



An
Coimisiún
Pleanála

Inspector's Report

PL-501722-DR-26

Development

(1) Retention permission for demolitions works comprising the original dwelling, boiler house, & garden shed: & (2) Permission for (i) Demolition of an existing porch, (ii) The construction of a new two storey dwelling (to the final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB) & (iii) Associated site works

Location

Mountain View, Blackglen Road, Sandyford, Dublin 18, D18N2C0

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D26A/0322/WEB

Applicant(s)

Elona Dervishi

Type of Application

Permission

Planning Authority Decision

Refuse permission and retention permission

Type of Appeal	First party
Appellant(s)	Elona Dervishi
Observer(s)	None
Date of Site Inspection	29 August 2026
Inspector	Killian Harrington

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1.0 Site Location and Description

- 1.1 The subject site comprises a residential property known as Mountain View, located on Blackglen Road, Sandyford, Dublin 18. It occupies a site area of approximately 0.111 hectares and is zoned Objective A (Residential) under the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Prior to demolition works in 2026, the site originally contained a single-storey detached dwelling with a pitched roof, a detached boiler house, a garden shed and a porch, which was the only remaining structure at the time of the application. The former dwelling and ancillary structures had already been demolished before the application was lodged, which resulted in an active enforcement investigation by Dun Laoghaire-Rathdown County Council.
- 1.2 The site slopes upwards from Blackglen Road towards the rear. The proposed ground-floor level sits approximately 2.8 metres above the entrance driveway level. The property is accessed directly from the R113 Blackglen Road via an existing vehicular entrance. The front section of the site contains a driveway and grassed area.
- 1.3 The site remains within an established residential area, but neighbouring lands are subject to substantial recent and proposed housing developments. The most significant adjoining development is the approved Part 8 housing scheme (PC/H/03/25) located immediately north and east of the site. This development comprises 129 residential units. The surrounding area is transitioning from a more low-density suburban character towards a more intensified residential environment.

2.0 Proposed Development

- 2.1 The proposed development comprises a number of elements and these are: (1) Retention permission for demolition works comprising the original dwelling, boiler house, & garden shed; & (2) Permission for: (i) Demolition of an existing porch, (ii) the construction of a new two storey dwelling (to the final design & finishes

permitted by permission, reg. ref. D25B/0657/WEB); and (iii) all associated site works.

3.0 Planning Authority Decision

3.1 Decision

Dun Laoghaire-Rathdown County Council refused planning permission for the following reason:

1. 'Having regard to the planning history of the site, it is considered that the proposal would constitute, in substance, a replacement dwelling. Notwithstanding the structural and architectural heritage information submitted, the Planning Authority is not satisfied that the original dwelling was demonstrated to be uninhabitable or to have fallen into such a state of disrepair as to warrant demolition and replacement, having regard to Section 12.3.9 Demolition and Replacement Dwellings, Policy Objective CA6 Retrofit and Reuse of Buildings, and Policy Objective PHP19 Existing Housing Stock Adaptation of the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

3.1.1. Planning Authority Reports

The planner's report stated that while a replacement dwelling on an infill site is permitted in principle under zoning objective 'A', the proposal failed to satisfy the planning authority that the original dwelling was demonstrated to be uninhabitable or to have fallen into such a state of disrepair as to warrant demolition and replacement, having regard to Section 12.3.9 Demolition and Replacement Dwellings, Policy Objective CA6 Retrofit and Reuse of Buildings, and Policy Objective PHP19 Existing Housing Stock Adaptation of the Dún Laoghaire-Rathdown County Development Plan 2022 to 2028.

The planners report notes that the replacement dwelling design, scale and massing was generally acceptable and there would be few concerns about

impacting on neighbouring amenity except for potential overlooking into the Part 8 housing development adjacent, which would require a further information request ordinarily but the demolition was sufficient reason for refusal in this case.

The planner was concerned that a previous application for full demolition and replacement of the dwelling (D25A/0662/WEB) had been refused because demolition had not been justified. A later permission (D25B/0657/WEB) was only granted after the applicant clarified that the original cottage walls would be retained and incorporated into the new development. This retention was a key reason why the earlier scheme was considered acceptable.

The report acknowledged that the applicant submitted engineering and architectural reports stating that, once opened up, the building was found to have poor structural integrity, lacked proper foundations and could not safely support the proposed works. However, the planning authority found these reports unconvincing because they were prepared after demolition had commenced. The planner's report concluded that the applicant had not demonstrated that the dwelling was uninhabitable or beyond repair before demolition occurred.

As the proposal constitutes a replacement dwelling, the planner's report found this contrary to Section 12.3.9 Demolition and Replacement Dwellings, Policy CA6 (Retrofit and Reuse of Buildings) and Policy PHP19 (Adaptation of Existing Housing Stock). These policies favour retrofit, reuse and adaptation of existing dwellings rather than demolition and replacement *unless there is strong justification*.

3.1.2 Other Technical Reports

- Drainage Planning - No objection, subject to all drainage conditions from the previously approved permission being re-applied.
- Transportation Planning - No objection, subject to all transport conditions from the previous permission being re-applied.
- Environmental Health Officer - No comments or concerns.

- Conservation Officer - Stated that any heritage value had already been lost due to demolition and therefore raised no built heritage concerns

3.3. Prescribed Bodies

- Uisce Eireann – No objection in principle

3.4. Third Party Observations

- None

4.0 Planning History

4.1 Subject site

- Reg. Ref. D25B/0657/WEB – Planning permission granted for demolition of existing boiler house and garden shed and construction of a first-floor extension over the existing bungalow together with a two-storey side and rear extension and associated site works. Following Further Information, it was clarified that the original cottage walls would be retained and incorporated into the development.
- Reg. Ref. D25A/0662/WEB - Planning permission refused for demolition of existing bungalow, boiler house and garden shed and construction of a new two-storey house with associated works.

Reason for refusal

1. 'No evidence, documentation, or commentary has been submitted with the subject application to suggest the dwelling is in need of repair, refurbishment, or replacement. Noting the preference for deep retrofit, lack of any justification for demolition/replacement, and lack of commentary on the condition of the parent dwelling, it is considered that the Applicant has failed to demonstrate compliance with the requirements of Section 12.3.9 Demolition and Replacement Dwellings; Policy Objective CA6: Retrofit and Reuse of Buildings; and

Policy Objective PHP19: Existing Housing Stock - Adaptation of Dún Laoghaire-Rathdown County Development Plan 2022-2028. As such, the proposed development would be contrary to the proper planning and sustainable development of the area. NOTE: It is noted in addition to the above recommended reasons for refusal that there are also a number of issues that would have to be addressed by the Applicant if the Planning Authority were to consider granting permission for a future application for residential development on this site. These include but are not limited to: submission of full proposed site layout plans, consideration of the architectural and heritage value of the parent dwelling, and drainage specifications in relation to SuDS and hardstanding surfacing as outlined in the Drainage Planning Report, dated 24th September 2025.'

- Reg. Ref. D07A/1556 – Planning permission refused for erection of a detached dormer-style bungalow in the front side garden with revised entrance arrangement.
 1. *'The siting and layout of the proposed development and vehicular entrance, in close proximity to its southern boundary, would be significantly affected by the proposed upgrading of Blackglenn Road to make it a District Distributor Road. Development of the kind proposed within this site would be premature pending the determination by the Local Authority of a road layout for the area or any part thereof.*
 2. *By virtue of its design, location, siting and proximity to site boundaries, it is considered that the proposed dwelling would detract from the character of the existing dwelling, would overlook the private amenity space of the existing dwelling, would constitute overdevelopment of the site and set a poor precedent in the area. The proposed development would seriously injure the amenities, or depreciate the value, of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area'*

- Reg. Ref. D05A/0964 – Planning permission granted for construction of a two-storey, two-bedroom detached lodge house within the grounds of the main house ("Four Winds").
- Reg. Ref. D04A/1473 – Planning permission granted for demolition of existing single-storey dwelling and construction of a replacement detached two-storey dwelling (approximately 539 sq.m.) with associated works.

4.2 Planning Enforcement

- Ref. No.ENF090 - Live enforcement case relating to the demolition of a habitable dwelling without planning permission.

4.3 Adjacent sites

Lands immediately to the east on Blackglen Road

- Reg. Ref. PC/H.03/25 – Planning permission granted for the construction of (Part 8 development) 129 dwellings consisting of 55 No. 1-Bed apartments, 39 No. 2-Bed apartments, 21 No. 2-Bed houses, 11 No. 3-Bed house, 2 No. 4-Bed houses, and 1 high support unit of 5 bedrooms in 7 blocks, ranging from 2 storeys to 5 storeys. The proposal provides 138 on street car parking spaces with 168 bike parking spaces, new roadways, footpaths, bin storage units, landscaping, drainage connection, pedestrian routes to Fitzsimmons Woods, related ancillary services and all associated site works at Blackglen Road, Sandyford, Dublin 18.

Lands immediately to the west on Blackglen Road

- Reg. Ref. D26A/0631/WEB – Live planning application for the construction of 31 no. residential units on land immediately to the west of subject site

5.0 Policy Context

5.1 Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028 the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The following are relevant Development Plan policies and objectives:

Policy Objective PHP18: Density – Promote Compact Growth through consolidation and re-intensification of infill/brownfield sites. It seeks to encourage higher densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenity and the established character of surrounding area, with the need to provide for high quality sustainable residential development

Policy Objective PHP19: Existing Housing Stock Adaptation – this states that it is a Policy Objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20 - Protection of Existing Residential Amenity: Seeks to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Policy Objective HER20 - Buildings of Vernacular and Heritage Interest – Retain, where appropriate, and encourage the rehabilitation and suitable re-use of older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment.

Policy CA6 (Retrofit and Reuse of Buildings) - It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and

reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES).

Chapter 12 Development Management

Section 12.3.4 refers to Residential Development – General Requirements. It sets out the general requirements relating to all housing developments including both housing and apartment developments and should be considered when designing housing developments to ensure minimum standards. Section 12.3.1.1 sets out the overall design criteria for housing.

Section 12.3.9 Demolition and Replacement Dwellings – The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. (See Policy Objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation)

The Planning Authority will assess single replacement dwellings within an urban area on a 'case by case basis and may only permit such developments where the existing dwelling is uninhabitable. Applications for replacement dwellings shall also have regard to Policy Objectives HER20 and HER2. In this regard, the retention and reuse of an existing structure will be preferable to replacing a dwelling, and the planning authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares

5.2 Relevant National or Regional Policy / Ministerial Guidelines

Sustainable Residential Development and Compact Settlements (2024)

SPPR 1 – Separation Distances

When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms¹⁶ at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

SPPR2 – Minimum Private Open Space

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 2 bed house = 30 sqm
- 3 bed house = 40 sqm
- 4 bed + house = 50 sqm

SPPR 3 – Car Parking

It is a specific planning policy requirement of these Guidelines that:

(i) In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

(ii) In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling.

(iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling

5.3. Natural Heritage Designations

The subject site is approximately 6.2km southwest from South Dublin Bay proposed NHA, Booterstown Marsh proposed NHA and European sites South Dublin Bay SAC & South Dublin Bay and River Tolka SPA and c. 5 km north of Wicklow Mountains SAC and Wicklow Mountains SPA

6.0 EIA Screening

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

7.0 The Appeal

7.1 Grounds of Appeal

The first party appeal sets out a detailed planning appeal report that includes site history, a review of planning policies and the planning authority reports. The report

includes an appended Independent Engineering Review Report. The key grounds of appeal are set out below:

(1) Structural Issues

Demolition was necessary due to unforeseen structural failure discovered during construction works. The appellant argues that the original cottage walls were only found to be structurally unsound after commencement of the previously permitted works and removal of the roof. Engineering assessments found deteriorated rubble walls, lack of proper foundations, crumbling masonry and inadequate load-bearing capacity. The appeal contends that these defects could not have been identified through normal pre-planning inspections and that demolition was required on health and safety grounds to comply with Building Regulations.

The Council wrongly dismissed professional and engineering evidence. The appeal states that DLRCC placed excessive reliance on pre-demolition photographs showing an intact dwelling while disregarding multiple expert reports prepared after the structure was exposed. The Council failed to provide any competing engineering evidence and improperly rejected the findings of the architect, structural engineer and heritage consultant. To reinforce the case, an independent engineering review concluded that retention of the exposed walls was not a safe or reasonable engineering option and that demolition was justified.

(2) Visual impact

The 2 storey dwelling will be as per the design of the house already granted permission in 2025. The appeal emphasises that the design, scale, appearance, layout and finishes of the proposed dwelling are unchanged from the previously permitted scheme under D25B/0657/WEB. The only difference is that the original walls, which were intended to be retained, must now be reconstructed owing to their structural failure. The appellant argues that once completed, the final visual outcome would be indistinguishable from the previously approved development and therefore should not be refused solely because the walls had to be removed and rebuilt.

(3) Design matters

There are no outstanding planning, technical, environmental or heritage objections to the proposal. The various DLRCC departments for drainage, transportation, environmental enforcement and indeed Uisce Éireann raised no substantive objections, while the Conservation Officer ultimately stated there were no heritage concerns. The appellant also notes that the planner accepted the dwelling was not an overdevelopment of the site and was broadly acceptable in design terms. The appeal therefore contends that demolition is the only issue in dispute and that all other planning matters support a grant of permission.

(4) Neighbouring Residential Amenity

The appellant argues the DLRCC assessment was inconsistent and potentially influenced by its adjoining Part 8 housing scheme. The appeal points out that the same dwelling design was approved in 2025 without overlooking or amenity concerns, whereas the current planner's report raised privacy concerns relating to the Council's adjoining 129-unit Part 8 development. The appellant suggests that DLRCC has taken contradictory positions on the same design and that a planning assessment should be based on merits, engineering evidence and the applicant's good-faith reliance on professional advice.

(5) Heritage matters

The dwelling was not a Protected Structure, was not located in an Architectural Conservation Area (ACA), and was not identified as a vernacular building. The appeal argues that it had no special architectural or heritage designation warranting preservation. The appeal states that the previous permission (D25B/0657/WEB) already allowed the vast majority of the building to be demolished, with only parts of the original wall structure retained and incorporated into a much larger dwelling. The appellant argues this demonstrates that the Council had already accepted that the building itself was not of significant heritage value. The architectural report submitted as part of the application concluded that the building had minimal architectural significance and that retention was not appropriate given its structural condition.

The appeal argues that the Council's concern in the previous application was primarily about compliance with retrofit and reuse policies (CA6 and PHP19) rather than protection of architectural heritage. It contends that retaining the walls was intended to satisfy sustainability objectives rather than preserve a heritage asset.

The appeal also cites the Conservation Officer's comments in the subject application, noting that any heritage value associated with the building had been lost following demolition. The appellant argues this effectively confirms that there are now no live conservation objections to the proposal.

7.2. Planning Authority Response

The Commission is referred to the planner's report. It is considered the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development

7.3. Observations

None

8.0 Assessment

- 8.1. The original dwelling and outhouses on site have been mostly demolished. The subject of the appeal is the retention of this demolition (i.e. demolition of the dwelling, boiler house and garden shed), permission for the demolition of the remaining existing porch and finally the construction of a new two storey 4 bedroom dwelling (to the exact final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB). This permission granted in February 2026 allowed for a substantial altering and extension of the pre-existing single storey cottage. It comprised a first floor extension and a 2 storey extension and effectively would have amounted to a replacement dwelling but utilising the same supporting walls of the cottage.

- 8.2 The relevant Development Plan policy objectives for this proposal have been set out in Section 5.0 of this report. Under the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to the Land Use Zoning 'Objective A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The proposed development is permitted in principle under this zoning objective subject to compliance with Development Plan policies.
- 8.3 The new 2 storey dwelling would have the same appearance, finishes and landscaping as the refurbished/extended house already granted permission in February 2026 (D25B/0657/WEB). The only difference is the method of construction. Where in that permission the refurbished dwelling was supposed to utilise the supporting walls and foundations of that cottage, now this will be a new build. Therefore, I consider design matters resolved in terms of visual impact as there is no change to layout, scale, finishes or boundary treatment.
- 8.4 Following a review of the file, assessment of the relevant planning policies and inspection of the site, I conclude that the primary concerns in this appeal are (1) Demolition Works and (2) Neighbouring Residential Amenity.

Demolition Works

- 8.5 Policy Objective CA6 relates to Retrofit and Reuse of Buildings sets out that it is the planning authority's objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. This recognises the embodied energy in existing buildings and thereby seeks to reduce the overall embodied energy in construction. The policy also states that where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be acceptable.
- 8.6 The application included a Building Condition Assessment, a Visual Inspection Report and a Architectural Heritage Impact Assessment report on the building's architectural significance. These reports are clear in concluding that the walls had no proper foundations and were of rubble construction. The structure was

incapable of safely supporting the proposed works. The building also had minimal architectural significance and was unsuitable for retention.

- 8.7 I note that, in their assessment, the planning authority relied heavily on the pre-demolition photographs and acknowledged they were unable to independently verify the condition of the building. Because the house appeared to be a complete standing dwelling, the planning authority concluded that the evidence submitted did not demonstrate that it was uninhabitable before demolition occurred. The planning authority therefore relies on Section 12.3.9 and states that replacement dwellings in urban areas may only be permitted where the existing dwelling is uninhabitable, and that the Development Plan has a strong preference for retrofit and reuse.
- 8.8 Having reviewed the planning history, I note a demolition-and-replacement house was already refused once and planning permission was only later granted in February 2026 for a significant first floor and 2 storey extension to the house (D25B/0657/WEB) because the original cottage walls were being retained. The cottage was then demolished without permission after permission was granted. The necessary structural engineering report explaining why demolition was necessary was produced afterwards. It is evident in the independent engineering review submitted with the appeal that the existing planning permission could not be constructed without removing the walls. That permission relies heavily on Policy Objective CA6 and re-using buildings where possible.
- 8.9 The planner's report appears to place significant weight on photographs showing a standing house and drawing conclusions as to its structural integrity. However, a building can appear outwardly complete yet still be structurally unsound due to foundation failure or hidden defects. I understand that the evidence for structural defects arose after demolition had begun but I consider the planning authority have erred in placing significant weight on the timing of the evidence. I am satisfied from the justification submitted in the application and appeal that the structure was uninhabitable and so the February 2026 extension permission would not have been structurally sound. I consider that only a new build construction can now facilitate this.

- 8.10 Policy Objective CA6 seeks the retrofitting or re-use of building only 'where possible'. Section 12.3.9 allows the applicant to provide a 'strong justification' for the replacement of a dwelling. This section also states that the Planning Authority will assess single replacement dwellings within an urban area on a "case by case basis and may only permit such developments where the existing dwelling is uninhabitable". The Development Plan has, therefore, intentionally allowed room for cases to be looked at on merit.
- 8.11 I conclude that the demolition of the existing dwelling and its replacement with a new dwelling is justified having regard to the structural condition of the original building, the limitations of the existing fabric, and the need to provide a safe, sustainable and energy-efficient home for long-term residential use. Engineering assessments undertaken during the course of the works identified that the original rubble stone walls were unsupported by adequate foundations and were incapable of safely carrying the structural loads associated with either significant retrofit or integration into the previously approved development. Retention of the existing structure would therefore have required extensive intervention and reconstruction to such a degree that little meaningful original fabric could have been preserved. In these circumstances, the proposed replacement dwelling represents the most appropriate and sustainable solution, providing a high-quality residential building that accords with contemporary Building Regulations, energy performance standards and climate action objectives.
- 8.12 Furthermore, the site will remain in established residential use in accordance with the zoning objectives. The replacement dwelling reflects the same scale, massing and character of development previously accepted in principle by the Planning Authority. Subject to an assessment of the impacts on residential amenity, it is submitted that the replacement of the former dwelling is warranted by the exceptional structural constraints identified on site and constitutes an appropriate form of development that is consistent with the proper planning and sustainable development of the area. The proposal for a modern, longer-lasting and energy efficient dwelling in a residential area, in line with compact growth policy, is a

relevant consideration. The retention of the works and the proposed development would, in my opinion, accord with Policy Objective CA6 of the Development Plan.

Neighbouring Residential Amenity

- 8.13 Planning permission Reg. Ref. D25B/0657/WEB sets the design parameters for the proposed new dwelling, although now the dwelling will be constructed in its entirety and not using the supporting walls and structure of the dwelling. The residential amenity for future residents is acceptable as the floorspace and amenity space have not changed from the approved design.
- 8.14 The appeal emphasises that the design, scale, appearance, layout and finishes of the proposed dwelling are unchanged from the permitted extension in February 2026 under D25B/0657/WEB. The main difference is that the original walls, which were intended to be retained, must now be reconstructed owing to their structural failure. The appellant argues that once completed, the final visual outcome would be indistinguishable from the previously approved development and I agree that there would be no visual impact.
- 8.15 I note the planning authority had concern about potential overlooking. The planner's concern relates to the approved adjacent Part 8 housing scheme (PC/H/03/25), which will deliver 129 homes on lands to the east and north of the site. The proposed first-floor rear hallway and bathroom windows could overlook private amenity spaces associated with future homes within Block D of the Part 8 development. The planner notes that there was no clear indication that these windows would be permanently fitted with obscure glazing, which could have reduced privacy concerns.
- 8.16 The planner's report was concerned about 2 no. first-floor windows serving Bedroom 3 and its en-suite bathroom on the eastern elevation. This would overlook the rear gardens of the terraced dwellings in Block E of the neighbouring Part 8 development. The bedroom window is approximately 2 metres from the boundary and 10 metres from the rear windows of these properties. I agree that it

has the potential to overlook private amenity space associated with future residents of Block E.

- 8.17 While the first floor bathroom window at this elevation can have obscure glazing, Bedroom 3 is a habitable room so any such glazing would impact on the quality of life for that room. I note the planning authority would have requested revised window layouts ordinarily. However I note that a south-facing window can easily serve this bedroom if the internal 'office' wall is removed from the floor plans. This can be requested by way of condition. As this elevation is south-facing, sufficient light will serve this bedroom. The obscured glazing for the en-suite can also be requested by way of condition should the Commission be minded to grant permission.
- 8.18 The appeal refers back to planning permission for the extended dwelling (D25B/0657/WEB) and notes the proposal follows the same house design and window arrangement that was previously approved under this permission. It quotes the earlier planning authority's conclusion that it would not adversely impact on the residential amenity of adjacent properties, including in respect of overbearing impact, overlooking or overshadowing. I consider that the overlooking is isolated to once instance. However, as it falls below 16 metres with no mitigation proposed, it is potentially severe impact that would not comply with SPPR 1 of the 2024 settlement guidelines and this should still be resolved by planning condition. The proposed dwelling meets all minimum design standards and there is, on balance, a general acceptable level of amenity for future residents.
- 8.19 I note the planning application Reg. Ref. D26A/0631/WEB for 31 residential units on lands to the west of the site is currently under determination. However, I can see at least 25 metres distance between the subject property and the nearest residential dwelling and significant boundary treatment between the two sites. Therefore this would comply with SPPR 1 of the 2024 settlement guidelines and I have no further concerns.
- 8.20 Overall, notwithstanding the above, I am satisfied with the level of amenity provided for future residents and the relationship between the proposed dwelling

and neighbouring properties including any potential forthcoming development would be in accordance with Policy Objective PHP20 and the provisions of Section 12.3.7 of the Development Plan.

Other Matters

- 8.21 In terms of heritage matters, I note that the dwelling was not a Protected Structure and was not located in an Architectural Conservation Area (ACA) nor was it identified by the planning authority as a vernacular building of interest. The appeal argues that it had no special architectural or heritage designation warranting preservation. I am satisfied that there was no heritage value in the structure, given the previous permission (D25B/0657/WEB) already allowed the vast majority of the building to be demolished and that the architectural report submitted as part of the application concluded that the building had minimal architectural significance and that retention was not appropriate given its structural condition.
- 8.22 Overall, the proposed new dwelling development would not appear visually intrusive from Black Glen Road and would not impact on the amenity of the surrounding residential properties to such an extent that would cause significant harm. The proposed new design would match the scale and character of the surrounding one-off dwellings and would be keeping with the residential character of the area. The demolition is deemed necessary for the development permitted under D25B/0657/WEB and I find the retention of these works acceptable following strong justification included with the application and appeal. The proposed development would comply with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, in particular with Section 12.3.9, Policy Objective PHP19, Policy Objective PHP20 and Policy Objective CA6 and would accord with the proper planning and sustainable development of the area.

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 approximately 6.2km southwest from South Dublin Bay SAC & South Dublin Bay and River Tolka SPA and c. 5 km north of Wicklow Mountains SAC and Wicklow Mountains SPA
- 9.2. The proposed development comprises retention permission for demolitions works comprising the original dwelling, boiler house, & garden shed and permission for (i) demolition of an existing porch, (ii) construction of a new two storey dwelling (to the final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB) & (iii) associated site works at Mountain View, Blackglen Road, Sandyford, Dublin 18, D18N2C0. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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:
- Nature of works
 - Location in an established residential area
 - Lack of connections to nearest European sites
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located at Mountain View, Blackglen Road, Sandyford, Dublin 18, D18N2C0 approximately 200 metres north of Carrickmines Stream.
- 10.2 The proposed development comprises retention permission for demolitions works comprising the original dwelling, boiler house, & garden shed and permission for (i) demolition of an existing porch, (ii) construction of a new two storey dwelling (to the final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB) & (iii) associated site works. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works
 - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission and retention permission be granted

12.0 Reasons and Considerations

12.1 Having regard to residential zoning of the site, the established pattern of development in the area and the poor structural and uninhabitable condition of the existing dwelling on the site, it is considered that the proposed development would be in accordance with Policy Objective CA6 and Section 12.3.9 of the Dun Laoghaire-Rathdown County Development Plan by reason of a strong justification for demolition and replacement and would not seriously injure the visual or residential amenities of the area or of properties in the vicinity. The proposed development 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, 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 glazing to the bathroom and en-suite windows at the eastern elevation ground floor and first floor 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.

3. The proposed development shall be amended as follows:
 - (a) The window serving the first floor bedroom on the eastern elevation ('Bedroom 3') shall be omitted from the drawings
 - (b) The internal office room on the eastern wing of the first floor shall be omitted from the drawings and replaced with 'Bedroom 3'
 - (c) Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage

5. All necessary measures should be taken by the applicant and contractor to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

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

Reason: In the interest of amenities, public health and safety and environmental protection.

6. 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.

7. Site development and building works shall be carried out between the hours of 7:00 am to 6:00pm Mondays to Fridays inclusive, between 8:00am to 2:00pm on Saturdays and not at all on Sundays and public holidays. Deviation from these

times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

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

Killian Harrington
Planning Inspector
29 August 2026

Appendix A: Form 1 EIA Pre-Screening

Case Reference	PL-501722-DR-26
Proposed Development Summary	(1) Retention permission for demolitions works comprising the original dwelling, boiler house, & garden shed: & (2) Permission for (i) Demolition of an existing porch, (ii) The construction of a new two storey dwelling (to the final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB) & (iii) Associated site works
Development Address	Mountain View, Blackglen Road, Sandyford, Dublin 18, D18N2C0.
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

1. Is the proposed development of a CLASS specified in <u>Part 2</u>, 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)	Class 10(b) of Part 2 (dwelling units) Proposed development of 1 no. residential unit is substantially below the 500 dwelling unit threshold in Class 10(b)
2. 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: 29 August 2026

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	PL-501722-DR-26
Proposed Development Summary	(1)Retention permission for demolitions works comprising the original dwelling, boiler house, & garden shed: & (2) Permission for (i) Demolition of an existing porch, (ii) The construction of a new two storey dwelling (to the final design & finishes permitted by permission Reg. Ref. D25B/0657/WEB) & (iii) Associated site works
Development Address	Mountain View, Blackglan Road, Sandyford, Dublin 18, D18N2C0.
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development of 1 no. dwelling has a modest footprint, comes forward as a standalone project, with minor demolition works relating to an existing dwelling, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an established urban area on serviced lands in Dublin and is not in close proximity to designated sites and landscapes of identified significance in the County Development Plan.

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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its urban 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:** 26 August 2026

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

(only where Schedule 7A information or EIAR required)