



An
Coimisiún
Pleanála

Inspector's Report PL-501247-DN-26

Development	Demolition of existing commercial buildings for the construction of 4 houses and all associated site works. Previously approved Planning Ref 2427/17.
Location	Mount Dillon Business Park/ Commercial Yard, Brookville Park, Malahide Road, Artane, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB2855/25
Applicant(s)	Michael Moran
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Mount Dillon Neighbours Group c/o Derek Bridges
Observer(s)	Darren Tighe

Date of Site Inspection

17th July 2026

Inspector

Susan McHugh

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	10
3.3. Prescribed Bodies	13
3.4. Third Party Observations	13
4.0 Planning History	13
5.0 Policy Context	16
5.1. Dublin City Development Plan 2022-2028	16
5.2. National Policy	19
5.3. National Guidance	19
5.4. Water Framework Directive	19
5.5. Natural Heritage Designations	20
6.0 EIA Screening	20
7.0 The Appeal	21
7.1. Grounds of Appeal	21
7.2. Applicant Response	22
7.3. Planning Authority Response	23
7.4. Observations	23
7.5. Further Responses	24
8.0 Assessment	25
8.1. Introduction	25

8.2.	Principle of Development	26
8.3.	Backland Development	26
8.4.	Layout, Density and Design	28
8.5.	Impact on Residential Amenity.....	32
8.6.	Access, Traffic and Parking	36
8.7.	Drainage	38
8.8.	Other Matters	40
9.0	AA Screening.....	40
10.0	Water Framework Directive	41
11.0	Recommendation	41
12.0	Reasons and Considerations.....	42
13.0	Conditions	42
Appendix 1: Form 1 EIA Pre-Screening		47
Appendix 2: Form 2 - EIA Preliminary Examination.....		50

1.0 Site Location and Description

- 1.1. The site is located in an established residential area of Artane, Dublin 5.
- 1.2. The site consists of a small back-land single storey commercial lock-up facility with yard. It is accessed via laneway access, connecting to Brookville Park. Brookville Park runs parallel to and is accessed from the Malahide Road dual carriageway, and north west of the Artane Roundabout.
- 1.3. The laneway access is flanked by the side boundaries of No.1 Brookville Park to the north and Brookville House to the south. The site backs onto Ardbeg Park to the north and west and is located north of Mount Dillon Court a DCC Senior Citizen residential complex.
- 1.4. Two other laneways one to the south side of Ardbeg Park, and the other to the west side extend to the south west and north east boundaries, but do not provide access to the site.
- 1.5. The existing commercial units on site are arranged in an 'L' shape along the western and northern site boundaries adjoining the rear gardens of house no's 104 Ardbeg Park to the west and no.106 Ardbeg Park to the north. The commercial yard is used for the display of used car sales and car repair and is bounded to the east by the rear gardens of house no's 1 to 6 Brookville Park.
- 1.6. Existing buildings to be demolished have a stated area of 337sqm.
- 1.7. The site has a stated area of 0.1432ha.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 08/08/2025, with further plans and details submitted on 06/03/2026 following a further information request dated 03/10/2025.
- 2.2. Permission is sought for the demolition of existing commercial buildings on site, and removal of associated surface car parking spaces and internal yard.
- 2.3. It is proposed to construct a residential development of 4No.single/two/ three storey with attic houses with pitched roofs, dormer windows and velux windows to front,

side, rear, solar panels, parking spaces to front, SuDS, landscaping /planting, with existing vehicular access & all associated site works.

2.4. The proposed development includes 4 no. car parking spaces to front (3 no. standard car parking spaces, 1 no. accessible car parking space), 8 no. unsheltered cycle parking stands are included with 4 no. stands proximate to each of the site entrances and 4 no. cycle parking spaces within a cycle parking stand to the south-east of the subject site.

2.5. The application was accompanied by the following;

- Site Services Report

2.6. The development was amended slightly by way of FI to include the

- Omission of a dormer structure and window on the western side elevation of the 5-bed dwelling and replacement with a rooflight.
- Introduction of a footpath along the access laneway

2.7. The RFI was accompanied by the following;

- Site Services Report
- Engineering Drawings
- Sunlight and Daylight Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A notification of decision to request further information was issued by the PA 02/10/2025.

3.1.2. 1. The applicant is requested to submit the following further information:

- (i) A housing quality assessment as per Table 15 of the thresholds for Planning Applications as set out in the Development Plan.
- (ii) A sunlight and daylight assessment, taking into consideration the development itself and the neighbouring properties and in particular those properties closest to the boundary with particular regard to No.104 Ardbeg Park.

- (iii) Detail the boundary treatments between each of the proposed new dwellings.
- (iv) Revised drawings omitting the dormer extension and window from the side elevation of the 5-bed dwelling which faces in a westerly direction into No.104 Ardbeg Park.

2. The applicant is requested to address the following Transportation Planning Division concerns:

- a. Provide a drawing to clarify the design for the proposed bicycle/motorcycle store. The cycle parking should comply with the design parameters set out in Chapter 6 of the NTA's Cycle Design Manual, 2023.
- b. A Service Delivery and Access Strategy. This should include details of refuse storage and collections, emergency access, daily deliveries and vehicular access and egress tracking for servicing vehicles to ensure appropriate arrangements are in place.
- c. Outline measures to upgrade the laneway to enhance the safety of all users, specifically concerning lighting and laneway surface treatment for pedestrians and vulnerable road users.

3. The applicant is requested to respond to the following Drainage:

Due to the lack of adequate information, it is not possible to state that satisfactory proposals for management of surface water can be provided for this development

In accordance with Appendix 13 of the Dublin City Development Plan 2022-2028, a 'Surface Water Management Plan' shall be submitted. This plan shall include details of attenuation storage provision, and applicable discharge rate. Exceedance routes should also be provided. Where it hasn't been demonstrated that surface water can be managed entirely on site, a connection to the public surface water sewer network will be required.

3.1.3. A notification of decision to **grant** permission was issued by the PA 02/04/2026 subject to 13 no. conditions

Condition no. 1: Plans and particulars as amended by the Further Information received on 06/03/2026.

Condition no. 2: Section 48 Development Contribution €48, 087.00.

Condition no. 3: Cash deposit or a bond.

Condition no. 4: Materials, finishes and design details.

Condition no. 5: Naming and numbering of dwelling units.

Condition no. 6: Drainage requirements of the PA.

Condition no. 7: Transportation-planning requirements of the PA:

Condition no. 8: Compliance with Codes of Practice.

Condition no. 9: Hours of construction.

Condition no. 10: Noise requirements during construction and demolition phases.

Condition no. 11: Road to be kept free of debris.

Condition no.12: DAA requirements.

Condition no.13: Construction Management Plan requirements.

3.1.4. **Conditions**

Conditions no. 6 and 7 are of relevance to the grounds of appeal and included in full below.

Condition no. 6 The developer shall comply with the following drainage requirements of the Planning Authority:

- i. The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- ii. Records of public surface water sewers are indicative and must be verified on site.
- iii. The development is to be drained on a completely separate foul and surface water system with surface water either infiltrating on site or discharging to the public surface water sewer network.
- iv. A connection from this development to the public surface water network will only be granted when the developer has obtained the written permission of Dublin City Council. All expense associated with carrying out the connection work is the

responsibility of the developer. Any unauthorised connections shall be removed at the developer's expense.

v. All surface water discharge from this development must be attenuated to greenfield runoff rate, in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide 2021.

vi. The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water runoff. Full details of the proposals, and the drainage arrangements for the entrance laneway in particular, shall be submitted for approval prior to commencement of the development.

vii. The design and construction of soakaways must comply with the requirements of BRE Digest 365 and CIRIA C753.

viii. The outfall surface water manhole and the outfall pipe from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

ix. All private drainage infrastructure such as, downpipes, gullies, manholes, armstrong junctions, etc. shall be located within the final site boundary.

Reason: To ensure the protection of public drainage infrastructure, and the satisfactory management of surface water runoff and flood risk as a result of the development.

Condition no. 7: The developer shall comply with the following transportation-planning requirements of the Planning Authority:

a) Car parking provision in accordance with the layout, finishes and quantity of spaces indicated on Drawing 10200-PP-4HD-F01 submitted to the planning authority with the application shall be provided upon the occupation of units. The bicycle shed as well as cycle parking for each house shall be constructed and ready for use prior to occupation of the dwellings.

b) Prior to the commencement of development and on the appointment of a contractor, a Construction Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement. This plan shall be implemented in full during the course of construction of the development, shall provide details of: Intended construction practice for the

development, demolition, including a traffic management plan, hours of working, noise and dust management measures and off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound etc. The Traffic Management Plan for construction shall seek to minimise negative impact on the public road. The appointed contractor shall liaise with the Dublin City Council Road Works Control Division and Transport Infrastructure Ireland during the demolition period.

c) Prior to the commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for a written agreement. This plan shall be implemented in full during the course of construction of the development, shall provide details of: Intended construction practice for the development, demolition, including a traffic management plan, hours of working, noise and dust management measures and off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound etc. The Traffic Management Plan for construction shall seek to minimise negative impact on the public road. The appointed contractor shall liaise with the Dublin City Council Road Works Control Division.

d) All costs incurred by Dublin City Council as a result of the development shall be at the expense of the developer.

e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of traffic and pedestrian safety and Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 1st Planners Report dated 1/10/2025 can be summarised as follows;
 - *Principle of Proposed Development* – Proposed development permissible in Z1 zoning.

Compliance with Residential Standards –

- *Housing Quality Assessment* – Recommend FI in relation to providing a HQA to show compliance with residential standards.
- *Density* - Site considered 'outer suburbs' with recommended net density range of 60-120. Recommend FI in relation to providing details of site coverage, plot ratio and density.
- Density is 36 units per hectare which is low but given access arrangement and proximity of neighbouring properties, it is considered reasonable.
- *Overlooking* – Windows facing north and south and as such sufficient separation distances have been provided, with approx. 15m at first floor level to the rear. Front elevation windows facing south above ground floor are dormer style windows and will not directly overlook into the rear gardens of Brookville Park.
- 5 bed dwelling positioned at the western end of the block is part single /two storey with a dormer window extension to the side so as to provide for light into bedroom No.5. The window is proposed as obscured glazing due to the location overlooking into the neighbouring rear garden. It is considered that this will provide for a poor level of residential amenity for a bedroom and the visual implications of the dormer would be visually obtrusive for the neighbouring property and should be omitted from the development.
- *Private Open Space* – Minimum standard of 40sq.m of private open space for a three-bedroom house is typically expected.
- Private open space for the proposed dwellings is provided in the form of rear gardens, i.e. 109sq.m, 50sq.m, 50sq.m, 74sq.m respectively which are north facing and are provided with rear garden depths of just under 10m. In the previous application the private open space was located in the same location within the site.
- Only concern is the north facing rear gardens and the quality of the open space. Recommend applicants detail compliance in relation to the requirements for sunlight to private open spaces by way of further information.

- *Daylight and Sunlight* – Concern in relation to the impact of the development on the neighbouring properties rear gardens and their homes. Recommend further information on how the applicant has had regard to protecting their access to daylight and sunlight.
- *Boundary Treatment* - the applicant has detailed that boundary treatments are to be retained where walls exist and if not a new 2m high boundary wall is proposed. No details have been provided regarding the boundary treatment between the new dwellings. This can be sought by way of further information.

Transportation Issues – Recommends FI as per Transportation Report.

Drainage Issues - Recommends FI as per Drainage Report.

- 2nd Planners Report dated 07/04/2026 can be summarised as follows;
- **Item 1(i)** HQA submitted illustrates compliance with the relevant standards.
- **Item 1(ii)** Sunlight and daylight assessment submitted for the development with respect to neighbouring properties.
- Omission of dormer extension and window from side elevation of the 5-bed dwelling which faces in a westerly direction into No.104 Ardbeg Park will further reduce negative impacts in relation to overshadowing on the adjoining properties site.
- **Item 1(iii)** Proposed dwellings will have a 2m high plastered block wall which is acceptable.
- **Item 1(iv)** Removal of dormer extension and side window as requested.
- **Item 2 (a)** Notes details submitted of proposed bicycle store for visitor cycle parking and motorbike parking, acceptable to Transportation.
- **Item 2 (b)** Notes Service Delivery and Access Strategy submitted acceptable to Transportation.
- **Item 2 (c)** Notes proposals submitted for upgrade of laneway, lighting and laneway surface treatment for pedestrians acceptable to Transportation.

- **Item 3:** Notes drainage information submitted acceptable to Drainage Division.

3.2.2. Other Technical Reports

- **Transportation Planning Division:** 1st Report dated 15/09/2025 recommends **further information** in relation to a bicycle/motorcycle store, a Service Delivery Access Strategy and laneway upgrade. 2nd Report dated 23/03/2026 recommends **no objection** subject to requirements.
- **Drainage Division:** 1st Report dated 25/08/2025 recommends **further information** in relation to surface water management. 2nd Report dated 23/03/2026 recommends **no objection** subject to requirements.

3.3. Prescribed Bodies

- **Uisce Éireann:** None received.
- **Dublin Airport Authority (DAA):** No objection subject to noise abatement requirements.

3.4. Third Party Observations

3.4.1. The Planning Authority indicates the 1 no. submission was received from the following party;

- Mount Dillon Neighbours Group c/o Derek Bridges

3.4.2. I have reviewed the submission on file and confirm that the issues raised in the third-party submission continue to form the basis of the appeal (foul drainage, boundary walls, impact on residential amenity by way of overlooking/overbearing, traffic management and pedestrian safety, overspill parking, ownership of laneway, and provision of services and public lighting) which are outlined in detail in section 7.0 below.

4.0 Planning History

PA Ref. 4984/23: Application **withdrawn** 19/11/2024 following request for clarification of further information 16/05/2024, for permission for the removal/

demolition of existing commercial buildings and the construction of residential development of 5 two/three storey with attic terraced houses with pitched roofs, dormer windows to front, velux windows to front and rear, solar panels, parking spaces to front, landscaping/ planting, with existing vehicular access and all associated site works. Previously approved planning ref. no. 2427/17.

PA Ref. 3509/23 ABP-317449-23: Permission **refused** 09/08/2024 for demolition of commercial buildings and the construction of a flat garden roof, three storey student housing building, comprising 30 No. units, car and bicycle parking, solar panels, landscaping and all associated works to Michael Moran. Reasons for refusal

1. It is considered that, by reason of its design and layout, including deficiencies in the provision of indoor communal space, services and facilities, the overprovision of bedrooms, and the lack of required documentation, including information as to how the design and layout of the scheme would support the integration with the local community, the proposed development would not provide satisfactory levels of amenity for future occupants and would not be consistent with Policy QHSN45 (Third-Level Student Accommodation) and Section 15.13.1 (Student Accommodation) of the Dublin City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale massing and height of the proposed three storey student accommodation building, its proximity to boundaries with neighbouring properties, and its inclusion of a rooftop terrace, all within a constricted site, it is considered that the proposed development would have an overbearing and obtrusive appearance when viewed from the neighbouring dwellings, would result in unacceptable noise and disturbance and overlooking of adjacent properties, including dwellings on Ardbeg Park and Brookville Park. The proposed development would be contrary to Policy QHSN45 (Third-Level Student Accommodation) and Section 15.13.1 (Student Accommodation) of the Dublin City Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. 3622/20 ABP-309280-21: Permission **refused** 21/07/2021 for demolition of single storey building and construction of 13 no. 1 bed apartments to Michael Moran. Reasons for refusal

1. The proposed development, by reason of its design and layout, including private/communal open space with low amenity level, insufficient provision for bicycle parking and storage, and general storage for apartment units, lack of clarity on access and servicing, insufficient privacy and security for apartment units and insufficient arrangements in relation to accessibility for all, would fail to establish a satisfactory standard of amenity for future occupants and would not deliver a quality apartment development in line with Section 16.10.1 and Policy SC13 of the Dublin City Development Plan 2015-2022 or the relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in 2020. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its design and layout, would constitute development which would seriously injure the residential amenities of property in the vicinity by reason of overlooking, and given the proximity to properties to the east and west, would have an overbearing and obtrusive appearance when viewed from neighbouring dwellings. The proposed development would, therefore, be contrary to the proposed planning and sustainable development of the area.

PA Ref. 2427/17 ABP 300574-18: Permission **granted** 31/07/2018 for demolition of buildings and construction of 5 no. two to three storey terraced houses to Michael Moran. This permission was not implemented on site.

PA Ref. 2427/17/X1: Extension of duration of permission was **refused** permission on 16/08/2023.

PA Ref. 2263/01 ABP Ref. PL29N.128080: Permission **refused** 12/06/2002 for retention of 3 no. temporary storage units. Mount Dillon Business Park, Brookdale Business Park, Malahide Rd., Artane, Dublin 5. The reason for refusal states;

1. Having regard to the residential zoning objective of the area, to the scale, material and temporary nature of design and to the obtrusive nature of the storage units, it is considered that the development would seriously injure the amenities of property in the vicinity of the site. The proposed retention would, therefore, be contrary to the proper planning and development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The subject site is zoned under objective Z1- Sustainable Residential Neighbourhoods. This objective seeks '*to protect and/or improve residential amenities.*' Residential development is a permissible use.

5.1.2. Chapter 2: Core Strategy

Section 2.2 stated '*Based on the population targets and calculated housing need set out within national and regional planning policy, guidelines and prescribed methodology, the development plan must accommodate between 20,120 – 31,520 additional persons up to an overall population target of between 625,750 and 640,000 by 2028. The housing demand calculated sets a requirement for the development plan to provide for approximately 40,000 housing units between 2022 and 2028.*'

5.1.3. Chapter 4: Shape and Structure of the City

Policy SC10: Urban Density Policy

SC11: Compact Growth Policy

SC12: Housing Mix

5.1.4. Chapter 5: Quality Housing and Sustainable Neighbourhoods.

Policy QHSN2: National Guidelines

Policy QHSN6: Urban Consolidation

Policy QHSN10: Urban Density

Objective QHSNO4: Densification of Suburbs

Policy QHSN11: 15 Minute City

Policy QHSN22: Adaptable and Flexible Housing

Policy QHSN37: Houses and Apartments

Section 5.5.2: Regeneration, Compact Growth and Densification

Section 5.5.7: Specific Housing Typologies

5.1.5. **Chapter 14: Land-use Zoning**

See 5.1.1 above.

5.1.6. **Chapter 15: Development Standards**

Section 15.2.3 relates to Planning Application Documentation - Planning Thresholds which are set out in Table 15-1.

Section 15.5.2 relates to infill development.

Section 15.11 House Developments

In terms of private open space, the development plan requires a minimum standard of 10 square metres of private open space per bedspace will normally be applied. Generally, up to 60 to 70 square metres of rear garden area is considered sufficient for houses in the City.

Section 15.11.1 Floor areas

Section 15.11.2 Aspect, Daylight/ Sunlight and Ventilation

Section 15.11.3 Private Open Space

Section 15.11.4 Separation Distances (Houses)

Section 15.13.4 Backland Housing.

Backland development is generally defined as development of land that lies to the rear of an existing property or building line. Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists.

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.

Developments with street presence are generally governed by clear set out rules established by the urban order of an existing streetscape. Backland development, however, requires more innovation and reinterpretation to enable comprehensive development of these spaces.

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 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.

All applications for infill developments will be assessed on a case-by-case basis. In certain instances, Dublin City Council may permit relaxation of some standards to promote densification and urban consolidation in specific areas. The applicant must demonstrate high quality urban design and a comprehensive understanding of the site and the specific constraints to justify the proposal.

5.1.7. Appendices: The DCCP contains several appendices including the following which are of most relevance:

Appendix 1: Housing Strategy,

Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City,

Appendix 4: Development Plan Mandatory Requirements,

Appendix 5: Transport and Mobility: Technical Requirements,

Appendix 16 Sunlight and Daylight.

Appendix 16 Sunlight and Daylight.

The site is within Zone 2 of Map J of the Existing and Future Strategic Transport and Parking Areas' within the Dublin City Development Plan 2022 – 2028.

5.2. **National Policy**

- National Planning Framework – First Revision April 2025
- Delivering Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness, 2025-2030 (November 2025),
- Climate Action Plan 2025 (CAP25)
- Transport Strategy for the Greater Dublin Area 2016-2035

5.3. **National Guidance**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018, hereafter referred to as the 'Building Heights Guidelines'.
- Design Manual for Urban Roads and Streets (DMURS) (2019).

5.4. **Water Framework Directive**

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and

transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

The site is located within the River Liffey and Dublin Bay (Catchment ID 09) Water Framework Directive catchment area, and in the Mayne_SC_010 (Sub-catchment id 09_17). The nearest river waterbody to the site is the Santry River (Santry_020) which is located c. 1km east of the site which flows into Dublin Bay.

5.5. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 sites. The subject site is located

- c.2.6km to the northwest of the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).
- c.2.9km to the northwest of the North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006).

The proposed development is located within an established residential area and comprises the construction of four no. dwellings and all other ancillary works. There will be a connection to the public sewerage network. There are no watercourses linking the site to any such designated areas.

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A third-party appeal is lodged by the owners of adjoining houses at no's 1 to 6 Brookville Park and 106 Ardbeg Park collectively referred to as the Mount Dillon Neighbours Group. The main grounds can be summarised as follows:

- *Planning History* – Refer to previous planning applications, decisions and associated observations.
- *Drainage and Flooding* - Refer to previous submissions on previous planning application PA Reg.Ref. 3622/20 and associated attachments which include;
 - Notice to Householders DCC Drainage Division with associated schematic diagram of a typical Private drain
 - Schematic drawing of the previous shared drain arrangements for No's 1 to 6 Brookville Park.
 - Report on Extreme Pluvial Flood Event 24th October 2011
 - DCC Letters re. Flooding Events
- *Foul Drainage* – Concern potential risk to of insufficient capacity and for consequential flooding as it relates to No. 1 to 6 Brookville Park.
 - Request condition that the applicant submit a survey of the private shared drainage arrangements to the Drainage Department prior to commencement of development.
 - Right of discharge of foul and storm water must not be obstructed or interfered with in any way.
- *Boundary Walls* - Concern that existing boundary walls will be retained. Request condition that the applicant submit an Engineering Survey to the PA to confirm the ability of the original walls to withstand excavation and related construction work.

- *Impact on Amenity Overlooking* – Request condition that second and third floor front facing windows include ‘lightly obscured frosted glass’, and treatment similar to first floor to avoid overlooking.
- *Overbearing* - Request condition that the most easterly house (No.4) be similarly designed to one and a half storey similar to the house on the west of side of the terrace.
- *Traffic Management and Pedestrian Issues* –
 - Proposal does not provide clarity on vehicular and pedestrian access.
 - Existing laneway is narrow, varies in width (3.4m to 5.1m) and is not a sufficient width for two cars to pass safely.
 - No visible footpaths to ensure safe movements of non-vehicular traffic.

7.1.2. The grounds of appeal were accompanied by a no. of photographs illustrating the width of the existing access laneway, and Technical Guidance Document (Fire Safety).

7.2. Applicant Response

7.2.1. A response to the third-party grounds of appeal was submitted by the agent acting on behalf of the applicant, which can be summarised as follows;

- *Planning History* – A development was previously approved by DCC and ABP under PA Ref. 2427/17 ABP 300574-18. Submit applicant was anxious to carry out the development but due to delays the permission expired and the council was unable to extend the application.
- Submit the current application is essentially the same as previously permitted but for 4 houses instead of 5, and dismayed at how the development has been delayed given how thoroughly the development has been considered by the different sections of the PA.
- *Density* - Notes Planners Report and comments on the density of the site which is 36 units per hectare which is considered reasonable.

- *Overlooking* - Notes Planners Report and comments on south facing dormer style windows which will not directly overlook into the rear gardens of Brookville.
- *Private Open Space* - Notes Planners Report and comments on provision of private open space which is considered acceptable.
- *RFI* – Notes Planners Report in relation to the Housing Quality Assessment and compliance for each dwelling with the relevant standards. Boundary wall treatments also considered to be acceptable.
- *Drainage* – Applicant has submitted detailed drainage information and the Drainage Division have no objection.
- *Traffic Management* - Applicant has submitted detailed information and the Transportation Division have no objection.
- *Planners Report Concludes* – Development accords with the CDP and would not materially contravene the policies and objectives of said plan and would accord with the proper planning and sustainable development of the area.

7.3. Planning Authority Response

A response from Dublin City Council was received requesting the decision of the PA be upheld.

The PA note that if permission is granted a number of conditions are requested to be included, these include Section 48 development contribution, payment of a bond, and a naming and numbering condition.

7.4. Observations

- 7.4.1. An observation to the appeal was received from a planning consultant on behalf of the owner of an adjoining property to the south known as Brookville House. I have summarised the issues raised below;

- *Access, Ownership and Encroachment* –
 - Owns part of the access lane serving the development lands and has serious concerns regarding the manner in which the application has been

advanced, the assumptions made in relation to access rights and landownership, and the apparent encroachment onto lands outside the applicant's control.

- *Development Form and Density* – Density of 27.9uph sits well below the applicable policy range and site is not constrained to justify such a low-density form of development.
- *Drainage and Flood Risk* – Concerns raised previously by local residents remain unresolved and not adequately addressed in current application. Any new development should demonstrate a robust and fully transparent drainage strategy.
- *Privacy and Residential Amenity* – Development including upper floor accommodation dormer windows and associated overlooking opportunities would materially diminish the privacy and residential amenity currently enjoyed by neighbouring residents. Development would result in unacceptable injury to the amenities of adjoining residential occupiers. Request ACP give significant weight to the legitimate expectations of existing residents regarding privacy, quiet enjoyment and protection from inappropriate development.
- *Traffic Access and Pedestrian Safety* – Development relies on an existing constrained access arrangement which is unsuitable for additional residential intensification. Laneway serving the site presents significant concerns regards, vehicular manoeuvring, pedestrian safety, visibility, emergency access, construction traffic impacts, and general traffic conflict within an already constrained residential environment.
- *Conclusion* – Submit proposed development fails to adequately satisfy a number of objectives in the CDP relating to Sustainable growth, Climate resilience, Protection of residential amenity, High-quality urban design, Appropriate density, and Infrastructure capacity, and request that permission is refused.

7.5. Further Responses

- None.

8.0 Assessment

8.1. Introduction

- 8.1.1. There is a planning history associated with the development of this site. The current application seeks to address the previous reasons for refusal under PA Ref. 3509/23 ABP-317449-23. This application was refused permission in August 2024 for a three-storey student housing building, comprising 30 No. units. The current proposal is materially different to the most recent application.
- 8.1.2. There is also a previously permitted development on site for 5 no. houses granted on appeal under PA Ref. 2427/17 ABP 300574-18 in 2018, but that permission was never implemented and has expired.
- 8.1.3. The grounds of appeal refer in some detail to submissions previously lodged, and internal PA reports on file in respect of a number of planning applications lodged between 2018 to present.
- 8.1.4. All appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 8.1.5. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider that the main issues are as follows:
- Principle of Development
 - Backland Development
 - Layout, Density and Design
 - Impact on Residential Amenity
 - Access, Parking and Traffic
 - Surface Water and Foul Drainage
 - Other Matters

8.2. Principle of Development

- 8.2.1. The subject site is located in an area with the land use zoning Sustainable Residential Neighbourhoods -Zone 1, the objective of which is 'To protect, provide and improve residential amenities' as per the Dublin City Development Plan 2022-2028. Residential use is permissible in this zoning.
- 8.2.2. In principle the demolition of the existing single storey commercial buildings and proposed construction of 4 no. dwellings would accord with this zoning objective. The proposed residential development provides four additional units which accords with the Core Strategy of the Dublin City Development Plan 2022-2028.
- 8.2.3. The applicant has outlined in their application that the existing buildings on site are currently in commercial use. I can confirm from my site visit that there are a number of uses on site. It appears to be primarily in use as a used car sales with commercial yard. Other units appear to be in use as a car repair garage, with one of the units in use as an upholstery business.
- 8.2.4. I note also that the existing buildings and use are an established non-conforming use. Notwithstanding, I am satisfied that the nature of the proposed residential use is a less intensive use than the current use and is an appropriate use on this site.
- 8.2.5. I am therefore, satisfied that the proposed residential use is acceptable in principle at this location.

8.3. Backland Development

- 8.3.1. The Third-Party appellant argue that the proposed development contravenes City Development Plan (CDP) policy as it relates to backland development and contravenes the residential zoning objective. This primarily based on the basis of the relationship between the proposed houses and the existing residential properties which it is asserted would negatively impact on their existing residential amenity. I will consider the impacts on residential amenity in my report below.
- 8.3.2. Under the Dublin City Development Plan 2022-2028 Policy QHSN6 and QHSN10 seek to promote residential consolidation and sustainable intensification at sustainable densities particularly on vacant and/or underutilised sites, having regard

to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- 8.3.3. Section 15.5.2 of the CDP relates to development standards for infill development, described 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'. It is acknowledged that infill development should complement the existing streetscape, providing for a new urban design quality to the area. 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.'
- 8.3.4. Section 15.13.4 of the CDP sets out Council Policy specifically in relation to backland housing developments. This is defined as 'development of land that lies to the rear of an existing property or building line'. It is noted that the Planning Authority seeks to allow for the provision of backland development where the opportunity exists. The Planning Authority note that '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.'
- 8.3.5. Section 15.13.4 of the CDP states that 'all applications for infill developments will be assessed on a case-by-case basis. In certain instances, the planning authority may permit relaxation of some standards to promote densification and urban consolidation in specific areas.
- 8.3.6. It is apparent therefore that, subject to qualitative safeguards, Dublin City Council will permit infill housing on appropriate sites within the city.
- 8.3.7. By reason of the existing pattern of development in the vicinity of the site, which is surrounded on four sides by established residential development, the appeal site can therefore, reasonably be seen to constitute an infill site.
- 8.3.8. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) recognise the need to 'realise opportunities for adaptation and reuse of existing buildings and for incremental back land, brownfield and infill development, and deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.'

- 8.3.9. The Revised National Planning Framework (April 2025) likewise emphasises the need to make the most sustainable use of serviced land within existing built-up areas which can avail of existing social and physical infrastructure. The framework seeks to promote well designed high-quality development that can encourage more people and generate more jobs and activity within existing cities.
- 8.3.10. The proposed infill development is in accordance with these general policy objectives and the most recent government plan to deliver 3000,000 new homes by the end of 2030 under Delivering Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness, 2025-2030 (November 2025).
- 8.3.11. Having regard to the provisions of the current Dublin City Development Plan 2022 2028, and Guidelines for Sustainable Residential Development and Compact Settlements 2024, and current national policy to increase housing supply, the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

8.4. Layout, Density and Design

- 8.4.1. The development proposes 4 no. single/two and three storey terraced dwellings located to the rear of existing residential properties. The site is to be accessed from the existing laneway from Brookville Park off the Malahide Road. The surrounding area is characterised by 2 storey dwellings to the north and west within Ardborg Park, to the south and west by 2 storey houses along Brookville Park.

Layout

- 8.4.2. Concerns are raised by third parties in relation to the layout of the development which is considered excessive in height and proximity to site boundaries. It is also submitted that the proposed development fails to respect the established pattern of development in the area and is contrary to the principles of proper planning and sustainable development.
- 8.4.3. I have had regard to the Architects drawings submitted with the application and as amended by way of further information 6th March 2026.

- 8.4.4. I have had regard to the layout/footprint and orientation of the proposed dwellings and am satisfied that the manner in which the side gables address the rear gardens to the north, east and west, the omission of a dormer structure and window on the western side elevation of the 5-bed dwelling and replacement with a rooflight as amended in RFI reduces the visual impact of the overall design of the proposed dwellings.
- 8.4.5. The site is rectangular in shape and is accessed from a laneway off Brookville Park. The layout of the development consists of a three-storey terrace block with front and rear dormers adjoined by a single storey unit to the west and two storey unit to the east. The block is positioned in the centre of the site and extends to the western boundary and is set off the eastern boundary to allow pedestrian access to rear. The block is 27m in length and 16.6m approx. in depth.
- 8.4.6. The main terrace ranges in height from part single storey to the rear with a maximum height of 9.7m at three storeys. The single storey unit at the western end has a with a maximum hipped roof height of 6.6m, while the two-storey unit at the eastern end has a maximum hipped roof height of 8m. The development is orientated north to south with the rear gardens facing in a northerly direction, and the front elevation facing in a southerly direction. Four car parking spaces are to be located to the front of the properties.
- 8.4.7. Having visited the site, and surrounding area, and reviewed the Architectural drawings, and contiguous elevations and cross sections, I am satisfied that the proposed layout makes optimum use of the site and that the four no. houses can be accommodated at this location.

Density

- 8.4.8. Concern is raised in relation to the appropriateness of the development in a constrained back-lane context and it is submitted that the proposed development represents an over-intensive form of development.
- 8.4.9. It is accepted by all parties that the subject site has constraints by virtue of the back land nature of the site and restricted access issues. However, the subject site is not located within the curtilage of a protected structure or within an Architectural Conservation Area. The site is level and there no existing mature trees on site.

- 8.4.10. It is submitted by the applicant that the current application is essentially the same as previously permitted but for 4 houses instead of 5 and therefore results in a lesser impact in terms of site layout and alignment of residential use with surrounding residential use.
- 8.4.11. Policy QHSN10 of the Dublin City County Development Plan 2022-2028 seeks 'to promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.' Policy QHSNO4 supports the ongoing densification of suburbs, while Policy QHSN11 promotes the realisation of the 15-minute city.
- 8.4.12. The proposed development namely 4 no. dwellings on a site of 0.1432ha equates to a density of 36uph.
- 8.4.13. The Guidelines for Sustainable Residential Development and Compact Settlements promote higher residential densities in the general range of 50-250 dph on city urban neighbourhood sites, and in the range of 40 to 80 dph on city suburban/urban extension sites.
- 8.4.14. The residential density proposed therefore, is below the density range for suburban/urban sites and could be considered to materially contravene the guidelines. I have had regard to the infill nature of the site and Section 15.5.2 of the CDP regarding infill development and am satisfied on balance the proposed development meets the development management requirements for such infill sites. I am further satisfied that the proposed density is appropriate on this infill site given the densities prevailing on adjoining residential developments.
- 8.4.15. I am satisfied that the proposed development would not therefore constitute overdevelopment of the site, is appropriate on an infill site at this location and that the proposed density is acceptable and would not materially contravene Section 15.5.2 of the CDP which relates to infill development.

Design

- 8.4.16. The terraced houses proposed to the rear of existing two storey residential houses range in height from two storey and three storey including dormers.

- 8.4.17. The five-bedroom house with accommodation at first floor attic level was modified in response to further information to provide for a replacement rooflight in lieu of the proposed dormer.
- 8.4.18. House no's 1, 2 and 3 have accommodation over three levels. The stated floor area of house no. 1 is 268sqm, while house no's 2 and 3 have stated floor areas of 171sqm. House no. 4 has accommodation over two floors only with a stated floor area of 128sqm. The floor area of the existing buildings to be demolished is 337sqm.
- 8.4.19. It is submitted in the grounds of appeal that the proposed three storey ridge height will be above the two-storey ridge height of adjoining houses.
- 8.4.20. Three of the houses have pitched roofs with a stated ridge height of 9.7m with the single storey hipped roof element of unit no. 1 on the western side having a height of 6.6m. The two-storey unit at the eastern end has a maximum hipped roof height of 8m.
- 8.4.21. I do not accept that this roof height is excessive and would argue that the hipped roof profile and gable orientation on the east and western sides significantly reduces the visual impact of the proposed houses particularly as viewed from the rear of the houses along Brookville Park which back onto the appeal site.
- 8.4.22. In terms of visual intrusion, I accept that the proposed houses will be visible from the rear elevations and gardens of adjoining houses particularly to the north and west along Ardbeg Park and to the east along Brookville Park. However, I am satisfied that the scale, massing and height proposed can be assimilated into the subject site. I am satisfied given the length and orientation of the rear gardens to houses along Ardbeg Park and Brookville Park, the separation distances from existing rear garden boundaries and height proposed as viewed from neighbouring properties, along with the design and profile of the proposed dwellings, that they will not give rise to significant visual impact.
- 8.4.23. Therefore, I am satisfied that the proposed development in terms of scale, massing and height will not give rise to a significant visual impact.
- 8.4.24. Finishes proposed to all elevations including the shallow projecting two storey bay at the front include brick. The proposed pitched and hipped roofs would have selected

blue/black slate with dormer structures to be finished in metal cladding. These are considered acceptable.

- 8.4.25. I consider that the layout, density and design of the development take cognisance of existing residential development in the vicinity and the future occupants of the scheme and can be integrated into the existing built-up footprint.

Summary

- 8.4.26. In summary, I consider that the proposed infill development would not be out of character with the immediate area, and is acceptable in terms of layout, density, design and finishes. I consider that the proposed development is appropriate at this location on this backland site, and that the proposal is in compliance with Policy QHSN10, Policy QHSNO4 and Policy QHSN11 of the Dublin City County Development Plan 2022 2028. The proposed development is therefore, considered acceptable in principle.

8.5. Impact on Residential Amenity

- 8.5.1. Concerns are raised by third parties in relation to the impact of the proposed development on existing residential amenities of adjoining residential properties along Ardbeg Park and Brookville Park.
- 8.5.2. The appellants submit that the proposed development due to its massing, scale, design and proximity to site boundaries would adversely impact on the residential amenities of adjacent properties by reason of overlooking and overbearing appearance.
- 8.5.3. Chapter 5 of the 2022 -2028 Dublin City Development Plan relates to quality housing and sustainable neighbourhoods. Chapter 15 sets out further details in relation to site development standards, Section 15.5.2 relates to infill development while Section 15.13.4 relates to backland housing developments.
- 8.5.4. Policy QHSN6 seeks ‘to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.’

- 8.5.5. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities January 2024 set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.
- 8.5.6. Special Planning Policy Requirement SPPR1 relates to Separation Distances and states that 'It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.'

Overlooking

- 8.5.7. Concern was raised in relation to overlooking from first floor windows including the dormer structure windows to the front and rear resulting in a loss of privacy particularly to the adjoining houses to the north and west along Ardbeg Park and to the east along Brookville Park.
- 8.5.8. Side elevations face west towards the rear garden of house no. 104 Ardbeg Park and adjoining rear gardens of dwellings fronting Ardbeg Park to the west. Following the RFI window openings in the side elevations are restricted to a first-floor bedroom rooflight window.
- 8.5.9. On the eastern side elevation facing towards the rear gardens of house no's 4 and 5 Brookville Park the only first floor window serves a landing and is to be finished in obscure glazing. I do not consider that either of these windows will give rise to overlooking.
- 8.5.10. The rear north facing elevations include a bedroom and bathroom window at first floor serving each of the 4 no units and a dormer window at second floor to three of

the units. These dormer windows are to be finished in obscure glazing serving a room indicated as a store and services room. I accept that there will be a degree of overlooking from the first-floor bedroom and bathroom windows to the rear, of the existing rear garden of house no. 106 Ardbeg Park and adjoining houses to the north. However, given the separation distance at first floor of approx. 15m to the northern boundary of the site, I am satisfied that as these windows are not directly facing the rear elevations of adjoining houses that the degree of overlooking is acceptable in an urban area.

8.5.11. The front south facing elevations include 2-bedroom windows at first floor serving each of the 4 no units and a dormer window at second floor to three of the units each serving a bedroom. First floor and dormer windows are located between 15m and 20m from the southern side boundary. I am satisfied that as these windows do not directly overlook the rear gardens of houses along Brookville Park leading to a loss of privacy.

8.5.12. I am therefore, satisfied that there will be no significant overlooking of the rear gardens of the adjoining houses to the west, north or east and will not result in loss of privacy to the rear gardens of these adjoining properties to an unacceptable degree.

Overbearing

8.5.13. I accept that the proposed three storey dwellings with a ridge height of 9.7m storeys will be most visible from house no.s 104 and 106 Ardbeg Park given the proximity of their rear gardens. However, given the south facing, and east west orientation of these rear gardens, and setback from the rear boundary I do not consider it would be overbearing. I am also satisfied that the removal of the dormer structure and window in RFI from the western side of the development further reduces any potential overbearing impact.

8.5.14. I accept that the development will be visible above the height of the existing rear boundary walls from adjoining properties however, I do not consider that it would be overbearing or injurious to the visual amenities of the area.

Overshadowing

- 8.5.15. I have examined the site layout drawings, height, separation distances and orientation of the proposed dwellings to the rear of the adjacent terraced houses along Ardbeg Park.
- 8.5.16. I have also had regard to the Sunlight and Daylight Assessment submitted in RFI which demonstrates design changes, and I am satisfied that the proposed development complies with required standards.
- 8.5.17. I can confirm on the day of my site visit mid-morning in July that the rear south facing gardens of the properties to the north along Ardbeg Park were not in Shadow.
- 8.5.18. As the rear gardens of properties along Ardbeg Park to the west of the appeal site are all south facing, I am satisfied that the proposed dwellings will not result in significant overshadowing. Concern was raised in relation to the rear garden of house no. 104 Ardbeg Park which bounds the site to the west.
- 8.5.19. I am satisfied that the design of the single storey hipped roof along the western side of the proposed 5-bedroom house will reduce the overshadowing of the rear garden of 104 Ardbeg Park.
- 8.5.20. I have also had regard to the rear gardens of properties along Ardbeg Park located to the north of the appeal site and am also satisfied that the separation distance of the proposed rear elevation of the development is sufficient distance from the boundary with house no.106 so as to not result in significant overshadowing either.
- 8.5.21. I am satisfied therefore that the impact of the development in terms of overshadowing will be negligible.

Summary

- 8.5.22. In Summary, I am satisfied that the proposed development would be in accordance with Policy QHSN6, Section 15.5.2 and Section 15.13.4 of the Dublin City Development Plan 2022-2028, would not be seriously injurious to residential amenity, and would not therefore, materially contravene the residential zoning objective for the area. On this basis the decision of the PA to grant permission should be upheld.

8.6. Access, Traffic and Parking

- 8.6.1. Pedestrian and vehicular access to the site is from an existing laneway from Brookville Park off the Malahide Road. This laneway provides access to the existing commercial yard and adjoins the side boundary with house no.1 Brookville Park.

Restricted Laneway Access

- 8.6.2. The laneway provides access to the existing commercial units within the Mount Dillon yard.
- 8.6.3. It is submitted by third party appellants that this laneway provides restricted access currently and is not wide enough to serve the proposed development. It is submitted that the laneway width is inadequate to accommodate vehicles pedestrians and bicycles.
- 8.6.4. Drawings submitted with the application highlights the narrow width of the lane with a maximum width of 5.1m and a minimum width of 3.4m. Appendix 5, Chapter 4.3.8 of the Dublin City DP 2022-2028 stipulates that mews laneways should have a minimum carriageway width of 4.8m (or 5.5m where no verges or footpaths are provided). It is clear therefore that a vehicle and a pedestrian cannot be accommodated along its length.
- 8.6.5. It is acknowledged by the Transportation section of the PA that the access lane is narrow but consider that the roadway is capable of accommodating private car movements. It is accepted that there is insufficient space for two cars to pass at the entrance to the site, but that there is sufficient space along the laneway. The assessment by the Transportation section considers that the reduced width at either end of the laneway serves to traffic calm vehicles entering and leaving the site.
- 8.6.6. I would concur with the Transportation section of the PA that in terms of the intensity of trips and creation of a traffic hazard that the volume of traffic generated by the proposed four car spaces is no greater than the current commercial activity.
- 8.6.7. In response to RFI item 2 (c) the applicant submitted details of measures to upgrade the laneway to enhance the safety of all users, specifically lighting and laneway surface treatment for pedestrians and vulnerable road users. The Transportation Section of the PA was satisfied with the access arrangements.

- 8.6.8. I can also confirm on the day of my site visit that 31no. cars were already parked within the commercial yard including a number of vans, and therefore I am satisfied that the use of the laneway for access to the site is already being used by wider vehicles.
- 8.6.9. In my opinion the use of the laneway for access to serve four no. dwellings is a less intensive use than the former uses, and on the basis that car parking is limited to one space per house I am satisfied that the existing laneway is adequate in width to serve the proposed development.

Large Vehicle/Refuse/Fire Tender Access

- 8.6.10. Concerns were raised by the Transportation section of the PA in relation to access and egress for waste collection vehicles and street lighting.
- 8.6.11. In response to RFI item 2 (b) the applicant submitted Drawings 1020-PP-4HD-FI01 and 1020-PP-4HD-FI07. This includes details of refuse storage and collections, emergency access, daily deliveries and vehicular access and egress tracking for servicing vehicles'. This was considered acceptable to the Transportation Section of the PA.
- 8.6.12. I have examined the Swept Path Analysis submitted in response to RFI, which indicates a turning area inside the top of the laneway in front of house no.'s 3 and 4.
- 8.6.13. I am satisfied therefore that there is sufficient room for service vehicles to manoeuvre the access to the laneway and can be facilitated and is acceptable in an urban area.

Traffic Safety

- 8.6.14. I can confirm from my site visit that there are adequate sight lines in both directions from the entrance. I also note the 30km p/hr speed limit and all the associated road signage in the immediate vicinity of the site, which on the approach to T junction with the Malahide Road and associated bus lanes requires drivers to reduce speed.
- 8.6.15. I am satisfied that the use of the proposed laneway to serve the proposed development located in an established urban area, provides adequate visibility in both directions exiting the site, incorporates appropriate lighting and is acceptable from a traffic safety perspective.

Parking

- 8.6.16. The proposal provides for 1 no. car parking space (provided with EV charging points) for each dwelling located within the front curtilage. The subject site is located within Zone 2 of Map J of the Dublin City Development Plan 2022-2028 where a maximum of 1 car space per residential unit is allowed.
- 8.6.17. In addition, a bicycle parking stand is proposed for each dwelling, located at the front entrance to each unit. I am satisfied that the proposed car parking and bicycle parking provision is in accordance with CDP requirements.
- 8.6.18. In terms of standards, the proposed development is a 'Houses, Apartments / Duplexes' Land use under the 'Accommodation' category of Table 2 of Appendix 5 of the Dublin City Development Plan 2022-2028. The maximum rate is 1 no. car space per dwelling which results in a maximum permissible on site of 4 car parking spaces. The development is served by 4 no. car parking spaces of which 1 no. car parking space is accessible. This is considered appropriate.

Summary

- 8.6.19. I am satisfied therefore that the proposed development for four dwellings is acceptable in terms of traffic safety and will not give rise to a traffic hazard.

8.7. Drainage

- 8.7.1. Concerns are raised in the grounds of appeal and observation in relation to the potential risk of flooding. In this regard I note the applicant carried out a site-specific flood risk assessment which is contained within Section 4 of the Site Services Report submitted in RFI.
- 8.7.2. The applicant has provided an extract from the OPW CFRAM Drawing No. E09RAH-EXCCD-F0-01 as part of the RFI. The applicant has also noted that Volume 7 Strategic Flood Risk Assessment Map B of the Dublin City Development Plan 2022-2028 which also identifies the site as within Flood Zone C.
- 8.7.3. Flood Zone C represents an area of low probability of flooding (less than 0.1% AEP (1/1000) for coastal flooding and less than 0.1% AEP (1/1000) for river flooding.
- 8.7.4. In terms of secondary sources of flooding the OPW Floodmaps.ie website does not record any flood events within the vicinity of the site.

- 8.7.5. Having regard to the most recent decision under ABP-317449 and previous development proposals on site flood risk was not a reason for refusal. The principle of residential development is already established under ABP-300574-18.
- 8.7.6. It is proposed to remove all existing buildings and hardstanding areas on site. The redevelopment of this brownfield site provides an opportunity to enhance the overall surface water management on site. I am satisfied that the proposed development which does not propose to alter site levels to a significant degree will not increase the risk of flooding to any adjacent or nearby area.
- 8.7.7. The grounds of appeal have raised concerns in relation to foul/surface and storm water drainage proposals and stems largely from the fact that there appears to be a shared drain arrangement for No's 1 to 6 Brookville Park.
- 8.7.8. The Drainage Division of the PA raised concerns in relation to the lack of adequate information submitted, for the management of surface water and recommended further information. In response to a RFI the applicant submitted a Site Services Report and accompanying Site Services Plan Drawing No. 01.
- 8.7.9. I have examined the Report and Drawings submitted and I am satisfied that it includes details of attenuation storage provision, and SuDS proposals including permeable paving along the length of the laneway and within the main forecourt area.
- 8.7.10. Indicated also is the layout of the existing watermain, surface water sewer and foul sewer which run along the laneway to the existing 375 diameter concrete surface water sewer and separate foul sewer.
- 8.7.11. The Drainage Division was satisfied that the development will be drained on a completely separate foul and surface water system with surface water either infiltrating on site or discharging to the public surface water sewer network.
- 8.7.12. The applicant has indicated that the saddle connection to the existing surface water sewer and foul sewer will be to Irish Water /DCC standards. Details of connections to the public surface water sewer and foul sewer network were acceptable to the Drainage Division of the PA, and Uisce Éireann recommended no objection.
- 8.7.13. If the Commission are minded granting permission a suitably worded condition in respect of satisfying the requirements of Uisce Éireann and the Greater Dublin

Regional Code of Practice for Drainage Works Version 6.0. for such works can be attached.

8.8. Other Matters

- 8.8.1. *Structural Stability of existing boundary walls to be retained* - It is submitted in the grounds of appeal that the new foundations and building structure may cause damage to existing boundary walls. I am satisfied however that the set back/separation distance to existing boundary walls from the proposed development is sufficient to protect the walls. I am also satisfied that subject to an agreed Demolition Management Plan and Construction Management Plan measures to protect the integrity of the existing shared boundary walls during construction and on completion of the proposed development are acceptable.
- 8.8.2. *Ownership* - Issues raised in the grounds of appeal and observation relating to site ownership have not been supported by any documentary evidence.
- 8.8.3. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act. If the Commission are minded granting permission a similarly worded advice note can be attached.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The site is situated c.2.6km to the northwest of the South Dublin Bay and River Tolka Estuary Special Protection Area, (Site Code 004024), and c.2.9km to the northwest of the North Dublin Bay Special Area of Conservation (Site Code 000206) and North Bull Island Special Protection Area (Site Code 004006).
- 9.1.3. The proposed development comprises the construction of five new dwellings and all associated site works to the rear of adjoining residential houses.

- 9.1.4. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.
- 9.1.5. The reason for this conclusion is as follows:
- The small scale and infill nature of the works in a serviced urban area,
 - The distance from the nearest European site and lack of connections, and
 - Taking into account screening report/determination by Dublin City Council.
- 9.1.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.2. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that the Commission uphold the decision of Dublin City Council and Grant planning permission for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the back land and infill nature of the proposed development on land zoned 'Z1 Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2022 – 2028, to the policies and objectives of the Development Plan and in particular policies QHSN6 (Urban Consolidation) and QHSNO4 (Densification of Suburbs), which support residential consolidation, intensification and densification, to the development standards, as set out in the development plan, to the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' issued by the Department of Housing Local Government and Heritage in January 2024, to the design, scale and layout of the proposed single, two and three storey development, and to the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development on this serviced land, would not seriously injure the character of the area or the residential amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would accord with the zoning objectives, policies and provisions of the Dublin City Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In relation to the concerns raised about legal interest, the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'Where a person shall not be entitled solely by reason of a permission under this section to carry out any development' are noted.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6th March 2026, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity.

3. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme to include the necessary works to the public road and the areas not within the control of the applicant. Prior to commencement of any development on the overall site, details of all phases shall be submitted to, and agreed in writing with, the planning authority.

(b) Prior to the commencement of development, the applicant shall engage with the planning authority to agree the requirements for all works to the public road. Materials used in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road including provision of upgraded junctions, pedestrian crossings, road and footpath modifications, lighting, drainage and materials considered acceptable to the planning authority shall be carried out at the developer's expense and completed prior to the occupation of the development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Prior to commencement of development, and on appointment of a contractor, a Demolition Management Plan for the demolition phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the entire development and at each phase, including a detailed traffic management plan, hours of working, noise management measures, off-site disposal of demolition waste and access arrangements for labour, plant and materials, including location of plant and

machine compound. The appointed contractor shall liaise with the planning authority during the construction period.

Reason: in the interest of proper planning and sustainable development.

5. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan for the construction phase of the development shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the entire development and at each phase, including a detailed traffic management plan, noise management measures, off-site disposal of construction waste and access arrangements for labour, plant and materials, including location of plant and machine compound. The plan shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration'. The appointed contractor shall liaise with the planning authority during the construction period.

Reason: in the interests of traffic and pedestrian safety and Volume 2, Appendix 5 of the Dublin City Development Plan 2022-2028, sustainable development and residential amenity.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: in the interest of proper planning and sustainable development.

7. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

Reason: in the interest of public health and to ensure adequate water/wastewater facilities.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: in the interests of public health and surface water management.

9. 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. A maximum of number one parking space only for each of the four dwellings are permitted to serve the proposed dwellings on site.

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

11. The in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: in the interest of sustainable transportation.

12. The naming and numbering of the dwelling units shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the dwelling.

Reason: in the interest of orderly street numbering.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Susan McHugh
Senior Planning Inspector

24th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501247-DN-26
Proposed Development Summary	Demolition of existing commercial buildings for the construction of 4 houses and all associated site works.
Development Address	Mount Dillon Business Park/ Commercial Yard, Brookville Park, Malahide Road, Artane, Dublin 5.
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.	Part 2, Schedule 5, Class 10 Infrastructure Projects – (b) (i) Construction of more than 500 dwelling units. (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	The number of housing units proposed in this instance is 5 which is significantly below the 500-unit threshold. The site area is c.0.1432ha is also below the 10ha threshold for urban development in other parts of a built-up area that's not a business district.
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 ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501247-DN-26
Proposed Development Summary	Demolition of existing commercial buildings for the construction of 4 houses and all associated site works.
Development Address	Mount Dillon Business Park/ Commercial Yard, Brookville Park, Malahide Road, Artane, Dublin 5.
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).	Permission is being sought for the demolition of existing commercial buildings for the construction of 4 houses and all associated site works which is located to the rear of existing residential properties. Access to the dwellings is provided from Malahide Road via an existing laneway entrance. Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site. The development would not result in the production of significant waste, emissions, or pollutants.
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,	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site, the nearest are as follows: • South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is situated c.2.6km to the South of the site • North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006) are situated c.2.9m to the southeast of the site.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site size measures 0.1432ha. The size of the development is not exceptional in the context of an urban environment. There are existing dwellings adjacent to the proposed site, to the north, west south and east. The proposed development is a relatively small development in the urban context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.
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:** _____