



An
Coimisiún
Pleanála

Inspector's Report

PL-501155-DN-26

Development

(i) Demolition of existing shed; (ii) construction of a three-storey flat roofed, four-bedroom, detached house with rooflights, fronting onto Clare Road and served by front and rear gardens at ground floor level; (iii) all ancillary works inclusive of soft and hard landscaping, boundary treatments, SuDS drainage, and bin store, as necessary to facilitate the development.

Location

Rear of 45A Home Farm Road and
Clare Road, Drumcondra, Dublin 9
D09 V065

Planning Authority

Dublin City Council (North)

Planning Authority Reg. Ref.

WEB1153/26

Applicant(s)

Balaji Property Holding Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Balaji Property Holding Ltd.

Observer(s)	Gregor Toohey Niamh Frost (nee Cashin) Rory Williams Cathal & Evelyn O'Connell Moya Noble Anne & Perrick Février James & Caitriona Ratcliffe Colin Cashin Michael & Mary Cashin Kevin McCrudden Anthony & Melissa Brady Gina Sparks
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Date of Site Inspection	29 th May 2026
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Inspector	Conor Hughes
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Table of Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	10
5.0	Policy Context	10
6.0	EIA Screening	15
7.0	The Appeal	16
8.0	Assessment	19
9.0	AA Screening	27
10.0	Water Framework Directive	28
11.0	Recommendation	29
12.0	Reasons and Considerations	29
	Appendix 1: Form 1 EIA Pre-Screening	31
	Appendix 2: Form 2 EIA Preliminary Examination	33

1.0 Site Location and Description

- 1.1. The site is located at the junction of Home Farm Road and Clare Road, Drumcondra and comprised of a single-storey outbuilding and approximately seventy percent of a walled garden/yard to the rear of an existing three-storey commercial premises at 45a Home Farm Road.
- 1.2. The twenty-six square metre outbuilding located on the northern boundary of the site is of masonry construction with a smooth render finish and a mono-pitch bitumen roof with timber fascia and uPVC gutters. It has a uPVC window and door on the elevation into the yard and a uPVC door on the side elevation to Clare Road.
- 1.3. The ninety-six square metres of yard within the site is enclosed on three sides with masonry walls. There is no boundary along the southern edge to separate the site from the adjacent commercial premises. A former vehicular entrance is located at the northwestern corner of the site fronting Clare Road.
- 1.4. The area surrounding the site is predominantly residential in character and most of the dwellings are detached and semi-detached red brick Victorian villas.

2.0 Proposed Development

- 2.1. The development comprises the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store.

3.0 Planning Authority Decision

3.1. Decision

- On 19th March 2026 the Planning Authority issued notification of their decision to refuse planning permission for the proposed demolition of an existing shed and construction of a three-storey four-bedroom detached dwelling and ancillary site works for the following reasons.
- The proposed development by reason of its height, mass and scale was considered not to be in keeping with the established character of the street.

- The proposed building in terms of its proportions, overall height, roof profile and materials was also out of character with the existing pattern of development in an established Z1 residential area.
- If constructed the proposed development would be seriously injurious to the residential amenities of adjacent properties by reason of overbearance, overshadowing and overlooking.
- Consequently, the proposal was contrary to the criteria set out in Section 15.5.2 (Infill Development), Section 15.13.3 (Infill /Side Garden Housing Developments) and Section 15.13.4 (Backland Housing) of the Dublin City Development Plan 2022-2028.
- It would represent an unacceptable form of development, would not be of sufficient design merit and would set an undesirable precedent for other such development in the vicinity inconsistent with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed development is an objective Z1 zoning in the Dublin City Development Plan 2022-2028 (the Development Plan) and which has a land use zoning objective *‘to protect, provide and improve residential amenities’* and that residential development, may be permitted where at this location subject to being compatible with the overall policies and objectives for the zoning
- The Planning Authority had no objection in principle to the proposed demolition of the outbuilding within the site or to a new infill dwelling being constructed at the subject site.
- It was concluded this proposed plot ratio and site coverage may be acceptable in principle at this location, subject to a high-quality design and the protection of residential amenity for future residents of the building and those living adjacent to the site.
- The absence of proper contextual drawings and a number of anomalies were noted in the drawings and visuals submitted with the proposal.

- The concerns of a number of third-party observers regarding the proposed architectural design, massing and height, and potential overlooking and overshadowing were set out.
- The Planning Authority acknowledged that the applicant was seeking to harmonise the proposed development with the principal structure at 45a Home Farm Road. They distinguished by use of a NIAH description that the design of the proposed building was in sharp contrast to the surrounding architectural grain on a street otherwise dominated by late nineteenth-century domestic terraces.
- The proposed development was considered to be overdevelopment and that the design did not have due regard to the context or established character of Clare Road and other surrounding streets.
- It was further considered that the proposed development failed to maintain the established building line of residential street and that the dwelling was over scaled to such a degree that it would be seriously incompatible with proportions, heights and parapet levels of other dwellings along Clare Road.
- The large window openings in the front elevation were also described as discordant and incongruous features not in keeping with the character of the surrounding residential streets.
- The Planning Authority were satisfied the proposed floor areas exceeded the 2007 guidelines for a four-bedroom (7 person) three-storey dwelling in terms of living space, bedrooms sizes and storage space and that the main habitable spaces of the proposed dwelling would receive adequate levels of daylight and sunlight.
- They were also satisfied that adequate private amenity space was achieved for the development in the proposed courtyard to the side of the building.
- Concerns were raised that the single bedroom at first floor level being served by a narrow opaque glazed north facing window would not receive adequate daylight or sunlight and that the existing three-storey building at 45A Home Farm Road would likely cast a shadow on part of the private amenity open space over the course of the day.

- It was highlighted that the minimum separation distance of 16 metres between opposing windows serving habitable rooms at the rear or side of houses was achieved in accordance with guidance.
- No concerns were raised in respect of the separation distances of opposing upper floor habitable rooms. However, the planning authority considered, the proposal to be unduly overbearing on 02 Clare Road and likely result in negative impacts on the residential amenity of 47 Home Farm Road in terms of undue overbearance, privacy and overlooking.
- The Planning Authority agreed with the Transportation Planning Division that a refusal reason based on access, traffic impact and parking could not be sustained.
- It concluded the proposed development was contrary to the proper planning and sustainable development of the area and would if permitted would set an undesirable precedent for similar development.

3.2.2. Other Technical Reports

- Drainage Planning, Policy and Development Management Division (DPPDMD) commented that inadequate drainage information had been submitted for the management of surface water from the development and they advised the Planning Authority that permission be withheld until satisfactory information was submitted and approved.
- Transportation Planning Division commented that a setback area adjoining the laneway may be suitable for taking in charge and that a map clearly delineating all areas proposed for taking in charge should be provided. They also stated any remaining areas adjacent to the site shall be maintained in private ownership.
- They further stated that in terms of the access arrangements, that the proposal would result in the extinguishment of vehicular access to the site which requires the existing disking of the footpath / kerb in front of the site to be removed and the footpath reinstated to the requirements of the Council.
- Transport Planning Division highlighted that no cycle parking provision had been illustrated on the plans but there is sufficient secure private open space to

accommodate covered and sheltered cycle storage. They were satisfied this could be addressed by condition.

- They identified that the site was located within Car Parking Zone 2 of Map J of the Development Plan and identified the maximum car parking standard is 1 space per dwelling. However, having regard to the site's highly accessible location within 5 minutes walking distance of high frequency bus services on Drumcondra Road Upper and to on-street parking availability in the vicinity of the site, it was concluded the non-provision of car parking was acceptable subject to provision of quality cycle parking.
- They also stated a Construction Management Plan should be agreed by condition in the event of a grant of permission. Measures to prevent construction vehicle access or obstruction of the adjacent laneway should be provided in that Plan.
- The recommendation to grant planning permission was subject to a planning condition requiring the footpath to be reinstated, the provision of cycle parking and submission of a construction management plan.

3.3. Prescribed Bodies

- Uisce Éireann had no objection to the proposed development subject to conditions.

3.4. Third Party Observations

- Twenty-two observations were submitted in objection to the proposed development. The objections were similar in nature and the following issues were raised.
- The proposed three-storey building is not in keeping with the existing houses on Clare Road.
- The proposal introduces a contemporary three-storey flat-roofed structure with parapet walls, disrupting the established roofscape rhythm of Clare Road.
- The proposed development does not appear to be subservient in height and scale to the parent building at 45a Home Farm Road and this constitutes over intensification of a mews site.
- A building of this size creates a sense of enclosure and visual dominance inconsistent with the prevailing suburban character.

- A balcony on the front of the proposed building will overlook existing properties and no other house on Clare Road has a balcony to the front of the building.
- The proposed development does not respect the building line of Clare Road extending beyond the existing buildings either side by 4.5 metres.
- The windows facing Clare Road bear no relationship in scale or proportion to those of neighbouring houses or the adjacent parent building.
- There was no off-street parking proposed with the new development.
- There is also a proposed coffee shop as part of the neighbouring development and this will further increase pressure on parking.
- The proposed development would be overbearing and visually dominant by reason of its height, scale, window design and orientation and result in a loss of residential amenity.
- The elevated height and direct alignment of the window would facilitate clear downward and horizontal views of the neighbouring properties.
- The proposed design incorporates parapet walls at third storey level which has the potential to result in overlooking and to harm the residential amenity of adjacent properties.
- The proposal would set an undesirable and unfortunate precedent for inappropriate back land development, cumulative negative impacts on residential amenity and streetscape character.
- One observer highlighted that the plans presented were in their opinion somewhat misleading in terms of the form and scale of development proposed.
- Development of this scale increasing the likelihood of flooding and long-term maintenance problems.
- The site is adjacent to a busy junction near a primary school and local amenities and the proposal would likely increase vehicle movements and parking demand, thereby exacerbating existing safety concerns for pedestrians and other road users.

- The current sewage and drainage systems are not equipped to handle the additional load from the proposed development and this could lead to long-term environmental damage.

4.0 Planning History

45a Home Farm Road (adjacent building and part of the existing plot)

- 4.1. Planning Authority Reference D25A/0588/WEB – permission granted on 13 April 2026 for (i) the change of use of existing pharmacy at ground floor and hairdresser at first floor to cafe at ground floor and residential apartment at first floor; (ii) internal alterations to facilitate change of use; (iii) all associated site works.

5.0 Policy Context

5.1. Development Plan

- The Dublin City Development Plan 2022-2028 (the Development Plan) is the relevant plan for the area and the site is located within a Land-Use Zoning Objective Z1 – Sustainable Residential Neighbourhoods and the objective of the zoning is to protect, provide and improve residential amenities by ensuring a wide range of high-quality accommodation is available
- The policies and objectives for new residential development are found at Chapter 5 of the Development Plan.
- Policy QHSN6 promotes and supports residential consolidation and sustainable intensification through infill development, backland development and mews development subject to the provision of good quality accommodation.
- Policy QHSN10 promotes residential development at sustainable densities on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and which is appropriate to the surrounding context.
- To Policy QHSN37 requires new houses and apartments to provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

- The standards and criteria to be considered in the assessment of how a proposal contributes to the achievement of the core strategy and related policies and objectives are found at Chapter 15 of the Development Plan.

- Section 15.4.2 Architectural Design states:

Imaginative, innovative and contemporary architecture is encouraged in all development proposals, provided that it respects Dublin's heritage and local distinctiveness and enriches the city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance.

This section also identifies a set of key principles to be considered.

- Section 15.5.2 Infill Development states:

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form.

It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Infill development will be required:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*

- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*
- Section 15.5.5 Density states:

New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity. An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods.
- Section 15.5.7 Materials and Finishes states:

The materials and finishes of a building have the ability to shape the architectural design quality and distinctiveness of an area. Materials and finishes should be selected to ensure longevity throughout the lifetime of the development. All developments will be required to include details on the maintenance and management of the materials proposed as part of the planning application.
- Section 15.11.1 Floor Areas states:

Houses shall comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space Provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- Sections 15.11.2 Aspect, Daylight / Sunlight and Ventilation states:

The orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Where feasible, the main habitable rooms (living / kitchen) should have south and/or west facades.

Rear private garden should be sufficiently sized and orientated to ensure direct sunlight access is achieved for part of the day on March 21st. Living rooms shall not be lit solely by roof lights. Bedrooms solely lit by roof lights will be considered in certain circumstances on a case by case basis. All habitable rooms must be naturally ventilated and lit.

Further details and guidelines for Daylight and Sunlight Assessments are set out in Appendix 16.

- Section 15.11.3 Private Open Space states:

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5 8 sq. m. of private open space per bedspace will normally be applied.

- Section 15.11.4 Separation Distances (Houses) states:

At the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear first floor windows of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. Careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances and windows serving halls and landings which do not require the same degree of privacy as habitable rooms.

- Section 15.13.4 Backland Housing states:

Backland development is generally defined as development of land that lies to the rear of an existing property or building line.

Backland housing can comprise of larger scale redevelopment with an overall site access; mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with and independent vehicular access.

Consideration of access and servicing and the interrelationship between overlooking, privacy, aspect and daylight / sunlight are paramount to the success and acceptability of new development in backland conditions.

Applications for backland housing should consider the following:

- *Compliance with relevant residential design standards in relation to unit size, room size, private open space etc.*
- *Provision of adequate separation distances to ensure privacy is maintained and overlooking is minimised.*
- *That safe and secure access for car parking and service and maintenance vehicles is provided.*
- *The scale, form and massing of the existing properties and interrelationship with the proposed backland development.*
- *The impacts on the either the amenity of the existing properties in terms of daylight, sunlight, visual impact etc. or on the amenity obtained with the unit itself. The materials and finishes proposed with regard to existing character of the area.*
- *A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.*
- *A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity.*

- Section 15.6.2 Surface Water Management and SuDs states:

All new developments will be required to prepare a Surface Water Management Plan in accordance with the requirements of the Council's Surface Water Management Guidance (see Appendix 13.)

All new developments will also be required to utilise SuDS measures in accordance with Policy SI22 of the development plan. The SuDS measures shall be set out clearly in an assessment of the drainage details prepared by a qualified Engineer. Appendix 12 sets out further detail regarding SuDS and should be consulted by all applicants.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

- Section 5.3 (Internal Layout and Space Provision) contained in the then DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).
- Section 5.0 'Development Standards for Houses' contained in the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)' which establish general principles and standards for houses applied to the proposed development.
- In respect of this proposal:
 - Policy SPPR2 set a minimum private open space standard for three-bedroom houses of 40 square metres.
 - The guidelines for considering the impact of daylight performance are set out at paragraph 5.3.7.

5.3. Natural Heritage Designations

- The site is approximately 5.5 kilometres northwest of the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024) and South Dublin Bay Special Area of Conservation (SAC:000210).
- The site is approximately 6.5 kilometres west of the North Bull Island Special Protection Area (SPA:004006) and the North Dublin Bay Special Area of Conservation (SAC:000208).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- The submission by the appellant notes the planning authority has no objection in principle to the development and argue that the single reason for refusing planning permission relates solely to the height, scale, mass and design of the building.
- They argue that the design response will harmonise with the existing three-storey building on the corner of Home Farm Road and Clare Road and not the red brick housing facing onto Clare Road.
- The appellant suggests in the grounds of appeal that there is definitive break in the rhythm of development between the site and the neighbouring two-storey red brick housing and describes this as the lane between the northern boundary wall of the site and the boundary hedge to 2 Clare Road.
- They further argue that as the proposed building is in the same plot of land as the three-storey building on the corner it should use the same architectural language and that to replicate the design of the existing housing on Clare Road would dilute the character of this building.
- In respect of the concerns about height the appellant in the grounds of appeal explains that a two-storey element is maintained adjoining the laneway and the third floor is set back with a smooth render finish. They argue this acts as a transition between the taller building on the corner and the domestically scaled dwellings on Clare Road.
- The appellant does not consider the height of the proposed building to be excessive. They argue that it is only slightly taller than the ridge of the dwelling at 2 Clare Road and is lower than the parapet wall of 45a Home Farm Road.
- In terms of the finishes the appellant highlights that the red brick finish with render banding is consistent with the finishes of the building on the corner. They further suggest that red brick is not a material alien to Clare Road which in itself has a variety of houses of different styles and finishes.

- The appellant argues that Section 15.13.4 of the Development Plan is not relevant to the site as it is not a backland location. It is suggested in the grounds of appeal that the site has frontage and is a bookend to the street.
- In respect of Sections 15.5.2 and 15.13.3 they argue the house complies with the requirements of the Development Plan in terms of use, room sizes, open spaces and facilities. They consider a generic faux house that mimics the style of the existing houses in Clare Road is not an appropriate design response.
- The appellant submits a street elevation and requests that consideration is given to removing a floor to make the dwelling a two-storey three- bedroom dwelling. They suggest this mitigates the concerns raised by the Planning Authority in terms of height and mass.

7.2. Planning Authority Response

- In a response dated 12 May 2026 the Council confirm that no new matters arise in the grounds of appeal that would alter the opinion of the planning authority that planning permission is refused.
- It is highlighted that should planning permission be granted that a condition requiring the payment of a Section 48 development contribution, a social housing condition and a naming and numbering condition be attached to the permission.

7.3. Observations

- Twelve observations are submitted in respect of the appeal in objection to the proposed development. As with the planning application many of the observations are similar in nature and the following issues are raised.
- The proposed development is overdevelopment of a constrained site.
- The proposed development is out of keeping with the character of Clare Road as it is too proximate to the footpath and out of keeping with the building line.
- It is also out of character because of its height as there are no other three-storey buildings in the street. It is visually dominant and incongruous.
- The reference to the design needing to reflect the building at 45a Home Farm Road is not appropriate as the proposed dwelling fronts Clare Road which is a street characterised by domestically scaled red brick houses.

- The building on the corner is a distinct building in a prominent location. It should not be used as a justification for a similar type of development. The lane is also not wide enough to be regarded as a break in the rhythm of street which justifies the design response.
- There is no precedent for the design and the buildings have large windows, an oversized façade, parapet roof and there is an absence of a front garden.
- The set back on the third floor next to 2 Clare Road and use of a different finish does not mitigate the impact of the three-storey building or integrate the development into the streetscape.
- It is suggested that the height comparison with the buildings either side is misleading. A difference in roof form and scale undermines the coherence of the streetscape. The scale of the building and its proximity to the boundaries of other dwellings means that it will have an overbearing impact.
- The use of a similar palette of materials to those found in the locality does not address the fundamental planning concerns. The reason for refusal is based on other substantive grounds and not materials.
- The description of a room as a Den/Home Office is ambiguous and if this is a five-bedroom house this has a knock-on effect in terms of parking, amenity and service provision.
- This is back land development which should be assessed against the requirements of Section 15.13.4 of the Development Plan. The site has all the characteristics of a back land site as highlighted in this section of the Development Plan.
- While the policy position which supports infill development is acknowledged this proposal would set an undesirable precedent for similar development because of its design which has a disproportionate negative impact on the visual and residential amenity of the street.
- A number of windows in the closet dwelling to the north will be overshadowed by a building of this size impacting adversely on wellbeing and quality of life.
- The laneway is overlooked by windows in the gable elevation of the proposed dwelling.

- Examples of mews type developments at 70a Whitworth Road, 1a Claude Road and 2a Hollybank Road are provided to demonstrate how development can be integrated into the streetscape of an established residential area.
- The existing infrastructure cannot cope with the proposed development. The water infrastructure is poor. Parking is limited and under pressure and no other four-bedroom dwelling relies entirely on on-street parking. The road surface is poor and there is rat running on Clare Road as the road traffic signal arrangements on Griffith Avenue and Home Farm Road causes congestion. Road safety at the junction is also impacted by an intensification of use.
- The dust, noise, vibration and disruption caused by the construction works impacts negatively on the residential amenity of older people living close to the site.
- The two-storey option provided as an alternative proposal does not address the other concerns about the detail of the design and any impact it will have on the amenity of those residents.

8.0 **Assessment**

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

- The principle of development
- The demolition of the existing outbuilding
- Infill, back land and/or side garden development
- The impact on the visual amenity and character of the area
- The impact on residential amenity and privacy of adjacent properties
- The alternative proposal for a two-storey three-bedroom dwelling

The principle of development

- 8.2. The site is subject to an objective Z1 zoning in the Development Plan which has the purpose of improving residential amenity while protecting existing residential amenities.
- 8.3. I agree with the Planning Authority that a dwelling is acceptable in principle at this location subject to being in accordance with the requirements of the policies and objectives of the zoning and consistent with the proper planning and sustainable development of the area.
- 8.4. Policy QHSN6 promotes and supports residential consolidation and sustainable intensification through the consideration of applications for infill development and or back land development that provides good quality accommodation.
- 8.5. I agree with the Council that this is a suitable location in principle for urban consolidation through infill development subject to the proposed development being:
- of a high standard of urban design and architecture which can successfully integrate with the character of the surrounding area;
 - designed in a way that it is adaptable to the changing need of the homeowner; and
 - providing for the needs of family accommodation with a satisfactory level of residential amenity.

The demolition of the existing outbuilding

- 8.6. I agree with the Planning Authority that the proposed demolition of the outbuilding does not harm the objective of the Z1 zoning in terms of protecting residential amenities.
- 8.7. The building has no functional relationship to the commercial building at 45a Home Farm Road and does not need to be protected as it is not used as existing residential accommodation contributing to a wide range of high-quality accommodation in the area.

Infill, back land and/or side garden development

- 8.8. The planning authority state in the reason for refusal that the proposal does not align with the criteria set out in sections 15.5.2 (Infill Development), 15.13.3 (Infill /Side Garden Housing Developments) or 15.13.4 (Backland Housing) of the Development Plan.

- 8.9. It is my observation from the site visit that the site is part of the curtilage of 45a Home Farm Road which is a three storey commercial premises bookending a terrace of mainly two-storey dwellings fronting Home Farm Road. All the properties in the terrace have long back gardens and ancillary outbuildings located to the rear with access to an alley running along this boundary.
- 8.10. Section 15.5.2 of the Development Plan describes infill development as *'lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form'*.
- 8.11. Section 15.13.3 of the Development Plan describes infill in side gardens as *'the development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands'*.
- 8.12. Section 15.13.4 of the Development Plan describes *'Backland development is generally defined as development of land that lies to the rear of an existing property or building line'*.
- 8.13. The Development Plan makes distinction between each form of development and while a site may fit into one or more category as indicated it does not seem to me that the proposed development of this site fits into all three.
- 8.14. This is not the side garden of an existing house and while this is not a gap between two plots in the conventional sense it is land to the rear of existing buildings capable of being redeveloped and is therefore infill and back land development.
- 8.15. I do not consider that Section 15.13.3 of the Development Plan does not apply and my assessment is confined to those parts of the Development Plan and related guidance that are relevant to infill development in back land locations.

The impact on the visual amenity and character of the area

- 8.16. I observed from the site visit that the site is located in an established residential area with a uniform street pattern in which red brick terraced buildings front onto a tree lined distributor road with connecting residential streets running between comprised mainly of semi-detached dwellings. The buildings are mainly two-storey with projecting bays, brick facades and traditional tiled roofs. Most of the buildings are designed in the Victorian style.

- 8.17. I also agree with the Planning Authority analysis that the building on the corner at 45a Home Farm Road is a much later addition to the street and an anomaly in terms of its scale, height, form, massing, design and finish.
- 8.18. It states at Section 15.5.2 that infill development should respect and complement the prevailing scale, mass and architectural design in the surrounding townscape; respond positively to the existing context, contribute positively to the character and appearance of the area; and positively interpret the existing design and architectural features where these make a positive contribution to the area.
- 8.19. Having regard to my observation in preceding paragraphs I do not agree with the appellant that the adjacent three storey building on the corner of Home Farm Road should be used as the sole design reference for the proposed development. A more granular analysis of the context should have been carried out and there is little or no evidence in the grounds of appeal of how the appellant responded to those forms and features that make a positive contribution to the area in developing the architectural design.
- 8.20. I accept that a new building if sensitively designed could step out into the street beyond the gable elevation of 45a Home Park Road and the building line of the semi-detached red brick dwellings behind because this is already part of the character of the street.
- 8.21. That said, new infill development at the back of an existing plot should be subordinate to the principal building and have the appearance of an ancillary outbuilding. It should not seek to compete with the principal building or the established development in the connecting street behind.
- 8.22. The mews style extension to the rear of the dwelling at 47 Home Farm Road opposite is a good example of how long plots with ancillary outbuildings can be sensitively developed. I also note and agree with a number of the third-parties who highlight in their observations that this type of site better lends itself to Mews type development.
- 8.23. I looked at the three examples provided by one observer and agree that these are good examples of sensitive design in back land locations where the dwelling takes on the appearance of a subordinate and ancillary building and where the transition between the mass and scale between the principal building on the main road frontage and the connecting street behind.

- 8.24. I agree that this proposal is in stark contrast to its setting. Whilst modern design is not precluded in established residential areas like this the design fails to innovatively interpret the existing design and architectural features of the domestically scaled Victorian houses which make a positive contribution to the area. Consequently, the building does not integrate sensitively into the streetscape. It does not appear ancillary to the principal building and the scale of transition is not sufficient to respect the domestically scaled dwellings behind. It is simply out of scale in terms of its bulk and mass.
- 8.25. The use of brick and render as a palette of materials is appropriate to the context and character of the area and in accordance with the requirements of section 15.5.7 of the Development Plan. However, the use of complementary finishes alone are not sufficient to relate the proposed building to its context, integrate it into the streetscape and overcome any related concerns about design.
- 8.26. I consider the concerns of the Planning Authority and the third-party observers in respect of the position, design, scale, form, height, appearance and massing of the proposed dwelling to be well founded and that the requirements of Section 15.5.2 of the Development Plan are not met.

The impact on residential amenity and privacy of adjacent properties

- 8.27. This is a back land plot which is approximately 122 square metres in size. The proposed building takes up the full depth of the site and has an indicative plot ratio of 1.69 and site coverage of 59% which is consistent with the guidance at Appendix 3 and in accordance with the requirements of Sections 15.5.5 and 15.5.6 of the Development Plan.
- 8.28. Having examined the detail of the plans I also agree with the Planning Authority that the proposed building is designed in accordance with the prevailing residential design standards for dwellings in relation to size, room size and private open space in accordance with Sections 15.11.1 and 15.11.3 of the Development Plan.
- 8.29. Section 15.13.4 of the Development Plan requires proposals to be in '*compliance with relevant residential design standards in relation to unit size, room size, private open space etc.*' As the proposed dwelling meets the relevant residential design standards as described above, I am satisfied that requirements of this criterion is met.

- 8.30. No in curtilage parking is provided but I acknowledge the advice of the Transport Division that this is a highly accessible location within five minutes walking distance of high frequency bus services on Drumcondra Road Upper and that there is on-street parking availability in the vicinity of the site. I agree this mitigates the need to provide one in-curtilage car parking subject to the provision of adequate cycle parking and that this criterion of Section 15.13.4 of the Development Plan is met.
- 8.31. In respect of the balance of the criteria in Section 15.13.4 the properties adjacent to 45a Home Farm Road and facing Home Farm Road are predominantly two-storey in height. I observed at the site visit that the closest property at 45 Home Farm Road appears to have residential accommodation located at the rear with its main windows looking out onto an outdoor terrace at the first-floor level.
- 8.32. From these observations and in examination of the detail of the plans I consider that a new three-storey building located within six metres of the rear return of the neighbouring building at 45 Home Park Road will be dominant and overbearing and harm the residential amenity of the occupants of this property by reason of its scale, form, mass and proximity.
- 8.33. I have previously explained that the site projects forward of the existing building line on Clare Road and that closest two-storey dwelling at 2 Clare Road is only separated from the application site by the width of alley. A masonry wall projecting up from the boundary over two floors and set back on a third floor will appear dominant and overbearing from the adjacent ground floor bay window and front garden harming the residential amenity of the occupants of this property.
- 8.34. Whilst raised by both the Planning Authority and third-parties I did not observe there to be any loss of amenity to these properties as a result of overlooking nor is there sufficient evidence for me to conclude that there is overshadowing. I do not consider that the part of the reason for refusal related to these issues can therefore be sustained.
- 8.35. I do however agree with the Planning Authority that the height and proximity of the proposed building to the existing buildings fronting Home Farm Road will be harmful to the amenity within the unit itself.

- 8.36. The proposed dwelling is located approximately 9 metres from the rear façade of the commercial premises at 45a Home Farm Road and that the proposed garden only has a depth of approximately 6.4 metres.
- 8.37. Even though the neighbouring building is not a dwelling the separation between the proposed and existing building sharing the same plot is much less than the 15 metres specified in the criterion.
- 8.38. I also note the second floor of 45a Home Farm has a one-bedroom apartment and that a second one-bedroom apartment is proposed on the first floor following a recent grant of planning permission. When implemented two of the three floors will be residential and need to have appropriate separation distances and adequate gardens becomes more important.
- 8.39. While acknowledging that it is stated in the criteria that a relaxation in rear garden length, may be acceptable, this can only be applied when it is established there is sufficient open space to serve the proposed dwelling and the applicant has demonstrated that the proposed back land dwelling will not impact negatively on the residential amenity of adjoining dwellings.
- 8.40. I have already concluded that the proposed development impacts negatively on the amenity of the neighbouring properties at 45 Home Farm Road and 2 Clare Road. Therefore, a relaxation in the minimum requirement for garden depth is not appropriate in this instance and I agree with the Planning Authority that there is insufficient space between the proposed dwelling and the rear elevation of 45a Home Farm Road to accommodate a building of this bulk, scale, height and mass without harming the amenity of the unit itself.
- 8.41. As the last four criteria of the guidelines of Section 15.13.4 of the Development Plan are not met the proposed development would harm the residential amenity of adjacent properties by reasons of its size and proximity to the northern and eastern boundaries.
- 8.42. The proposal is also not a high standard of urban design and architecture that could successfully integrate with the character of the surrounding area. A relaxation in the standards to promote densification and urban consolidation in this established residential area are not justified.

- 8.43. The proposed development would therefore set an undesirable precedent for similar development in the area, and is inconsistent with the proper planning and sustainable development of the area.

The alternative proposal for a two-storey three-bedroom dwelling

- 8.44. It is set out in the grounds of appeal that removing the second floor from the building will address the concerns of the planning authority in respect of any perceived adverse visual impact and impact on the established character of area.
- 8.45. No plans are submitted with the grounds of appeal to allow full and proper assessment of the impact of removing a floor from the proposed development by way of a planning condition.
- 8.46. On the basis of the limited information available in the grounds of appeal I acknowledge that removing a floor from the building reduces the impact of the proposed development on the residential amenity of the properties at 45 Home Farm Road and 2 Clare Road.
- 8.47. A two-storey dwelling will however still impact adversely on the amenity of the unit itself and the wider visual amenity and character of the area. The omission of a floor by way of a condition does not address concerns outlined in paragraphs 8.27 to 8.41 of this report.

Other Matters

- 8.48. A number of the third-parties observe the water and drainage infrastructure in the area is inadequate and that water pressure is poor. I note SuDS are proposed in the description of development and can be incorporated into the design of the private amenity space.
- 8.49. Having regard to the advice of the Drainage Section and Uisce Éireann and as no site-specific water deterioration concerns are raised in the planning appeal I agree with the Planning Authority that these matters can be dealt with by planning condition. A refusal of permission on the ground of drainage or poor water pressure cannot be sustained.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 5.5 kilometres northwest of the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA:004024) and South Dublin Bay Special Area of Conservation (SAC:000210) approximately 6.5 kilometres west of the North Bull Island Special Protection Area (SPA:004006) and the North Dublin Bay Special Area of Conservation (SAC:000208).

The proposal development comprises the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The site in an established residential area and the proposed development involving the redevelopment of an ancillary outbuilding for an infill dwelling is small in scale.
- The distance to the identified European sites and the lack of connection.
- Taking into account 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 (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is approximately six hundred and sixty metres north of the River Tolka.

The proposed development comprises the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store.

Whilst a number of third-party observations indicate the water infrastructure in the area is inadequate and that water pressure poor, no water deterioration concerns are raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies wither qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The site is located in an established residential area and the proposed development involving the redevelopment of an ancillary outbuildings for an infill dwelling is small in scale.
- While the DPPDMD commented that inadequate drainage information had been submitted for the management of surface to reduce the impact of surface/storm water entering the drainage network the applicant indicated SuDS drainage is proposed. If properly designed and installed SuDS can be an acceptable form of mitigation.

I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

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

12.0 Reasons and Considerations

12.1. The commission is satisfied, based on the information provided, that permission is refused for the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling house with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store for the reasons and considerations set out below.

- The proposed development by reason of its position, scale, form, height, appearance and massing is out of character and impacts adversely on the visual amenity of a back land site in an objective Z1 residential area. It is not a high standard of urban design and architecture that would justify a relaxation of standards to promote densification and urban consolidation.
- The proposed development harms the residential amenity of adjacent properties as the bulk, scale and mass of the building is dominant and overbearing. The proposal is therefore contrary to Section 15.5.2 and Section 15.13.4 of the Dublin City Development Plan 2022 – 2028 and would set an undesirable precedent for similar development in the area, which is inconsistent with the proper planning and sustainable development of the area.

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

Conor Hughes
Planning Inspector

25th June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501155-DN-26
Proposed Development Summary	The development is comprised of the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store
Development Address	Rear of 45A Home Farm Road and Clare Road, Drumcondra, Dublin 9 D09 V065
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold.	Schedule 5 Part 2 10 Infrastructure Projects (b)(i) construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector: _____

Date: 25th June 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501155-DN-26
Proposed Development Summary	The development is comprised of the demolition of existing shed, construction of a three-storey flat roofed, four-bedroom, detached dwelling with rooflights and ancillary works including of soft and hard landscaping, boundary treatments, SuDS drainage and bin store
Development Address	Rear of 45A Home Farm Road and Clare Road, Drumcondra, Dublin 9 D09 V065
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development is for a single dwelling with a modest footprint that comes forward as a standalone project. A small ancillary outbuilding is proposed for demolition, but this 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 development is located in an urban area within an established residential neighbourhood where existing services are available. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan.
Types and characteristics of potential impacts	Having regard to the modest 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,

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: _____

Date: 25th June 2026