



An
Coimisiún
Pleanála

Inspector's Report PL-501578-DR-26

Development	Demolition of garage and shed, construction of single storey 2-bedroom house with associated works.
Location	Site to the rear of 33, 33a & 33b Dale Road/St. Kevin's Park, Stillorgan, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D26A/0099/WEB
Applicant(s)	Gavan Ryan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Niamh Donnelly & others
Observer(s)	None
Date of Site Inspection	9 th August 2026
Inspector	Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (0.016ha) is located on St. Kevin's Park in an established residential area and comprises of a site in the rear gardens of no. 33, 33a and 33b Dale Road. The proposed site fronts St. Kevin's Park and is bounded by a private access lane that provides access to all the rear gardens of St. Kevin's Park, Dale Road and Annville Drive. The existing site is an irregular shape that is narrow to the front of St. Kevin's Park and gradually widens as the site goes back. A single storey garage and steel shed exists on the current site positioned to the rear.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- (a) Demolition of existing single storey detached garage and steel shed
 - (b) Construction of a new single storey 2-bedroom dwelling (72sqm), with covered canopies to the front and side.
 - (c) New vehicular entrance to St. Kevin's Park, to allow for 1no. off streetcar parking space.
 - (d) All associated site and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission subject to 13 conditions.
- 3.1.2. Conditions

Condition 4: The disposal of surface water shall be in accordance with the requirements of the Planning Authority as follows:

- (a) Prior to commencement of development the applicant shall submit to the planning authority for its written agreement a drainage proposal that is in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage

Systems of the County Development Plan 2022-2028, specifically, that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer. This can be via a soakaway, raingarden, rainwater harvesting system, permeable paving designed with an allowance for roof discharge (e.g. Diffuser box) etc. if the applicant does not consider infiltration a feasible solution the applicant shall prove that by submitted a report, signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDs measure for agreement with Municipal Services.

- (b) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage study for sustainable urban drainage systems (SuDs) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer onto the public road or footpath on road safety grounds.

Reason: In the interest of public health.

Condition 5: Noise Management. The final detailed design and location of building services, such as heat pumps, must avoid the generation of potential conflicts in terms of noise amenity affecting adjoining land uses.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The subject site is subject to zoning objective “A” under which residential development is permitted in principle. The proposal is compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

- The Planning Authority notes that the subject site is significantly constrained in its layout and size, and this, noting the planning history results in the need for a considered, contemporary design response. The single storey dwelling is considered to sufficiently address the concerns relating to overlooking, overbearing and overshadowing. The development would disrupt the established pattern of development along St. Kevin's Park, however, due to its setback from this building line and separation by a public laneway, this disruption is not considered to have undue visual impacts.
- The proposal shall have regard to use of materials, and climate change action long-term, regards chapter 3 and energy efficiency in buildings, and noting e.g. Policy Objective CA7: Construction Materials.
- The proposal is considered to be in accordance with Section 4.3.1.1. Policy Objective PHP18: Residential Density and section 12.3.7.6 Backland Development of the CDP. The proposal meets the required floor areas for a two-bedroom, single storey three-person house in regard to Quality Housing for Sustainable Communities (DoEHLG, 2007). The proposal generally complies with the relevant standards and their respective thresholds under the Compact Settlement Guidelines, 2024.
- Further information required in relation to the vehicular entrance layout and car parking space.

Further Information Planning report

- The revised entrance layout and boundary treatment are considered to satisfactorily address the concerns raised by the Planning Authority in respect of traffic safety and visibility. The proposed car parking space provides a minimum depth of 5.5m and a width of 3m, thereby complying with the requirements set out in Section 12.4.8.1 of the CDP. The applicant has stated that c.11sqm of the front garden is to be retained as soft landscaping, which represents at least one third of the front garden area. This is considered to be in accordance with the requirements of Section 12.4.8.3 relating to Sustainable Drainage Systems (SuDs) and urban greening. The submitted revisions also include minor internal reconfiguration and alterations to the front elevation to accommodate the parking and landscaping requirements.

These changes, including the slight reduction in overall floor area, however, it is noted that the proposed dwelling still meets the minimum floor area for a 1 storey 2-bedroomed dwelling.

3.2.2. Other Technical Reports

- **Transportation:** Further information required in relation to amended vehicular entrance layout with a suitable boundary treatment which allows for adequate visibility in either direction. This will require the proposed vehicular entrance to be offset by at least 1m in a westerly direction, and the boundary treatment to have a maximum height of 1.1m for a minimum of 1m on either side of the proposed vehicular entrance in accordance with Section 12.4.8.1. The drawings should show that a minimum of one third of the front garden areas is to be maintained in grass or landscaped in the interest of urban greening and SuDs in accordance with 12.4.8.3 of the CDP. Further information received and no objection subject to conditions.
- **Drainage:** No objection subject to conditions
- **Environmental Enforcement/ Waste Management Report:** No objection subject to conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

4 no, third party observations were received. The following concerns were raised:

- Planning history
- Proposal for infill but it is backland development
- Small gardens serve the properties along Dale Road.
- Overshadowing, overdevelopment
- Does not retain the physical character of the area
- Substandard layout and private amenity space

- Drainage constraints and feasibility
- No dimensions provided in the shadow survey
- Traffic hazard/pedestrian safety
- Drawings do not include distances to existing dwellings.

4.0 Planning History

ACP Ref: 301916-18 (PA Ref: D18A/0333): Permission refused for the demolition of existing shed and construction of one detached, two-bedroom two storey house with new vehicular entrance and gate, new pedestrian gate to front and side and associated site works.

Refusal Reason:

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, including the zoning objective “to protect and/or improve residential amenity”, and the design and siting of the proposed development, it is considered that the proposed development would result in an unsatisfactory form of development which would provide inadequate amenity space, would be out of keeping with the pattern of development of the area, would represent overdevelopment of the site and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

ACP Ref: PL06D.218056 (PA Ref: D06A/0409): permission refused for a two-bedroom, two storey house on site to the rear of 33, 33A and 33B Dale Road.

Refusal Reason:

In the Dun Laoghaire-Rathdown County Development Plan 2004 the site is zoned A where it is the policy to protect and/or improve residential amenity. Having regard to the design and siting of the proposed dwelling and taking account of the cumulative impact with existing development on the site, it is considered that the proposed development would result in an unsatisfactory form of development which would provide inadequate amenity space, would be out of keeping with the pattern of development and general character of the area, would represent overdevelopment of

the site and would seriously injure the amenities of neighbouring properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref: D04A/0508: Permission granted for the construction of two storey end of terrace house to side and for new vehicular entrance.

This permission was implemented and relates to the construction of house no. 33a & 33b positioned to the east of the current proposal.

5.0 Policy Context

5.1 Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

The site is zoned objective “A”, which seeks “to provide residential development and improve residential amenity while protecting the existing residential amenities”.

Chapter 3 refers to Climate Action

Chapter 4 refers to Neighbourhood – People, Homes and Place

Chapter 12 refers to Development Management

Section 12.2.1 refers to Built Environment

Section 12.3 refers to Neighbourhood – People, Homes and Place

Section 12.3.1 refers to Quality Design

Section 12.3.7 refers to Additional Accommodation in Existing Built-Up Areas

Section 12.3.7.6 refers to Backland Development

Section 12.3.7.7 refers to Infill

Section 12.4 refers to Transport

Section 12.4.8 refers to Vehicular Entrances and Hardstanding Areas

Section 12.4.8.1 refers to General Specifications

Section 12.4.8.3 refers to Driveways/Hardstanding Areas

Section 12.8.7 refers to Private Amenity Space – Quality Standards

Section 12.8.7.1 refers to Separation Distances

Section 12.8.7.2 refers to Boundaries.

Chapter 13 refers to Land Use Zoning Objectives

Section 13.1 refers to Land Use Zoning Objectives

Section 13.1.2 refers to Transitional Zonal Areas

Section 13.1.10 refers to Appropriate Assessment

Section 13.2 refers to Definition of Use Classes

Appendix 7 refers to Sustainable Drainage System Measures.

Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018).

5.2 National/Regional Plans/Policies

- Quality Housing for Sustainable Communities (2007)
- Sustainable Residential Development and Compact Settlements (2024)

5.3 Natural Heritage Designations

The site is not located within a designated site. The nearest designated sites are:

- Fitzsimon's Wood pNHA (site code: 001753) is located approximately 2.1km southwest of the subject site.
- South Dublin Bay and Tolka Estuary SPA (site code: 004024) is located approximately 2.8km northeast of the subject site.
- Booterstown Marsh pNHA (site code: 001205) is located approximately 2.8km northeast of the subject site.
- South Dublin Bay pNHA & SAC (site code: 000210) is located approximately 2.9km northeast of the subject site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

An appeal has been received from four local residents. The concerns raised are:

- Inconsistent with planning history APB-301916-18 (PA ref: D18A/0333) refusal for dwelling and PL06D.218056 (PA ref: D06A/0409) refusal for dwelling. Similar site refused permission under planning reference PL06D.232875 (PA ref: D08A/1299).
- Principle of Development: Misclassification of development, the application refers to Section 12.3.7.7 of the CDP which relates to Infill Development and should respect the existing building line, the height, massing and physical character of an area. However, the proposal should relate to section 12.3.7.6 Backland Development as the dwelling is to the rear of an existing line of houses, “proposed single-storey backland dwellings shall be located not less than 15 metres from the rear façade of the existing dwelling and shall have a minimum rear garden depth of 7 metres”. The proposal does not meet this standard.
- Residential amenity. Overshadowing currently an issue as there is an existing 2-metre boundary wall and adjacent two-storey development. the proposed dwelling directly along the shared boundaries, would cause serious additional overshadowing of the small spaces and of habitable-room windows at the rear of the existing houses, to the material detriment of residential amenity. The shadow analysis is not reliable as the drawings are not dimensioned, the assessment states all trees were removed which does not reflect the actual existing environment and tends to understate the baseline.
- Overdevelopment and failure to respect the established character and pattern of development. The original property at No. 33 Dale Road comprised a single

dwelling on the entire curtilage. Two further two-storey dwellings (33a and 33b) have since been constructed on that curtilage. The current application would place a fourth dwelling on the original site. This represents gross overdevelopment and an intensification of use that the constrained backland cannot reasonably accommodate. The development would fail to respect the established character and pattern of development and would be contrary to the proper planning and sustainable development of the area. Unlike all the other houses along Dale Road which have direct access to the rear lane, no. 33, 33a and 33b have no access out the rear to the back lane. Substandard private amenity space. The amenity space is below qualitative standards. The proposal will injure the residential amenity of the surrounding established dwellings (No's 33, 33A, 33B and 31 Dale Road) 3 of which already have small gardens.

- Drainage and surface water deficiencies; The applicant proposes to connect surface water directly to the foul sewer, this is contrary to section 10.2.2.6 of the CDP which requires surface water from new development to be managed on-site, ordinarily by infiltration to a soakaway designed in accordance with BRE Digest 365 and without overflow to the public sewer. The site is too small to provide a soakaway. In addition, an existing 225mm foul sewer runs within the rear laneway, and the standard 3-metre clearance between a public sewer and any structure does not appear to be achievable along the proposed external wall. The Planning Authority applied Condition 4 to resolve the issue of surface water, this is an improper approach and the feasibility of an essential element of development has not been demonstrated and may not be achievable.
- Traffic and pedestrian safety at the proposed new vehicular entrance. No adequate sightlines to the east are provided when exiting the parking space. This is a traffic hazard and poses a risk to pedestrian and vehicular safety.
- Drawings: The drawings omit critical dimensional information – in particular the distances from the proposed dwelling to the existing dwellings on Dale Road and to No. 1 St. Kevin's Park, the location of and clearance to the public foul sewer and the width of the existing laneway. The contiguous elevational

drawings show boundary walls obscuring the proposed dwelling in its context, failing to give a clear or accurate representation of the proposal.

- Land ownership, boundary permanence and encroachment. The boundary walls and garden partitions shown on the drawings, appear to have been arranged in anticipation of an application. The substandard nature of the existing rear gardens, created by that partitioning, should not be ignored or treated as an established baseline. The appellants note the Planning Authority state that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining owner is required, and that absent such agreement the development must be modified, only insofar as is necessary. The appellants as adjoining owners/occupiers have not consented to any encroachment or oversailing. The Commission is asked to satisfy itself as to the applicant's legal interest and the buildability of the proposal strictly within the applicant's own lands and without reliance on the appellant's property.

7.2. Applicant Response

The applicant has made the following response:

- The current proposal is different from the previous proposal which was refused under planning authority reference D06A/0409, D08A/1299.
- The proposal of a single storey dwelling will not appear obtrusive or incongruous in the surrounding context. There are numerous precedents for this type of infill development throughout the DLR jurisdiction and other Dublin Local Authorities.
- The proposal should be considered in accordance with requirements of section 12.3.7.7 (Infill Development) of the CDP. The proposal has direct access and its own frontage onto St Kevin's Park which provides both pedestrian and vehicular access and is not dependent on access to the rear through the side of an existing dwelling, there should be no reason why the proposal would be required to comply with the requirements of Backland Development.

- The private amenity space totals 30sqm and complies with the current requirements of the Sustainable Residential Development and Compact Settlement Guidelines. The proposal has no impact on the size of the rear gardens of the Appellants properties as the existing boundaries are currently well defined. 1 no. carpark space is provided to the front gardens and a modest change to the layout at further information stage ensures that there is no impact on pedestrian or traffic safety. The modest scale of the proposal, setting the proposed dwelling tight against the boundary walls of the appellants gardens will have limited visual impact on their properties.
- The design of the proposed dwelling reflects the location of the proposal adjacent to the rear garden of No. 33. The shadow analysis was created by dedicated software and is a true reflection of the current and proposed shading. The trees were removed for clarity and for true comparison purposes only. If the trees were included, the existing trees in this dwelling, the additional impact of the proposal would be even less as the existing trees cast additional shading on neighbouring properties now.
- The previous developments at No. 33 should not be a pre-cursor for refusal of any future developments. Each application should be considered on its own individual merits.
- A public combined sewer line is located in the laneway between the subject site and 1 St. Kevin's Park, and a 3-metre wayleave is also indicated on the drawings. The external walls of the proposed dwelling are located outside this wayleave.
- Condition 4 of the Notification to Grant Permission requires the applicant to look at an alternative approach for our surface water proposal which needs to be agreed with the Planning Authority.
- As part of the planning process, the Planning Authority requested a small amendment to be made to the original proposed carparking arrangement, and the amendment was submitted as part of the further information response. The amendment ensures that adequate visibility is now provided in both directions.

- All submitted documentation was validated by the Planning Authority, and the Planner did not indicate any issue with the extent of the information provided.
- The applicant has submitted a Land Registry Compliant map. The map is consistent with the physical boundaries on site and the current submitted drawings.

7.3. Planning Authority Response

- It is considered that 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.

7.4. Observations

- None

7.5. Further Responses

- None

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, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential Amenity & Overdevelopment
- Traffic
- Other issues
- Appropriate Assessment
- Water Framework Directive

8.2. Principle of Development

- 8.3. The subject site is located to the rear of a set of 3 terrace dwellings along Dale Road and is an infill site along St Kevin's Park. There is a laneway to the side (western boundary) of the subject site. The applicant is proposing to construct a single storey dwelling with direct access along St Kevin's Park.
- 8.4. The grounds of appeal state the application refers to Section 12.3.7.7 of the CDP which relates to Infill Development and should respect the existing building line, the height, massing and physical character of an area whereas the proposal relates to section 12.3.7.6 Backland Development as the dwelling is to the rear of an existing line of houses and should comply with this policy, in particular the proposed single-storey dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling and shall have a minimum rear garden depth of 7 metres.
- 8.5. The subject site is subject to zoning objective "A" where residential development is permitted in principle. I note the concerns raised by the appellant in relation to the location of the proposed development, as such I consider the proposal should be assessed under Section 12.3.7.5 Corner/Side Garden Sites of the CDP, Section 12.3.7.6 Backland Development of the CDP and Section 12.3.7.7 Infill of the CDP.
- 8.6. Section 12.3.7.5 Corner/Side Garden Sites of the CDP references a corner site development as 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. I will address the proposal in relation to these parameters:

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

The proposed single storey dwelling has a gross floor area of c.72sqm, which I considered acceptable and capable of providing an adequate standard of residential accommodation and complies with Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities (DoEHLG, 2007) for a two-bedroom dwelling.

The design of the dwelling introduces a contemporary addition to the established streetscape. The proposed external finished including dark painted render, tile, brick and aluminium windows and I am satisfied that the proposed modern design and finishes can integrate with the surrounding dwellings.

A minimum separation distance of c.5m is maintained between the proposed dwelling and the rear of No. 33 Dale Road. I consider the separation is sufficient as it complies with the Compact Settlement Guidelines 2024.

Impact on the amenities of neighbouring residents.

No. 33, 33A and 33B Dale Road are located along the eastern boundary of the subject site. Given the single storey design, I do not consider the proposed would have any significant adverse effects on the adjacent residential amenities by way of overbearing, overshadowing or overlooking.

Accommodation standards for occupiers.

It is considered that the proposed dwelling would generally exceed the recommendations set out in Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities (DoEHLG, 2007) for a two-bedroom dwelling.

Development Plan standards for existing and proposed dwellings.

The proposal is in accordance with the requirements for a new dwelling as per CDP.

Building lines followed, where appropriate.

The proposed dwelling is located forward of the building line of No. 1 St. Kevin's Park and set back from the building line of No. 33B Dale Road to the east. The variation in the building line is evident in the area, however, having regard to the single storey nature of the proposal, I am satisfied that the proposed positioning does not give rise to significant concerns in relation to building lines or visual impact.

Car parking for existing and proposed dwellings provided on site.

Car parking is provided on site for 1 no. car parking space as per CDP.

Side/gable and rear access/maintenance space.

Adequate access and maintenance space is provided around the proposed dwelling. A separation distance of c.1.2m is maintained between the proposed dwelling and

the boundary to the west which is considered sufficient to allow for basic maintenance.

Adequate usable private open space for existing and proposed dwellings provided.

The applicant has provided 30m² of private open space and this is in accordance with the Compact Settlement Guidelines 2024.

Level of visual harmony, including external finishes and colours.

I consider that the proposed development reads as a contemporary design approach to a constrained site. I consider that the design and proposed finishes will integrate with the surrounding dwelling and would not result in a visually discordant form of development.

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.

Not applicable in this case, given the size of the site at 0.0156ha.

Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.

The proposed development does not present a side gable wall directly onto a corner within the estate road network. The orientation of the dwelling results in the principal elevation facing south.

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.

The applicant seeks to provide a steel boundary railing to the front wall located along St. Kevin's Park with a height of 900mm for a minimum distance of 1 metre on either side of the vehicular entrance and this is considered to provide an acceptable level of forward visibility for vehicles entering and exiting the site and I consider this boundary treatment will integrate with the character of the streetscape.

Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

The proposed development does not include a first-floor element.

- 8.7. Section 12.3.7.6 Backland Development of the CDP sets out 8no. criteria which should be considered in the assessment of backland development, and I will address each of the criteria below:

Generally, be single storey in height to avoid overlooking.

The applicant proposes a single storey dwelling with a ridge height of c.3.5m. as such there are no windows that would lead to overlooking concerns given the single storey nature. I am satisfied that the proposal complies with this criterion.

Appropriate scale relative to the existing dwelling and of high quality of design.

The subject site is considered constrained in terms of area and layout, and the proposed dwelling reflects the restrictive nature of the site, and I consider to be of sufficient quality in terms of design and materials.

Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.

The applicant has direct access onto St Kevin's Park; I consider the proposed access is generally acceptable.

A wider entrance may be required to a backland development to or from a narrow laneway.

The proposed access is directly onto an existing roadway; I consider the access entrance is acceptable and appropriate for the subject site. The proposed car parking space provides a minimum depth of 5.5m and a width of 3m, thereby complying with the requirements set out in Section 12.4.8.3 relating to Sustainable Drainage Systems (SuDs) and urban greening.

Existing dwelling and proposed dwellings shall have minimum individual private open spaces – exclusive of parking – of 48sqm each for one/two-bedroom units, or 60sqm plus for three/four or more-bedroom units.

The applicant has provided 30m² in rear private amenity space. The proposed private open space is set behind the front building line of the proposed dwelling. The proposed open space is in accordance with the 30m² required by SPPR 2 of the

Compact Settlement Guidelines 2024 for 2 bed dwelling (which supersedes the County Development Plan in this regard). Therefore, I am satisfied that the proposed private open space complies with this criterion.

Proposed single storey 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.

Given the proposed dwelling does not exceed single storey in profile, the subject development is considered to meet the requirements of SPPR1 Separation Distances of Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (which supersedes the County Development Plan in this regard). Therefore, I am satisfied that the proposed separation distance complies with this criterion.

Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.

It is noted that this section has been superseded by the Compact Settlements Guidelines 2024 whereby separation distances of only 16 metres are required in respect of above ground floor level. The proposal relates to a single storey dwelling, so the 11-metre garden depth is not applicable.

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.

As stated above, the proposed development will be provided with a 30m² private amenity space to the east of the dwelling. It is accessed directly from living spaces as required by SPPR2 of the Compact Settlement Guidelines 2024, is a usable space and shape and has a favourable orientation for sunlight. I consider given the proposed design of a single storey dwelling with limited overlooking to adjacent properties, the relaxation of a 7-metre garden depth can be applied.

- 8.8. I further note section 12.3.7.7 Infill of the CDP which states that “new infill development shall respect the height and massing of existing residential units. Infill shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings”. I consider the proposed design does retain the physical character of the area. Therefore, I consider that the proposed development is generally acceptable and in accordance with Section 12.3.7.5 Corner/Side Garden Sites, Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill of the CDP.
- 8.9. Having regard to the location of the proposed development of a single storey dwelling to the rear of existing two storey dwelling and located with direct access along St. Kevin’s Park and given the separation to the existing adjacent dwellings and the overall design and scale proposed, I consider the proposed single storey dwelling is considered as corner/side garden site, backland development and an infill development and complies with Section 12.3.7.5 Corner/Side Garden Sites, Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill of the CDP.
- 8.10. **Residential Amenity & Overdevelopment**
- 8.11. The subject dwelling is located to the rear of No. 33, No. 33a and No. 33b Dale Road and on the corner of St. Kevin’s Park to the south and a laneway to the west. The separation distance varies from 5m to 7m. The proposal consists of a single storey flat roof dwelling with an overall height of 3.5m.
- 8.12. The grounds of appeal state the proposed dwelling directly along the shared boundaries, would cause serious overshadowing of the small spaces and of habitable-room windows at the rear of the existing houses, to the material detriment of residential amenity. The shadow analysis is not reliable as the drawings are not dimensioned, the assessment states all trees were removed which does not reflect the actual existing environment and tends to understate the baseline. In addition, the proposal is considered as overdevelopment and failure to respect the established character and pattern of development. The original property at No. 33 Dale Road comprised a single dwelling on the entire curtilage. Two further two-storey dwellings (33a and 33b) have since been constructed on that curtilage. The current application would place a fourth dwelling on the original site. Substandard private amenity space. The amenity space is below qualitative standards. The proposal will injure the

residential amenity of the surrounding established dwellings (No's 33, 33A, 33B and 31 Dale Road) 3 of which already have small gardens.

- 8.13. In regard to overbearance, I have assessed the location of the proposed single storey dwelling in relation to the adjacent properties. The subject site is located to the rear of the existing terrace dwellings at approximately 5 metre separation distance at the closest point. I note that the appellants have raised concerns in regard to the location of the proposed dwelling directly along the boundary and having an overbearing impact, however, I do not consider that the proposed single storey dwelling at approximately 3.5 metres in height will have an overbearing impact on the adjacent properties given the separation distance to the existing dwellings and the proposed overall height of the single storey dwelling.
- 8.14. In relation to overshadowing, the appellant states significant overshadowing will occur and impact the amenity of their garden space. As the proposed development relates to a single storey dwelling located at the boundary, the applicant has carried out a shadow analysis in accordance with "BRE Site Layout Planning for daylight and sunlight: A guide to good practice". In regard to the overshadowing of private amenity space, I note minimal overshadowing will occur at different times of the day depending on the orientation and location of the sun throughout the day, mainly to No. 31 and No. 33 Dale Road. However, I consider given the overall height (3.5m) of the dwelling, the overshadowing will be minimal and will not negatively impact the residential amenity of the adjacent properties. I note the appellant raised concerns regarding the removal of the existing trees for the purpose of Shadow Analysis, and the applicant has clarified that the trees were removed for clarity and for true comparison purposes only. If the trees were included, the additional impact of the proposal would be even less as the existing trees cast additional shading on neighbouring properties. I consider this is an acceptable response, as the existing trees would provide shading to the neighbouring properties and the removal of the trees for the purpose of the assessment to provide a worst-case scenario if the trees were removed and the proposed single storey dwelling constructed.
- 8.15. The appellants have raised concerns in relation to overdevelopment of the subject site as the proposal fails to respect the established character and pattern of development. I note the concerns raised by the appellants and that the proposal essentially relates to a 4th dwelling on the original curtilage of 33 Dale Road and this

has raised the concerns in relation to overdevelopment of the site. However, each site is assessed on its own merits and in relation to the policies and guidelines in place at that time. The current proposal has been assessed and as outlined above, the proposed development is in accordance with the CDP and with the Compact Settlement Guidelines and therefore I am satisfied that the proposed is not considered as overdevelopment of the subject site.

- 8.16. The appellant raised further concerns in relation to the provision of private open space, it should be noted that the provision of private open space has been superseded by the Compact Settlement Guidelines 2024, which state 30m² as per SPPR 2 is recommended for a 2-bedroom house. The applicant has provided 30m² of private open space to the western elevation, therefore there is adequate private open space provided, and I am satisfied that the proposal complies with section 12.8.3.3 of the CDP.
- 8.17. As outlined above the proposed development will not impact the residential amenity of the adjacent properties in terms of overlooking, overbearance or overshadowing. In addition, the applicant has provided a single storey dwelling, with adequate private open space and adequate car parking with its own access to the subject site, therefore, in my opinion, the proposal is not considered as overdevelopment of the subject site, as it meets or exceeds the required standards for backland and infill development.
- 8.18. Having regard to the location of the proposed dwelling, the separation distance to the adjacent properties, the single storey design and compliance with Section 12.3.7.5 Corner/Side Garden Sites, Section 12.3.7.6 Backland Development and Section 12.3.7.7 Infill of the CDP and the Compact Settlement Guidelines 2024. In my opinion the proposal will not have a negative impact on the residential amenity of the adjacent properties in terms of overlooking or overshadowing and is not considered as overdevelopment of the subject site.
- 8.19. **Traffic**
- 8.20. The proposal consists of one no. car parking space to the front of the proposed single storey dwelling with direct access onto St. Kevin's Park.

- 8.21. The grounds of appeal raise concerns regarding traffic and pedestrian safety at the proposed new vehicular entrance. No adequate sightline to the east has been provided when exiting the parking space.
- 8.22. The applicant stated as part of the further information request, the Planning Authority requested an amendment to be made to the original proposed carparking arrangement. The amendment ensures that adequate visibility is now provided in both directions.
- 8.23. I have reviewed the drawings submitted as part of the further information response and the vehicular entrance has been repositioned in a westerly direction. In relation to visibility and boundary treatment, the applicant proposes a steel railing with a height of 900mm for a minimum distance of 1 metre on either side of the vehicular entrance. This is within the maximum height of 1.1m specified in the further information request by the Planning Authority and is considered to provide an acceptable level of forward visibility for vehicles entering and exiting the site. No further concerns were raised by Transportation Planning of DLR. I have assessed the proposed sightlines in accordance with DMURS, section 4.4.4 Forward Visibility sets out forward visibility distances for various design speeds. The proposed entrance is located close to the junction of Dale Road and St. Kevin's Park which is within a housing estate. The average speed limits would therefore be between 10 – 30km/h, therefore stopping sight distance (SSD) would be between 7 to 23 metres. The applicant has provided forward visibility of 23 metres plus. Therefore, the proposed entrance layout and design is in accordance with DMURS and in my opinion is acceptable.
- 8.24. Having regard to the design of the proposed entrance layout, the location is in close proximity to an existing junction and within an existing residential estate, I consider the proposed sightlines are acceptable and in accordance with Design Manual for Urban Roads and Streets and will not result in a traffic safety hazard.
- 8.25. **Other Issues**
- 8.26. Surface water
- 8.27. The appellant has stated that the applicant proposes to connect surface water directly to the foul sewer, this is contrary to section 10.2.2.6 of the CDP which requires surface water from new development to be managed on-site, ordinarily by

infiltration to a soakaway designed in accordance with BRE Digest 365 and without overflow to the public sewer. The Planning Authority applied Condition 4 to resolve the issue of surface water, this is not feasible.

- 8.28. The applicant has stated that Condition 4 of the Notification to Grant Permission requires the applicant to look at an alternative approach for surface water disposal. This is a standard condition, and the applicant will comply with this prior to commencement.
- 8.29. I note an internal report was received from Drainage Planning of DLR, and no objection was noted subject to conditions. Condition 4 stated prior to commencement of development the applicant shall submit to the planning authority for its written agreement a drainage proposal that is in accordance with Section 10.2.2.6 Policy Objective E16: Sustainable Drainage Systems of the CDP, specifically, that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer. This can be via a soakaway, raingarden, rainwater harvesting system, permeable paving designed with an allowance for roof discharge (e.g. Difuser box) etc. if the applicant does not consider infiltration a feasible solution the applicant shall prove that by submitting a report, signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDs measure for agreement with Municipal Services.
- 8.30. I note as per Policy Objective E16, the applicant is not confined to the use of a soakaway, a number of alternative solutions to surface water runoff are listed and any alternative solution shall be agreed with the Municipal Services of DLR along with the submission of an infiltration test from a Chartered Engineer, I consider that condition 4, adequately addresses any potential surface water run-off and a solution can be achieved in agreement with DLR. Therefore, in the event of a grant of permission, I recommend that a similar condition shall be applied.
- 8.31. Public sewer location
- 8.32. The appellant notes that an existing 225mm foul sewer runs within the rear laneway, and the standard 3-metre clearance between a public sewer and any structure does not appear to be achievable.

8.33. The applicant has stated a public combined sewer line is located in the laneway between the subject site and 1 St. Kevin's Park, and a 3-metre wayleave is also indicated on these drawings. The external walls of the proposed dwelling are located outside this wayleave. In this regard I am satisfied that the 3m wayleave has been achieved.

8.34. Landownership

8.35. I note the appellant has raised concerns in relation to the landownership boundary; I am satisfied that the applicant has provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and is 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.

8.36. Deficiency in the drawings.

8.37. The appellant's have raised concerns that the submitted drawings are missing the necessary dimensions. In terms of the drawings submitted and the dimensions provided, I note that this matter was considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

9.0 **AA Screening**

9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within a designated site. South Dublin Bay and Tolka Estuary SPA (site code: 004024) is located approximately 2.8km northeast of the subject site.

The proposal consists of permission for construction of a single storey dwelling. No nature conservation concerns were raised by the appellant.

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

- Scale and size of the development.

- Distance to the nearest European site
- The lack of connections to the SPA & SAC.
- Connection to public services

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

10.0 Water Framework Directive

10.1. The subject site is located in the urban area of Kilmacud, Co. Dublin. The proposal consists of permission for construction of a single storey dwelling. No concerns were raised in relation to water deterioration.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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:

- Scale and size of the development.
- Distance to the nearest waterbody
- The lack of connections to the waterbody
- Connection to public services

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

- 11.1. I recommend that planning permission should be granted, subject to conditions as set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown County Council County Development Plan 2022-2028, to the zoning of the site for residential purposes, to the design, the layout and siting of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 23rd day of February 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. The proposed dwelling shall be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

3. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. The parking area serving the residential unit shall be provided with functional electric vehicle charging point.

Reason: In the interest of sustainable transportation.

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

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

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

Reason: In the interest of public safety and amenity.

8. All necessary measures shall be undertaken by the Applicant and Contractor to:
 - a. prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works.

- b. repair any damage to the public road arising from carrying out the works.
- c. avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during the construction works.

Reason: In the interest of orderly development.

9. (a) Prior to commencement of the development, the applicant shall agree in writing with the Planning Authority, drainage arrangements, including the attenuation and disposal of surface water, shall comply with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the Dun Laoghaire Rathdown County Development Plan 2022-2028, specifically, that all surface water run-off generated by the development is infiltrated or reused locally within the property curtilage with no overflow to the public sewer. This can be via a soakaway, raingarden, rainwater harvesting system, permeable paving designed with an allowance for roof discharge (e.g. Diffuser box) etc. if the applicant does not consider infiltration a feasible solution the applicant shall prove that by submitted a report, signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDs measure, in writing where necessary, of the planning authority for such works and services.
- (b) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage study for sustainable urban drainage systems (SuDs) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer onto the public road or footpath on road safety grounds.

Reason: In the interest of public health.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

11. The footpath in front of the proposed vehicular entrance shall be dish and strengthened at the Applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regard to both the dishing and strengthening of the footpath the Applicant shall contact the Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.

Reason: In the interest of orderly development.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance

with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Jennifer McQuaid

Planning Inspector

2nd September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501578-DR-26
Proposed Development Summary	Demolition of garage and shed, construction of single storey 2-bedroom house with associated works.
Development Address	Site to the rear of 33, 33a & 33b Dale Road/St. Kevin's Park, Stillorgan, Co. Dublin.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2, Class 10b(i) Construction of more than 500 dwelling units. The proposal consists of 1no. dwelling on a site size of 0.016ha hectares.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501578-DR-26
Proposed Development Summary	Demolition of garage and shed, construction of single storey 2-bedroom house with associated works.
Development Address	Site to the rear of 33, 33a & 33b Dale Road/St. Kevin's Park, Stillorgan, Co. Dublin.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as an infill development, require only minimal demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	The development is situated in an urban area on an urban infill site to the rear of existing dwellings. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan.

landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, 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.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)