



An
Coimisiún
Pleanála

Inspector's Report

PL-501620-DR-26

Development

Construction of 3 storey, pitched roof, 5-bedroom detached dwelling in the side garden, together with all associated site works. New vehicular access to serve the existing dwelling (No.81), incorporating a dropped kerb and partial removal of the front boundary wall, and the use of the existing vehicular access to serve the proposed dwelling. Demolition of conservatory to the side of existing house.

Location

81, Churchtown Road Lower,
Rathmines Little, Dublin 14,
D14CC84.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D26A/0287/WEB.

Applicant(s)

Geraldine de Valera..

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

Third Party

Appellant(s)	Churchtown Preparative Meeting of the Religious Society of Friends (Quakers)..
Observer(s)	None on file relating to appeal.
Date of Site Inspection	22 nd September 2026.
Inspector	Des Johnson

1.0 Site Location and Description

- 1.1. The site is located to the southeastern side of Churchtown Road Lower, approximately 60m northeast of the junction with Woodlawn Park and approximately 75m from the junction with Orwell Road.
- 1.2. This is a roughly triangular shaped site to the side of No.81, and form part of the existing rear garden to that property. To the south there is a mature boundary with a private road leading into No.82 which has been in continuous use as a Quaker Meeting House with resident caretaker. Part of this mature boundary is raised relative to the private road and the garden area of No.81.. The mature boundary comprises mature trees and shrubs.
- 1.3. Milltown Golf Club is on the opposite side of Churchtown Road Lower. The road is relatively straight along this section and has continuous double yellow lines on its southeastern side. There is no footpath on the opposite side bounding the golf club.
- 1.4. No.81 is a two-storey dwelling with two-storey return. The conservatory on its southern side appears demolished.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a three-storey pitched roof, fine bedroom, detached dwelling in the side garden of No.81, Churchtown Road Lower, together with all associated site works. New vehicular access to serve the existing dwelling incorporating a dropped kerb and partial removal of the front boundary wall, and use of the existing vehicular access to serve the proposed dwelling. Demolition of conservatory to the side of existing house.
- 2.2. The application form states that the applicant is owner of the site. The gross floor area proposed is 172sqm and the site area is 0.039ha. It is proposed to connect to public services.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 14 conditions.

3.1.1. Conditions

The conditions relate to the following:

1. Standard compliance
2. *Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority revised site layout, elevation and section drawing clearly detailing:*
 - (a) *The proposed and existing boundary treatments around the subject site, including details of all planning to be retained and all proposed new planting, together with proposed materials and finishes; and*
 - (b) *A revised front curtilage landscaping plan demonstrating that at least one third of the front garden area forward of the building line shall be maintained in grass or otherwise landscaped, and including tree retention and/or planting where feasible.*

Reason: In the interests of visual amenity, urban greening, SuDs, residential amenity and the orderly development of the area.

3. Dwelling to be used as a single dwelling unit
4. External finishes
5. Surface water runoff requirements
6. Requirements for proposed vehicular entrance
7. Noise management
8. Environmental management plan
9. Public liaison plan
10. Construction working hours
11. Financial contribution – surface water infrastructure
12. Financial contribution – transport infrastructure
13. Financial contribution – community & parks facilities
14. Requirements for payment of financial contributions

3.2. Planning Authority Report

The site is zoned 'A' under which residential development is permitted in principle. The overall extent of open space is substantial and suitable for outdoor recreation and domestic amenity. The front curtilage treatment should be strengthened by way of revised landscaping. There are a number of mature trees and hedgerow on the boundary not shown on submitted drawings. In the event of permission, a condition should be inserted requiring details of boundary treatment. Wholesale retention of existing planting is not necessary in the interest of visual amenity and integration with the character of the area. Proposed separation distances are considered acceptable. The proposal would not result in overbearing or negative visual impact. There would be no significant overlooking or overshadowing of adjacent property. The proposed access and parking arrangement are acceptable in principle. One third party submission was submitted and has been taken into consideration. The issues raised relate to the omission of mature planting on the site layout plans, inadequacy of details for "all associated works", drainage interference with roots at the boundary, loss of current permeable area to front and adjoining the boundary hedgerow, and negative amenity through loss of tree and shared boundary, security and potential health and safety issues.

3.2.1. Other Technical Reports

- The Drainage Planning Report – no objections subject to conditions relating to surface water runoff and requirements for hardstanding areas,
- Transportation Planning – no objections subject to conditions.
- Environmental Enforcement – no objection subject to conditions relating to noise management, construction environment management plan, public liaison plan, and construction working hours.
- Uisce Éireann – recommends conditions relating to connection agreement to connect to public network, no building over public network, no impact on public drinking water sources, design and construction of Water and Wastewater pipes.

3.3. Third Party Observations

None on file relating to appeal. One third-party submission/observation was submitted to the Planning Authority

4.0 Planning History

- 4.1. D13A/0680 – Permission at 80, Lower Churchtown Road for demolition of existing two-storey extension to side and single-storey return to rear and replacement with new two-storey extension to side and single-storey extension to rear, modification and widening of existing site entrance, and associated site works.

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory plan for the area.

The site is zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting the existing residential amenities.*

Section 4.3.1.1 It is policy to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Section 12.3.7.7 refers to Infill. 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.

Section 12.3.10.8 refers to Vehicular Entrances. Vehicular entrance gates shall be recessed, and the wing walls or fences splayed so as to provide adequate sight distances in both directions, depending on the traffic conditions and the characteristics of the roadway at that location. Existing/proposed vehicular access points shall be carefully examined, including consideration of landscape and visual amenity aspects, as there may be circumstances where it is desirable to seek alternative positions to avoid removal of substantial lengths of good quality characteristic existing boundaries. Front

boundary treatments shall retain, or plant, indigenous hedges, earth banks, or provide dry stone walls and similar - depending on the typologies common to the area.

Section 12.4.8.3 refers to Driveways/Hardstanding Areas. A minimum of one third of front garden areas should be maintained in grass or landscaped in the interest of urban greening and SUDS. In the case of smaller properties - such as small terraced dwellings this requirement may be relaxed. Each driveway, parking and hardstanding area shall be constructed in accordance with SuDS and include measures to prevent drainage from the driveway entering onto the public. Where unbound material is proposed for driveway, parking and hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

5.2. Natural Heritage Designations

South Dublin Bay SAC – c.3.78km to the northeast

South Dublin Bay & River Tolka Estuary SPA & pNHA – c.3.78km to northeast

Wicklow Mountains SAC & SPA – c.7.3km to south southwest.

6.0 EIA Screening

- 6.1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

These may be summarised as follows:

- The appellants are not objecting to the proposed additional house, the new entrance or the demolition of the conservatory. The appellants are not satisfied that the proposed development would not seriously injure the amenities of their property.
- The appellants entrance avenue directly adjoins the site under appeal. It is in continuous use.

- The planning authority's decision was made without adequate information and there was inadequate assessment of the planning issues.
- The proposal contravenes the zoning 'A' for the site as it fails to protect existing residential amenities.
- The submitted application documents did not show all existing boundaries including trees on the site, adjoining site or site in the vicinity. The validity of the application was not assessed.
- The shared site boundary should be curved and not a straight line as shown. A Deeds map is submitted in support of this point. An accurate depiction of the boundary is required. The existing power supply to the appellants site which crosses the site is also excluded.
- There is inadequate separation space between the footprint of the proposed house and the site boundary to accommodate a drain at the northeastern corner of the proposed dwelling, and no alternative route is available without providing adequate setback from the boundary. There will be damage to the mature boundary or damage to roots resulting in health and safety issues on the entrance avenue, which is the sole access to the appellants, including a residential property.
- There is a lack of accurate detail of impact of the house footprint on the boundary vegetation and earthen bank. There is a change of ground level in the vicinity of the boundary. There is potential for destabilising boundary vegetation due to interference of roots. The appellants do not consent to the removal of any trees on the shared boundary.
- There are no proposals for a secure boundary between the proposed house and the appellants property. This is cause of considerable stress, including vulnerable individuals.
- The submission includes photographs and maps of the site, including a Deeds map.

7.2. Planning Authority Response

The grounds of appeal do not raise any issues which would justify a change of attitude.

7.3. **Observations**

None relating to the appeal.

8.0 **Assessment**

- 8.1. The proposal is for the construction of a three-storey (2 storey plus attic accommodation to the rear), pitched roof, five-bedroom detached dwelling in the side garden of No.81 Churchtown Road Lower, new vehicular access to serve the existing dwelling, incorporating a dropped kerb and partial removal of the front boundary wall while using the existing vehicular entrance to No.81 to serve the proposed dwelling, and the demolition of a conservatory to the side of No.81. The application form states that the applicant is owner of the site. The gross floor area proposed is 172sqm and the site area is 0.039ha. It is proposed to connect to public services.
- 8.2. The Planning Authority granted permission subject to 14 conditions.
- 8.3. There is a Third Party appeal against the Planning Authority's decision. The grounds of appeal (in summary) state that the proposal was assessed without adequate information particularly in relation to boundaries and trees on the site, it contravenes the zoning objective for the area as it fails to protect existing residential amenities, the shared boundary is incorrectly shown and an accurate depiction of it is required, the existing power supply to the appellants property crosses the proposed site, the separation space at the northeastern corner of the proposed dwelling and the shared boundary is inadequate to accommodate the drain indicated and will damage the mature boundary or damage roots resulting in health and safety issues at the appellants entrance avenue. The appellants state that they have no objection to the proposed additional house, new entrance or the demolition of the conservatory.
- 8.4. I consider that there is a valid decision before the Commission and that the key issues to be addressed in this assessment are as follows:
- **Policy**
 - **Visual and Residential Amenity**
 - **Proposed Access**

- **Other Issues**
- **Appropriate Assessment.**

Policy

- 8.5. The site is in an area zoned 'A' with the objective *to provide residential development and improve residential amenity while protecting existing residential amenities*. The proposal for a detached dwelling, new vehicular entrance to serve no.81 and demolition of existing conservatory is permissible in principle, subject to compatibility with other policies and objectives of the Plan and not having any adverse effects.

Visual and Residential Amenity

- 8.6. The conservatory at the side of No.81 proposed for demolition, had been substantially demolished at the time of inspection. Neither structure is listed for protection and there is no adverse impact on the visual or residential amenities of property in the vicinity arising from its demolition.
- 8.7. The overall design of the proposed dwelling is basic. While not relating to any particular architectural style in an area with mixed styles, I consider that that the proposed design is acceptable and would not have an adverse impact on the visual or residential amenities of the area.
- 8.8. The proposed dwelling has 4 bedrooms (with 2 ensuite) at 1st floor level and 1 bedroom at attic level.in a dormer style structure. There are 5 windows at first floor level serving two bedrooms, and three windows (1 high level and horizontal in profile) to the rear at first floor level serving two bedrooms and a bathroom. One window in the dormer style structure to the rear serves the bedroom at that level. I contend that none of the windows would give rise to undue overlooking. Having regard to the siting and orientation of the proposed dwelling relative to adjoining property I contend that no undue overshadowing would arise.
- 8.9. I consider that the extent of private amenity space provided is acceptable for both the proposed dwelling and No.81.
- 8.10. A key issue raised in the grounds of appeal relates to the level of impact the proposed dwelling would have on the mature boundary to the south adjoining the private avenue giving access to the appellants' property at No.82. Sections of this boundary are raised

relative to the private avenue. The appellants contend that the proposed development has the potential to damage mature trees and roots along this boundary causing the loss of privacy and health and safety issues for those using the private avenue. They argue that insufficient information was submitted and the proposal was inadequately assessed in relation to the potential impact on the mature, shared boundary. The Planning Authority attached a condition requiring that, prior to the commencement of development, the applicant shall submit for written agreement of the Planning Authority revised site layout, elevation and section drawings detailing the proposed and existing boundary treatments around the subject site, including details of all planting to be retained and all proposed new planting. The appellants contend that the wording of this condition excludes them from the final decision process in relation to the boundaries.

- 8.11. I submit that there are no tree preservation orders relating to any individual tree or any group of trees at this location. There is no specific local objective relating to the protection of trees in the Development Plan. I note that the subject boundary is stated in the grounds of appeal to be a shared boundary.
- 8.12. In order to accommodate the proposed dwelling, the mature boundary will require cutting back on the side of the subject site. The private avenue bordering the avenue provides access to the adjoining Quaker Hall and caretakers residence, but any works required to the mature boundary would not have any undue adverse impact on the amenities of those properties. I accept that the application does not detail the full extent of works required and proposed to the mature boundary but consider that the condition imposed requiring existing and proposed boundary treatments to be agreed in writing with the Planning Authority (the competent authority) before development commences is reasonable.
- 8.13. I do not consider that the proposed development raises any health and safety issues in relation to the use of the adjoining private avenue, and I do not accept the appellants' contention that then proposal is contrary to the 'A' zoning objective for the area.

Proposed Access

- 8.14. It is proposed to create a new vehicular access to serve No.81 and to use the existing access to serve the proposed dwelling. The proposed access is 3.5m in width and sited along a straight stretch of Churchtown Road Lower. I consider that the proposal is

acceptable and note that the Transportation Planning report raises no objection subject to conditions.

Other Issues

- 8.15. The appellants state that the shared boundary is curved inwards and not accurately detailed on drawings submitted. The Planning Authority decision currently under appeal relates to the site delineated in red on the drawings submitted to the Planning Authority. On this issue, I draw attention to Section 83(3) of the Planning and Development Act 2024 which states “a person is not entitled to carry out any development solely by reason of having a planning permission or a legal exemption”.
- 8.16. The appellants state that the power supply for No.82 crosses the appeal site. It is not clear if there is any legal entitlement to this alignment and Section 83(3) of the 2024 Act is relevant. I consider that, based on the information on file, this is not a reasonable ground for refusal of permission, but there will be a necessity for the realignment of the supply on the appellants’ property.
- 8.17. There is a surface water drain proposed to serve the proposed dwelling. This follows an alignment along the rear of the dwelling and then in a westerly direction to the main road to connect with existing public services. The appellants contend that there is insufficient separation at the southeastern corner of the proposed dwelling to accommodate this drain without negative impact on the mature southern site boundary. I consider that the precise routing for the proposed surface water drain should be conditioned as a matter to be agreed in writing with the Planning Authority (the competent authority) before development commences.

9.0 AA Screening

I have considered the proposed development for retention in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an established residential area in Churchtown, Dublin 14. The proposed development comprises the construction of a five-bedroom dwelling, new vehicular access, and demolition of conservatory to side of existing house

Having considered the nature 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. The reason for this conclusion is as follows:

- The nature and small scale of the development
- The location in an established residential area,
- The separation distance and absence of any connectivity to any European sites

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 in an established residential area. The proposed development relates to the construction of a five-bedroom dwelling, new vehicular access, and demolition of conservatory to side of existing house. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

11.0 Recommendation

11.1. I recommend that planning permission be granted.

12.0 Reasons and Considerations

Having regard to 'A' zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2022-2028, and to the size, configuration and infill nature of the site, it is considered that subject to compliance with the conditions attached hereto, the proposed development would not be injurious to the visual or

residential property in the vicinity, and would accord with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto or as otherwise agreed in writing by the Planning Authority.

Reason: In the interest of clarity

2. All external finishes, including roof tiles/slates shall harmonise in material, colour and texture with the existing dwelling (No.81) unless otherwise indicated on the submitted drawings.

Reason: In the interest of visual amenity.

3. Surface water drainage serving the proposed development shall be provided to the requirements of the Planning Authority. In particular, the alignment of the proposed surface water drain within the site and in proximity to the southern site boundary shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of public health and amenity.

4. The proposed vehicular entrance and the dishing of the public footpath shall be constructed to the requirements of the Planning Authority. A minimum of one third of each front garden shall be maintained in grass or landscaped.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

5. Prior to the commencement of site preparation or construction works on the site, the developer shall submit, for the written agreement of the Planning Authority, details of the existing and proposed boundary treatments around the subject site, including the shared southern site boundary with the private avenue serving No.82, including details of all planting to be retained and, in the event of any planting removal along the shared southern boundary being required, all

proposed new planting along this boundary. The details submitted shall include a section drawing showing the level of the proposed dwelling foundations relative to the adjoining raised planted southern site boundary.

Reason: In the interests of visual and residential amenities.

6. 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, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: in the interest of public safety and amenity.

7. 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.

Note: I consider that Conditions 3 and 7 of the Planning Authority's decision should be omitted as they are unnecessary.

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.

Des Johnson
Planning Inspector

September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501620-DR-26
Proposed Development Summary	Construction of a five-bedroom dwelling, new vehicular access, and demolition of conservatory to side of existing house
Development Address	81, Churchtown Road Lower, Rathmines Little, Dublin 14, D14CC84.
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.	State the Class here
☒ 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)	S.5 P.2 10(b)(ii) construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501620-DR-26
Proposed Development Summary	Construction of a five-bedroom dwelling, new vehicular access, and demolition of conservatory to side of existing house
Development Address	81, Churchtown Road Lower, Rathmines Little, Dublin 14, D14CC84.
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).	Construction of a five-bedroom dwelling, new vehicular access, and demolition of conservatory to side of existing house. The development does not require the use of substantial natural resources and would not give significant risk of pollution or nuisance.
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).	Site is in an established residential area.
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 nature and scale 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.	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 nature and scale of the proposal, 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. The
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

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