

- Relatively small scale and nature of the proposed development.
- The distance between the appeal site and the indirect nature of the hydrological connectivity to European sites.
- The screening determination by the planning authority.

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

9.0 Recommendation

I recommend that permission be granted for the proposed detached two storey building accommodating 2no. 2-bedroom apartments and all associated site works.

10.0 Reasons and Considerations

Having regard to the 'RES' zoning objective under the South Dublin County Development Plan 2022–2028, to Development Plan policies supporting infill development on corner sites, to the National Planning Framework, the Compact Settlements Guidelines (2024) and the Apartment Guidelines (2025), and to the site-specific flood risk assessment submitted, it is considered that the proposed development is acceptable in principle at this location. The design, scale and massing of the development would be acceptable in the streetscape and would not seriously injure the visual amenities of the area. The flood risk to the development can be adequately managed in accordance with IE4 Objective 1 and the Flood Risk Management Guidelines (2009), as revised by Circular PL2/2014, and the development would not cause unacceptable adverse flood impacts elsewhere. Subject to the conditions hereunder, the development would not seriously injure the residential amenities of property in the vicinity, would not endanger public safety by reason of traffic hazard, and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in

writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the owner/occupier/developer shall submit the following for the written agreement of the Planning Authority:

- a) Screening, to a minimum height of 1.8m, to the northern elevation of the first floor level balcony on the western elevation of the proposed building.
- b) Details of the bin store/storage space structure to the east of the proposed building. This structure shall not exceed 1.4m in height and shall have external finishes to match/harmonise with those of the main building.
- c) A Green Infrastructure Plan (which shall be submitted as part of a Landscape Plan) for the proposal in accordance with Section 12.4.2 of the 2022-2028 CDP.
- d) Green Space Factor score for the proposal in accordance with Section 12.4.2 of the 2022-2028 CDP.
- e) A Building Lifecycle Report as required by the 2025 Apartment Guidelines.

Reason: To protect existing amenities and to comply with relevant Council policies.

3. Street Trees

- a) The applicant shall ensure the protection of the existing street trees located in the grass verge to the south of the subject site through the installation of suitable tree protection fencing in line with BS 5837 to protect the existing tree during any construction works. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle, or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.
- b) In the event a revision to the subject site access location along the southern boundary of the site is required to ensure protection of street trees, this shall be subject to agreement with SDCC Roads department, with revised plans

and particulars to be submitted for the written agreement of the Planning Authority (Roads and Public Realm) prior to the commencement of development.

Reason: To ensure protection of existing street trees.

4. Access.

- a) Prior to commencement of development, the applicant/owner/developer shall submit the following for the written agreement of the Planning Authority (Roads):
 - i. A revised site layout showing car parking spaces for two cars within the site boundary.
 - ii. A revised site layout showing bicycle parking spaces for 5no bicycles within the site boundary
- b) The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
- c) Any gates shall open inwards and not out over the public domain.
- d) All bicycle parking spaces must be covered and shall be constructed in line with National Cycle Manual standards.
- e) Footpath and kerb shall be dished and widened and dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
- f) The parking areas serving the apartment units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and sustainable transport.

5. Water Services.

- a) Surface water generated by the development hereby permitted shall be attenuated by way of above-ground SuDs systems. Surface water attenuation

calculations of surface water in m³ shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

- b) If above-ground SuDs systems are not feasible, surface water may be infiltrated within the site by means of a soakaway that is certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance. If this is not feasible, this must be demonstrated and alternative proposals shall be agreed in writing with the Planning Authority (Water Services) and same implemented thereafter.
- c) Any areas of parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.
- d) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. Foul and surface water drainage plans showing all manholes shall be submitted for the public record.

Reason: To provide for adequate, sustainable and appropriate water drainage provision.

6. Uisce Eireann

- a) Prior to the commencement of development, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.
- b) The applicant shall ensure that appropriate minimum setback distances from Uisce Eireann water infrastructure is maintained from any development proposed.

Reason: In the interest of public health and to ensure adequate water and waste water facilities.

7. Restriction on Use. The apartment units shall each be used as a single dwelling unit and shall not be sub divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

Reason: To prevent unauthorised development.

8. Proposals for apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. Services and Cables:

All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. Construction Hours:

Site development and building works shall be carried out only between the hours of 07:00 to 19:00 - Mondays to Friday inclusive, between 08:00 to 13:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. Social and Affordable Housing:

Prior to commencement of development, the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement in

writing with the Planning Authority in relation to the transfer of a percentage of the land, to be agreed with the Planning Authority, in accordance with the requirements of Section 94(4) and Section 96(2) and 96(3)(a) (Part V) of the Planning and Development Act 2000 (as amended), and/or the provision of housing on lands in accordance with the requirements of Section 94(4) and Section 96(2) and 96(3)(b) (Part V) of the Planning and Development Act 2000 (as amended), unless an exemption certificate has been granted under Section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute shall be referred by the Planning Authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended) and of the housing strategy in the development plan for the area.

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Freeland
Planning Inspector

10/07/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-501053-SD-26		
Proposed Development Summary	The proposed development comprises construction of a detached two storey building to accommodate 2no. 2 bedroom apartments and all associated site works.		
Development Address	Lands at Castlefield Avenue, Knocklyon adjoining Mimosa Castlefield Ave, Dublin 16, D16 R2F3		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X	10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	PL-501053-SD-26
Proposed Development Summary	The proposed development comprises construction of a detached two storey building to accommodate 2no. 2 bedroom apartments and all associated site works.
Development Address	Lands at Castlefield Avenue, Knocklyon adjoining Mimosa Castlefield Ave, Dublin 16, D16 R2F3
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 proposed development comprises the construction of a two storey building accommodating 2no. apartment units on a serviced urban infill site, with connections to the public water supply and foul sewer and surface water managed within the site. The development comes forwards as a standalone project, does not require 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
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 site is not located within or immediately adjacent to any designated site. The site is a small infill site within an established residential area, located in Flood Zone B, and a site-specific flood risk assessment accompanied the application. The development would connect to existing public services. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

cumulative effects and opportunities for mitigation).	
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: _____ Date: _____