



An
Coimisiún
Pleanála

Inspector's Report

PL-501522-DR-26

Development	Construction of 2.5-storey dwelling in the side garden, new vehicular access and associated works.
Location	7, Kilmacud Avenue, Kilmacud, Co. Dublin, A94T2K1
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D26A/0236/WEB
Applicant(s)	John Sweeney
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	John Sweeney
Observer(s)	Cathal Lyons James Harrison Guanghua Jin

Date of Site Inspection

11th August 2026

Inspector

Barry Diamond

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	4
4.0	Planning History	6
5.0	Policy Context.....	8
6.0	EIA Screening.....	11
7.0	The Appeal	11
8.0	Assessment	13
9.0	AA Screening.....	20
10.0	Water Framework Directive	21
11.0	Recommendation	22
12.0	Reasons and Considerations	22

Appendix A: Form 1 EIA Pre-Screening

Appendix B: Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The application site has a site area of 0.062ha and sits at the junction of Kilmacud Avenue and Hazel Avenue, Stillorgan. The site comprises the side garden and part of the rear garden of an existing two storey semi-detached dwelling (No. 7 Kilmacud Avenue) and includes a small steel fabricated shed. The site boundary along Kilmacud Avenue varies between a wall, wall and fencing and hedging.
- 1.2. The surrounding area comprises a mixture of two storey townhouses and semi-detached dwellings of a similar style and were constructed around the 1960's. The dwellings have a notable standardised set back off the public road, which includes corner sites orientated at an angle to any road junction. There is a general fall in the topography of the wider area from south to north.

2.0 Proposed Development

The proposed development comprises the construction of a detached 2.5-storey four-bedroom dwelling within an existing side garden, including the provision of a new vehicular access and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 20th May 2026 the Planning Authority issued a decision to refuse planning permission for the following reason:

Having regard to the zoning of the site 'A', the siting of the proposed dwelling forward of the established building on Kilmacud Avenue , together with its design, height and scale at this prominent corner location, would read as visually obtrusive and incongruous and would have a negative impact on the streetscape and its receiving environment and would therefore set an undesirable precedent for other similar developments. Therefore, it is considered that the proposed development would not accord with Sections 12.3.7.5 Corner/Side Garden Sites and 12.3.7.7 Infill and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the planner reflects the decision to refuse planning permission. It includes the following points:

- The modest increase in density as a result of the proposal is acceptable given the Suburban Intermediate Location which is within 1.1km of Stillorgan LUAS and 120 metres from a reasonably frequent bus route;
- The proposed dwelling sits at an awkward angle to the existing dwelling and projects significantly forward of the building line along Kilmacud Avenue and Hazel Avenue;
- The prevailing character is two storey dwellings while the proposal is for a 2.5 storey dwelling which exacerbates the visual prominence of the site and detracts from the established character of the area;
- The proposal reads as overdevelopment of the subject site given the constrained nature of the site and its prominent location;
- It is not clear what boundary treatments separate the proposed dwelling from the parent dwelling and could result in overbearance and overshadowing of adjacent properties;
- No overlooking is anticipated;
- The amenity space is in excess of the minimum 50sqm for a four bedroom dwelling as per SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- There are concerns relating to the aggregate living area and the minimum width for the main living room;
- There are amendments required to the access width and one of the parking spaces is undersized, although one space is acceptable;
- The drainage proposals are acceptable; and
- The proposal does not lead to any significant concerns in relation to Appropriate Assessment and Environmental Impact Assessment.

3.2.2. Other Technical Reports

- Water Services Section: no objection subject to conditions.
- Transportation Planning Section: no objection subject to conditions.

3.3. Prescribed Bodies

No consultation of prescribed bodies was carried out by the Planning Authority, however, as part of the appeal, consultation with the following relevant bodies was carried out to ascertain whether the proposed development would have an effect on any designated site:

- An Taisce – No response received.
- The Heritage Council - No response received.
- Department of Housing, Local Government and Heritage – No response received.

3.4. Third Party Observations

3.4.1 There were four representations received during the processing of the application by the Planning Authority. I consider that some of the issues raised in their submissions to the Commission correlate with the issues raised, however, the additional issues raised in the observations to the Planning Authority are as follows:

- Loss of privacy due to overlooking;
- Loss of light to the fronts of houses;
- No cross sectional analysis has been provided contrary to Policy QD3;
- There is already a concentration of accesses at the junction of Hazel Avenue and Kilmacud Avenue, this proposal would exacerbate existing issues in terms of visibility, road safety and on-street parking.

4.0 Planning History

4.1 Site

No relevant history

4.2 Setting

D04A/0248 & PL06D.207321 – Permission was granted after an appeal in September 2004 for (1) The construction of new two storey dwelling house to side, incorporating existing extension to side & rear.(2) Subdividing home from existing extension to side to reinstate original house.(3) Subdivide site and widen access to driveway at 6 Kilmacud Avenue, Stillorgan, Co. Dublin.

D04A/0014 – Permission was granted in April 2004 for the construction of two storey end of terrace house to side and new vehicular entrance at 35 Dale Road, Stillorgan, Co. Dublin.

D22A/0381 - Permission was granted for the (a) Removal of existing single storey garage and rear kitchen, (b) Construction of new single storey extension to rear with flush glaze type roof lights and projecting canopy (c) Ground and first floor extension to side and rear with hipped roof and velux type windows (d) Conversion of an existing attic on the second floor to a new dormer extension to the rear (e) New front porch, windows and front door at elevation (f) Widen an existing driveway entrance (g) Construction of new shed in the rear garden (h) associated internal alterations and external works at No. 5 Kilmacud Avenue, Kilmacud, Blackrock, Co. Dublin.

4.3 History Referred to as Precedent

D15A/0761 & D16A/0598 - Permission was granted for the construction of 1 no. two storey, 4 bedroom detached house with apex rooflight, with south side wall at the side boundary of Eden Park Road, single storey protrusion to the rear containing rooflights, rainwater harvesting system, new vehicular and pedestrian entrances to Eden Park Road to serve the new house together with new driveway and associated site works. At side garden of 17, Eden Park Road, Goatstown, Dublin 14.

D24A/0375/WEB - Permission was granted in August 2024 to construct a 4-bedroom, two storey, detached dwelling in the side garden of the existing property at 14 Lakelands Road to include private open space, site landscaping, provision of a new vehicular access, construction of boundary walls and all associated site works and service connections at Lakelands Road, Stillorgan, Co. Dublin.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities. Residential development, including alterations to existing dwellings, is permitted in principle under this zoning.

Chapter 3 Climate Action

Section 3.4 Achieving Sustainable Planning Outcomes

Section 3.4.1.3 Policy Objective CA7: Construction Materials.

Chapter 4 Neighbourhood – People, Homes and Place

Policy Objective PHP18 (Residential Density) is relevant and states: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

Policy Objective PHP19 (Existing Housing Stock – Adaptation) states that it is a policy objective to: “conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods”.

Policy Objective PHP20 (Protection of Existing Residential Amenity)

Section 12.3.7 (Additional Accommodation in Existing Built-Up Areas)

Section 12.3.7.5 Corner/Side Garden Sites which states that corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site, to provide an additional dwelling(s) in existing built up areas. In these cases, the Planning Authority will have regard to the following parameters:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.

- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed, where appropriate.
- Car parking for existing and proposed dwellings provided on site.
- Side/gable and rear access/maintenance space.
- Adequate usable private open space for existing and proposed dwellings provided.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas where it may not be appropriate to match the existing design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

12.3.7.7 Infill which states that in accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar.

Section 12.4.8 (Vehicular Entrances and Hardstanding Areas) requires vehicle entrances and exits to be designed to avoid traffic hazard for pedestrians and

passing traffic. In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres.

Section 12.8.3.3 Private Open Space and Table 12.10 Private Open Space indicates that the minimum private amenity space for a 4 bedroom plus house to be 75sqm provided that it can be demonstrated that good quality usable open space can be provided on site.

Section 12.8.7 (Private Amenity Space – Quality Standards).

Section 12.8.7.1 (Separation Distances).

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', Department of Housing, Local Government and Heritage, (2024) to include:

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses

Best Practice Guidelines for Quality Housing for Sustainable Communities 2007.

5.3 Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 site. The subject site is situated c.8.14km to the west of the Rockabill to Dalkey Island SAC (site code SAC 003000), c.8.03km west of the Dalkey Islands SPA (site code SPA 004172), c.3.07km to the southwest of the South Dublin Bay SAC (site code SAC 000210) and the South Dublin Bay and River Tolka SPA (site code SPA 004024), c.8.31km to the northeast of Ballyman Glen SAC (site code SAC 000713), c.8.38KM to the north of Knocksink Wood SAC (site code SAC 000725) and c.7.38km to northeast of the Wicklow Mountains SAC/SPA (site code SPA 004040 & SAC 002122). The site is also situated c.3.07km to the southwest of the South Dublin Bay pNHA (site code pNHA 000210) and is situated c.6.56km to the northwest of the Dalkey Coastal Zone and Killiney Hill pNHA (site code pNHA 001206).

6.0 EIA Screening

Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced suburban area, its distance from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage (see Appendix 2) and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal were submitted by a consultant on behalf of the applicant. Their comments can be summarised as follows:

- A dwelling on a corner site cannot reasonably be expected to replicate building line relationships associated with adjoining properties located on standard plots;
- The receiving environment is not characterised by a rigid uniformity but rather by a variety of residential forms that have evolved over time;
- Permission was granted nearby for a dwelling on a prominent T Junction site at 14 Lakelands Road (D24A/0375/WEB);
- Permission was also granted by the Planning Authority for a dwelling on a prominent corner site at 17 Eden Park (Ref: D15A/0761 & D16A/0598);
- The proposed development is more modest than other quoted precedents;
- A condition could be inserted to set back the development half a metre from Kilmacud Avenue and the ridge height reduced in line with No. 7 Kilmacud Avenue;
- The private amenity space for the dwelling is sufficient and in accordance with SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024); and

- One car parking space, boundary treatments and additional living space has been provided in the amended proposal.

7.2. Planning Authority Response

The grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.3. Observations

There were three observations made during the appeal by residents of Nos. 3, 7 & 9 Hazel Avenue. Their comments can be summarised as follows:

- The site forms a gateway role;
- The appeal amendment does not change the problem that the dwelling would occupy a highly visible and sensitive side garden forward of the established pattern of development and does not address the reasons for refusal of the Planning Authority;
- The site contributes to the openness and legibility of the entrance to Kilmacud Avenue;
- The development of the site would make the corner site feel more built up and enclosed;
- The site is also experienced from Hazel Avenue and Kilmacud Road and not just Kilmacud Avenue;
- The appeal site does not share the same combination of characteristics as the comparator sites at 14 Lakelands Road and 17 Eden Park;
- The development would create an undesirable precedent;
- There are limited opportunities for setback, landscaping and visual buffering;
- Despite revisions to the roof profile, ridge height and set back, the proposed dwelling remains visually obtrusive, overbearing and prominent in the streetscape; and
- There is a reduced separation distance to No. 5 Kilmacud Avenue.

8.0 Assessment

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

- Principle of Development
- Design & Layout
- Residential Amenity
- Access

8.2 Principle of Development

8.2.1 The site is zoned 'A' with the objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' The development of additional housing is permissible under this zoning subject to site specific criteria. It should also be noted that the surrounding area is solely residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing constructed circa 1950/1960s. I consider that the principle of residential development is acceptable in the area.

8.3 Design and Layout

8.3.1 The proposed detached dwelling is to be sited within the side garden of No.7 Kilmacud Avenue which is a two storey semi-detached dwelling sited on a corner site at the junction of Havel Avenue and Kilmacud Avenue.

8.3.2 As part of the appeal submissions the applicant submitted an alternative proposal which reduced the ridge height of the proposed dwelling by 0.535 metres, altered some of the room sizes and included an amendment to the siting of the dwelling further back from both Kilmacud Avenue and Hazel Avenue. I will therefore consider both proposals.

8.3.3 The Planning Authority considered that the design, height and scale of the dwelling would read as being visually obtrusive and incongruous. I consider that the existing

dwelling immediately surrounding the application site have very similar designs, however, there are a number of dwellings, along Kilmacud Avenue and Hazel Avenue which have variations in terms of their height, design and roof profile. In addition, the topography of the land rises to the south along Kilmacud Avenue which results in a staggered roofscape and dwellings which appear at a higher level than the appeal case.

- 8.3.4 The proposed dwelling is a two and a half storey detached dwelling which is indicated to be finished in a smooth render with a tile finish to match the existing properties. There are a variety of window openings with no consistency on the front or rear elevations. The scheme which was before the Planning Authority had a ridge height of 0.534 metres above the ridge height of the adjoining dwelling (No. 7 Kilmacud Avenue) while the alternative scheme is 0.01 metres lower than the ridge height of the adjoining dwelling.
- 8.3.5 Both the scheme which was submitted to the Planning Authority and the amended proposal benefit from having the external appearance of a two storey dwelling rather than a full two and a half storey dwelling. Given the variation in the existing dwelling designs in the area I consider that the design and external appearance of both the original and amended schemes would be acceptable in the context of the wider streetscape. The scheme which was assessed by the Planning Authority was only marginally above the height (0.534 metres) of the adjoining dwelling at No. 7 and sits at a lower level than No. 5 Kilmacud Avenue which is sited to the immediate south. The amended scheme submitted as part of the appeal is in harmony with the height of the adjoining dwelling at No. 7 and I consider that the height of both schemes (original and amended scheme) would be acceptable and would not be detrimental to the streetscape.
- 8.3.6 The Planning Authority's reason for refusal of the proposal states that the site is located on a prominent site, forward of the building line along Kilmacud Avenue and would be visually obtrusive in the streetscape.
- 8.3.7 Section 12.3.7.5 of the Development Plan 'Corner/Side Garden Sites' states that 'building lines should be followed where appropriate'. In this case there is a set back of dwellings 8 metres plus from the road along Hazel Avenue which results in a distinct building line. There is also a notable building line along Kilmacud Avenue

and a set back of buildings from the road comprising a mixture of front garden areas and in-curtilage parking, however, this has been diminished to a limited degree by the front two storey extension to No. 5 Kilmacud Avenue. Dwellings located on the corner sites are orientated towards the junction (Kilmacud/Hazel Avenue) and form a transition between the two building lines which run at right angles to each other.

- 8.3.8 I am of the opinion that the setback off the public road and the building lines along Hazel Avenue and Kilmacud Avenue are largely uninterrupted and forms a key characteristic of the development pattern and character of the area. This character also applies to corner sites which have setbacks to both the front and side elevations.
- 8.3.9 The proposed dwelling which was submitted to the Planning Authority and the amended proposal are both orientated to face north as opposed to the northwestern orientation of the adjoining dwellings at No. 7 Kilmacud Avenue and No. 2 Hazel Avenue. I am of the opinion that both of the proposed dwelling schemes (original and amended) have a similar set back to the existing dwellings along Hazel Avenue, however, the orientation of the proposed dwelling is at odds with the orientation of the adjoining dwellings (No. 7 Kilmacud Avenue and No. 2 Hazel Avenue) and would appear obtrusive in the streetscape and would fail to perform the transitioning role that the existing corner sites play between the building lines along Hazel Avenue and Kilmacud Avenue.
- 8.3.10 The proposed dwelling which was submitted to the Planning Authority would be set back 1.22 metres from the boundary with Kilmacud Avenue while the amended proposal submitted during the appeal would be located 1.77 metres from the boundary. In my opinion the limited setback of both schemes from the boundary with Kilmacud Avenue would result in the proposed dwelling protruding significantly beyond the established building line which is evident along Kilmacud Avenue. The siting of the dwelling significantly beyond the building line would result in the proposed dwelling failing to respect and reflect the character of the area and would be obtrusive in the streetscape.
- 8.3.11 I consider that the Planning Authority's concerns in relation to the requirement to maintain the building line along Kilmacud Avenue are well founded and that both the scheme which was before the Planning Authority and the amended proposal

submitted as part of the appeal proposals are unacceptable and contrary to Section 12.3.7.5 of the Development Plan.

- 8.3.12 The applicant submitted a number of application references in relation to dwellings which had been granted permission on corner sites, however, the Development Plan allows for the development of corner sites subject to certain criteria. In the majority of cases a critique on why these examples were considered comparable was not provided, however, a narrative was provided on two of the examples which the applicant considered to be comparable to the appeal case.
- 8.3.13 The first example is located at 14 Lakelands Road which was approved under Ref: D24A/0375/WEB. I note on that example that a dwelling was approved on a corner plot, however, on the opposite side of the junction a building existed close to the boundary with Lakelands Drive which is not the same in the appeal case.
- 8.3.14 The second example is located at 17 Eden Park and was approved under application Ref's: D15A/0761 & D16A/0598 and was approved under a different Development Plan context. I have based my recommendation to the Commission on the basis of the current policy context within the up-to-date Development Plan and I have not been made aware that the policies for assessing corner sites were mirrored in the previously adopted plan relevant at the time of the approval being granted. I therefore do not consider that the previous appeal sets a viable precedent. In addition, the example referred to sits adjacent to an area of open space which in my opinion causes a visual break in the building line along Eden Park. I do not consider that the cases referred to set a precedent that would be determining in the appeal case.
- 8.3.15 Section 12.8.3.3 of the Development Plan states that the private open space for a four bedroom dwelling is 75 sqm while Policy SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, states that a minimum of 50sqm for private amenity space is acceptable. A rear amenity space of 62.9sqm is to be provided in the scheme which was before the Planning Authority while the rear private amenity space for the alternative scheme which was submitted as part of the appeal proposals is 66sqm. In addition, there will be 114sqm of rear amenity space for the adjoining dwelling at No. 7. I note that the Planning Authority did not raise issue that the amenity space for the proposed development

did not comply with Section 12.8.3.3 of the Development Plan. I would consider that the level of amenity space for both schemes is below the standard set out in the Development Plan. This is a new issue, however, given the substantive reason for refusal it is not recommended that this issue be pursued at this stage.

8.3.16 The Planning Authority raised concerns with the internal layout of the dwelling which failed to meet the minimum sizes for aggregate living area, storage space and living room width and I agree with their assessment. Under the amended scheme submitted as part of the appeal submissions these concerns have been addressed in relation to living room width and aggregate living area. I consider that the proposal is in compliance with the minimum standards set out in Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities 2007.

8.3.17 I note that bedroom four is located in the second floor attic space and is only served by a single skylight which would allow natural light but does not allow for an outlook for the room. I am of the opinion that an amendment to the internal layout of the bedroom and ensuite and the creation of a gable window would address this issue.

8.4 Residential Amenity

8.4.1 Section 12.3.7.5 of the Development Plan 'Infill sites/corner sites' states that the impact on the amenities of neighbouring residents will be considered while Section 12.3.5.2 of the Development Plan refers to "A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows" and also provides that "In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable".

8.4.2 It is important to note that SPPR 1 - Separation Distances - Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities (2024) states that a minimum of 16 metres separation distance should generally be achieved, however, if there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme then a reduction is permissible. In addition, there shall be no specified minimum separation distance at ground level or to the front of houses.

8.4.3 The proposed dwelling which was before the Planning Authority and the alternative scheme is orientated to the north and fronts onto properties in Hazel Avenue and

has windows at ground floor and first floor along with a single roof light in the second floor attic. There is a separation distance of 40 metres to the front elevation of the dwellings in Hazel Avenue which given the separation distance is considered acceptable and I do not consider that there is any adverse impacts upon these properties in terms of loss of light, overlooking or overbearing impacts in relation to either of the proposed schemes.

- 8.4.4 The rear of the proposed dwelling faces onto a portion of the side gable of No. 5 Kilmacud Avenue which has a gable window at ground and first floor which both serve bathrooms which are not considered to be habitable rooms and therefore I am of the opinion that there are no adverse impacts of overlooking. There is a separation distance of 9.64 metres between the proposed dwelling which was submitted to the Planning Authority and the gable of No. 5 Kilmacud Avenue which also sits to the south of and at a higher level than the application site. I consider that there would not be any overshadowing or overbearing impacts of the proposed dwelling upon No. 5.
- 8.4.5 The alternative scheme which was submitted as part of the appeal proposals is set marginally further back in the site, however, I do not consider that the marginal reduction in the separation distance would result in any adverse impacts upon No. 5 Kilmacud Avenue.
- 8.4.6 There is a single door on the ground floor on the single storey side annex of No. 7 Kilmacud Avenue with a single window at first floor. The proposed dwelling has a single window on the ground floor eastern elevation of the proposed dwelling which serves a hallway and opposes the side gable of No. 7 Kilmacud Avenue. In my view this window serves a non-habitable window and would not cause any significant overlooking. The building line of the proposed dwelling does not extend behind the rear building line of No. 7 and I do not consider that it would have an undue overbearing or overshadowing impacts on the adjoining dwelling (No.7). Although the alternative scheme is positioned 0.5 metres closer to the gable of No. 7 I do consider that there any significant additional adverse impacts.
- 8.4.7 Within the Planning Officers report concern was raised with the lack of detail regarding boundary treatments with the adjoining dwelling at No. 7 Kilmacud Avenue and impacts upon its amenity. I accept that there is limited detail on the shared

boundary treatments between the application site and No. 7 Kilmacud Avenue in the scheme which was before the Planning Authority which was not addressed in the alternative site layout which was submitted as part of the appeal proposal. I am of the opinion that this matter could be addressed through condition should the Commission consider that the proposed development is acceptable.

- 8.4.8 Overall I consider that both the proposal which was before the Planning Authority and the alternative scheme which was submitted to the Planning Authority would not have any adverse impacts on the amenity of any of the adjoining neighbouring properties.

8.5 Access

- 8.5.1 Section 12.4.8.1 of the Development Plan indicates that a site entrance should have a maximum width of 3.5 metres and the depth of any individual parking space needs to have a minimum depth of 5.5 metres.
- 8.5.2 The proposal which was submitted to the Planning Authority included a vehicular access onto Kilmacud Avenue which includes two in-curtilage parking spaces to the front of the proposed dwelling. The proposed access width is 6.5metres and one of the parking spaces measured only 5.2 metres in depth which in my view is contrary to the design specifications under Section 12.4.8.1 of the Development Plan for vehicular accesses and in-curtilage parking spaces.
- 8.5.3 The Transport Planning Section of the Planning Authority indicated that although the proposal was not acceptable it was stated that the site is 1.1 km from the Stillorgan Luas Stop and 1.3km from the Kilmacud Luas Stop and as a result a maximum of one parking space should be permitted and the width of the access reduced to a maximum of 3.5 metres. Concerns were also raised by third parties during the processing of the planning application by the Planning Authority with the position of the access close to the junction of Kilmacud Avenue and Hazel Avenue.
- 8.5.4 While the applicant under the appeal provided an amended site layout showing parking for one car, the proposed vehicular access still exceeds 3.5 metres and needs to be reduced. The midpoint of the proposed entrance is 19.7 metres off the road junction (Kilmacud Avenue/Hazel Avenue) and would mirror the entrance position of No. 8 Kilmacud Avenue to the immediate west of the site. I am of the opinion that the proposed access position would not increase any risk to road safety

and would not affect the visibility at the junction. Given that the proposal is for a single dwelling within a larger residential development I consider that there will be no significant additional impact on the local road network in terms of traffic generation, traffic safety, or pedestrian/vehicle conflict. I also note that the Transport Planning Section of the Planning Authority did not have any objection in principle to the access position.

- 8.5.5 Should the Commission consider the proposed development acceptable a condition requiring the access to be reduced to a width of 3.5 metres and a limitation of one parking space are required to ensure that the proposal complies with Section 12.4.8.1 of the Development Plan.

9.0 AA Screening

- 9.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located at 7, Kilmacud Avenue, Kilmacud, Co. Dublin, A94T2K1 no relevant designated sites are close by.

- 9.2 The proposed development comprises the construction of 2.5-storey four-bedroom dwelling in the side garden, new vehicular access and associated works. 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.

- 9.3 The reason for this conclusion is as follows:

- Small scale and nature of the development; and
- Distance from nearest European site and lack of connections.

- 9.4 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 The subject site is located at 7, Kilmacud Avenue, Kilmacud, Co. Dublin, A94T2K1 which is 70 metres east of the nearest water body which appears to be culverted.
- 10.2 The proposed development comprises the construction of 2.5-storey four-bedroom dwelling in the side garden, new vehicular access and associated works and garden room with associated works. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development; and
 - Distance from nearest water bodies and/or lack of hydrological connections.
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

That planning permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

The proposed development would be contrary to Section 12.3.7.5 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 as the development of this corner site for a dwelling, when taken in conjunction with existing pattern of development in the urban area, does not respect the orientation of the other adjoining dwellings and does not respect the established building line along Kilmacud Avenue. The proposed development would therefore be obtrusive in the streetscape and would detract from the character and visual appearance of the area. Accordingly, the proposed development is contrary to the proper planning and sustainable development of the area.

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

Barry Diamond
Planning Inspector

31st August 2026

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	PL-501522-DR-26
Proposed Development Summary	Construction of a 2.5-storey, four bedroom dwelling in the side garden, new vehicular access and associated works.
Development Address	7, Kilmacud Avenue, Kilmacud, Co. Dublin, A94T2K1
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

✓ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

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

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-501522-DR-26
Proposed Development Summary	Construction of a 2.5-storey, four bedroom dwelling in the side garden, new vehicular access and associated works.
Development Address	7, Kilmacud Avenue, Kilmacud, Co. Dublin, A94T2K1
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 urban site is within an existing residential estate and the proposed dwelling is not exceptional in the context of the surrounding area and development. A short term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant 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 situated in an urban area adjacent to an existing row of dwellings and the scale of the single unit proposal is not considered exceptional in the context of surrounding development. It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Having regard to the modest nature of the proposed development and the nature of the works

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	constituting a single dwelling unit, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required. 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.

Inspector: _____ **Date:** _____