



An
Bord
Pleanála

Inspector's Report ABP-321513-24

Development	Construction of a single storey house and all associated site works.
Location	Site Adjacent to 39 & 41A Edenmore Crescent, Raheny, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4347/24
Applicant(s)	Eamonn Morris
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Stephen Dodrill
Observer(s)	N/A
Date of Site Inspection	1 st of February 2025
Inspector	Tomás Bradley

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

The site is located on a plot of land adjacent to 39 and 41A Edenmore Crescent, Raheny, Dublin 5. The site of 203 metres², which is understood to originally be part of No. 39, is currently enclosed by a brick wall and in grass.

No. 39, which sits directly south of the plot, is a two storey end of terrace dwelling which was extended at some stage in the past into the garden. No 41A is also a two storey end of terrace dwelling and appears to be an extension to No. 41 but sits on its own plot of land.

The predominant type of residential dwelling on Edenmore Crescent are two-storey terraced dwellings. Many have had alterations to the front facades with porches. Several corner landholdings have had extensions to the original residential dwelling.

Edenmore Crescent is a local road opposite a local park. The plot would have access onto a cul-de-sac road which leads to other residential dwellings of a similar type. Raheny Dart Station is approximately 700 metres away.

2.0 Proposed Development

The proposed development consists of construction of new infill single storey, two bedroom detached house plus all associated site works including new vehicle entrance.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided on the 6th of December 2024 to grant planning permission subject to twelve conditions. All conditions are considered standard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 22nd of November 2024 includes:

- details of the planning history of the site, adjoining properties and other example in the neighbouring area. The report also considers several interdepartmental

reports, submissions and observations which are opposed to the proposed development and the relevant policy and standards for such a development.

- the planning assessment which considers the principle of proposed development; residential and visual amenity; access, movement and parking; services and drainage.

The report recommends that permission be granted having regard to the zoning objectives and pattern of development in the area. Subject to compliance with the conditions, the development would not seriously injure the amenities of the area or property in the vicinity.

3.2.2. Other Technical Reports

- The **Drainage Division** report dated 27th November 2024 does not raise any material issues subject to the applicant complying with the Greater Regional Code of Practice for Drainage Works and incorporating a Sustainable Drainage System and other conditions to ensure management of all waters on site.
- The **Transportation Planning Division** report dated 26th of November 2024 were satisfied with the proposed development subject to the attachment of conditions related to the width of the entrance and dishing of the footpath. .

3.3. Prescribed Bodies

There are no prescribed body submissions in respect of this case file.

3.4. Third Party Observations

Several observations were made to Dublin City Council, largely opposed to the proposed development on the basis of the visual impact and road safety concerns.

4.0 Planning History

There is no recent application in respect of the site. However, in 2006, planning permission was sought under Ref: 3504/05 to develop this plot of land for two, two storey semi-detached houses - this application was refused. Following this No 41A was then developed under a planning permission (Ref: 1756/07) which was granted in 2007. This left the subject plot undeveloped.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant plan for the subject site. The site is zoned 'Zone Z1 Sustainable Residential Neighbourhood'. The general objective for such areas is "to protect, provide and improve residential amenities'.

Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing and Sustainable Neighbourhoods) of the plan. Of particular note is QHSN6 Urban Consolidation where it sets out the policy to "promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, back land development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation".

This policy is balanced by QHSN10 Urban Density which seeks to "promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area". There is also support found in QHSN04 Densification of Suburbs.

The particular standards for infill/side garden developments are set out in Section 15 including

- 15.5.2 Infill Development
- 15.11 Housing Developments
- 15.11.2 Aspect, Daylight/Sunlight and Ventilation
- 15.11.3 Private Open Space
- 15.13.3 Infill /Side Garden Housing Developments.
- Appendix 16 Daylight and Sunlight
- Appendix 5 Appendix 5 Transport and Mobility: Technical Requirements

The plan considers that developments “when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.”

5.2. Natural Heritage Designations

There are no relevant natural heritage designations in respect to the subject site.

5.3. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

An Appeal Form lodged on the 19th of December 2024 included the following grounds:

- The proposed development would have a significant impact on the visual character and prospects in the cul-de-sac. The site is highly open in nature
- The proposed development would be overbearing and overshadow No. 41A as well as other properties on the cul-de-sac.
- The proposed development is incongruous and fails to comply with Section 15.13.3 Infill/Side Garden developments and breach the established building line.
- The building line for the proposed development cannot be justified on the basis of porches on the terrace.
- The decision of Dublin City Council does not address the objections raised and the proposed development represents an overdevelopment of the site.
- The site has already benefited from extensions and a new dwelling in the form of No. 41A (which was in addition to No. 41)
- It is unclear from the decision of Dublin City Council whether the proposed development is justified on the basis of an infill or side garden development.

- This is a new housing type, being single story and detached, and is not in keeping with the established character and pattern of development.
- The garden falls short of the minimum quantum for open space as set out in Section 15.1.3. of the plan.
- The decision of Dublin City Council is based lack any objectivity and dismissing valid objections made.
- The comparisons to Edenmore Grove and Edenmore Gardens are not correct particularly in relation to positioning and building lines.
- There is a significant number of planning conditions that undermine the plans and particulars submitted. The public have no recourse to review these.
- Overall, the proposed development on the site would be contrary to the zoning objective to improve residential amenities of the area. The development would set a dangerous precedent for similar developments.

6.2. Planning Authority Response

A response was received from Dublin City Council on the 14th of January 2025. It refers the Board to the Planning Report on file but also requests that the decision be upheld and conditions related to development contributions and naming and numbering of the dwelling be included in any grant of permission.

6.3. Observations

No observations were made to An Bord Pleanála in respect of the appeal.

6.4. Further Responses

A response was received from O'Neill Town Planning on behalf of the applicant on the 20th of January 2025. It included the following:

- The proposed development represents a logical solution for this underused and vacant site. The applicant has had regard to other precedents in area.
- The applicant is of the view that it complies with all national and city policies, plans and guidelines and considers each in detail.
- The proposed development balances reasoned protection of amenities and privacy and protection of character with the need to provide infill developments.

- The applicant agrees with the planning assessment of Dublin City Council and brings the Board's attention to certain parts of it which support the development.
- The applicant refuses all grounds raised by the appellant, responding to each ground directly.
 - The proposed development keeps with the building line on the elevation to the crescent and breaks it on the cul-de-sac. However, the projection forward is modest and has no material impact on the visual amenities.
 - There would be no overlooking, overbearance or over shadowing on any other property.
 - The house type is different to that existing in the area but this is only to ensure the proposed development can assimilate into the character of the area.
 - Conditions of planning permissions are both normal and necessary in the planning process.
 - The proposed development will contribute to the serious and significant shortage of housing stock in the Dublin region.

7.0 Assessment

Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the key issues in this appeal are those raised in the grounds of appeal and in particular compliance with development standards.

7.1. Principle of Development

The site is zoned 'Zone Z1 Sustainable Residential Neighbourhoods'. The general objective for such areas is 'to protect, provide and improve residential amenities.' Furthermore, Policy QHSN6 Urban Consolidation and QHSN10 Urban Density and Objective QHSN04 of the development plan support the development of such infill developments subject to compliance with relevant standards. The principle of residential development is accepted within this zoning objective subject compliance with the Dublin County Development Plan 2022-2028.

7.2. Infill/Side Garden Housing Developments (Section 15.13.3)

The Dublin City Development Plan 2022-2028 Section 15.13.3 Infill/Side Garden Housing Developments specifies that the provision of additional residential units in side gardens will be generally supported subject to relevant development plan standards set out in the same section.

A development in infill/side gardens must be assessed in relation to the character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings, quality of design and layout, the adequate provision of car parking, open space and landscaping and the impacts upon the residential amenities of adjoining sites.

The proposed development seeks to provide a single storey, two bedroom dwelling within the garden. It is contended by the applicant that there are numerous similar developments within the area, notably on Edenmore Grove and Edenmore Gardens. The appellant does not consider the comparisons to Edenmore Grove and Edenmore Gardens as representative of the site particularly in relation to positioning and building lines.

It is noted that these examples have resulted in the building lines being broken at these specific locations. The proposed development would break the building line on the cul-de-sac and result in a slight recess on Edenmore Crescent. The building line on Edenmore Crescent and the cul-de-sac remains relatively intact, except for some single storey porches to the front.

I would agree with both Dublin City Council and the applicant that the proposed development would not seriously injure visual amenity of the area or indeed the character of the street. The precedent set on Edenmore Garden which is most comparable to the subject site demonstrates this and, in my view, does not overbear on the street and maintains the open nature due to its single storey design. While the building line will be broken, it will only be at ground floor level only which maintains the building line of the existing terrace (41A to 47) at the first floor level. The detached nature of the dwelling along with the pitched roof allows it to be read separately but in coherence with the existing character of the area.

The amenity impact to No. 41A, due to its proximity, is more immediate than the impact to dwellings in the wider cul-de-sac. but given the proposed development will largely impact its north facing front garden, the impact in terms of overbearance and overshadowing is considered acceptable. I take a similar viewpoint to Dublin City Council in terms of the west facing façade of the proposed development which, at single storey would have minimal visual impact on No 41A or the wider cul-de-sac. While the site has already benefited from extensions and a new dwelling in the form of No. 41A (which was in addition to No. 41) and a two storey extension to No. 39. There remains sufficient space for an additional dwelling on what is an underutilised site to the front and side of a house.

I agree with the assessment of Dublin City Council in respect of the wall heights between No. 41A and the subject site. It should be reduced to the front and only rise at the rear to provide privacy to the rear garden. A conditions to agree this is attached should the Board be minded to grant planning permission. This conditions shall also ensure side entrances do not project further than the front of No 41A.

I am satisfied that the proposed development meets the minimum standards set out in the *Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities*. While the private open space does fall short of the Section 15.11.3 of the development plan which requires 60-70 metres² to the rear. On the basis of a qualitative analysis (which allows for standards to be relaxed) the provision of 40 metres² would be sufficient for a two bedroom house on this constrained site. The Board can also opt to justify the quantum of open space based on SPPR 2 - Minimum Private Open Space Standards for Houses as set out in the *Sustainable and Compact Settlements - Guidelines for Planning Authorities* which sets the minimum as 30 metres² for a two bedroom house.

While the garden is south facing, it will not receive much direct sunlight due to the gable of No. 39 (which blocks sun from the south) and No 41A (which blocks sun from the west). It will however receive some easterly sunlight. While this is not optimum, it is still useable space. The occupier(s) will also have immediate access to a large park area to the east. On this basis I am satisfied it meets the need of the proposed development and the requirements of the development plan.

Dublin City Council's recommendation and condition to move the dwelling 1 metre east is not feasible in my opinion and will result in the bathroom window being located immediately at the boundary with No. 39 and its garden. Whether this garden is used or not, I have opted to omit this condition in order to protect amenity on both sides and maintain the 1.1 metre separation as designed. I am satisfied that there remains no undue impact to the amenity of No 41A given it is its front garden only that will be impacted. I have maintained the condition that this window shall be kept opaque in perpetuity.

The requirements of both the transportation and drainage division are noted in respect of entrances and disposal of water. A condition to respect has also been included in the schedule below should the Board be minded to grant planning permission. I have also included a condition that no other structures and changes shall be made under the exempted development provision to ensure the open space is maintained.

The appellant raises the difference as to whether this is a side garden or infill development. I am satisfied they are one in the same and in any case are subject to the same assessment criteria.

In conclusion, while the design of the proposed development is not considered overly inspiring relative to other infill development across the city which have come before the Board, it does, at a basic level, meet the criteria of the plan in terms of character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings and quality of design and layout. The design and layout incorporate the site's key features, respond to the receiving area and adjacent properties, thereby being an appropriate basis for the design rationale.

Overall, I am conscious this proposed development, if granted, may propagate the precedent in this area of developing such corner plots (of which there are several in Edenmore). However, on the basis of having viewed Edenmore Gardens and Edenmore Grove, I am satisfied it is an appropriate precedent to maintain on such sites on large, underutilised side gardens and in an area where housing is in demand.

7.3. Other Issues

There is issue raised about how Dublin City Council has assessed the planning application including objectivity in its assessment and consideration of submissions. While these are noted, the issue of whether they are relevant or not is now largely immaterial. Dublin City Council's statutory powers in respect of the planning application has ceased. Those who made observations have exercised their right of third party appeal. It is now the duty of the Board to administer the application and consider it *de novo*.

The concern in relation to a significant number of planning conditions is noted. The appellant is of the view they undermine the plans and particulars submitted and the public have no recourse to review these. I would agree with the applicant in this regard that conditions are normally applied in the course of granting a planning permission. I am satisfied there is no conditions which undermine the plans and particulars so as to make the proposed development illegible to what was submitted. All conditions are agreeing minor design details to ensure satisfactory completion of the development.

8.0 Appropriate Assessment Screening

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

The subject site is located on zoned and serviced lands within an established residential area in Dublin City. The subject site is located proximate to the North Dublin Bay SAC (Site Code 000206) and North Bull Island SAC (Site Code 004006).

No nature conservation concerns in respect of Appropriate Assessment were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be excluded from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The minor nature of the development to be retained.
- The location-distance from the nearest European Site and lack of connections.
- Taking into account the screening report/ determination by the PA.

I conclude that on the basis of objective information, the proposed development to be retained 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.

9.0 Recommendation

The proposed development is considered to be consistent with the Dublin City Development Plan 2022-2028 and the proper planning and development of the area. It is recommended that planning permission be granted.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, in particular Section 15.13.3 Infill / Side Garden Housing Developments, and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions below, the development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 applicant shall comply with the following requirements to the written satisfaction of the planning authority:

- a. The rear garden walls shall be 1.8 metres in height, all other front garden walls shall be 1. Metres in height. All walls shall be block walls capped and rendered, on both sides.
- b. The proposed side gates shall not project further forward than the existing neighbouring property no.41A Edenmore Crescent
- c. The glazing to the bathroom window 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.
- d. The vehicular entrance shall be a maximum 3.0m in width and shall not have outward opening gates.
- e. Details of all other materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

- 3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

- 4. Proposals for house numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of urban legibility.

- 5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 6. The developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health.

7. 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.

8. 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 Bord 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.

Professional Declaration

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.

Tomás Bradley,

Senior Planning Inspector

4th of February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321513-24		
Proposed Development	A single storey house and all associated site works.		
Development Address	Adjacent to 39 & 41A Edenmore Crescent, Raheny, Dublin 5		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) (infrastructure – Dwelling Units)	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	EIA Mandatory EIAR required
No	X	N/A	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321513-24
Proposed Development	A single storey house and all associated site works.
Development Address	Adjacent to 39 & 41A Edenmore Crescent, Raheny, Dublin 5
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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 proposed development involves the construction single storey, two bedroom detached dwelling with associate vehicular access and parking. The standalone development has a modest footprint and 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 and scale, 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).	The development is situated in a suburban area of Dublin City on a garden plot at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the Dublin City Development Plan 2022-2028.		
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 relative to 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	Yes or No	
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No	
There is a real likelihood of significant effects on the environment.	EIAR required.	No	

Inspector:

Date: