



An
Coimisiún
Pleanála

Inspector's Report

ABP-322074-25

Development	Demolition of house and construction of a medical centre, together with all associated works.
Location	Saint Anne's, 73 Lower Kilmacud Road, Stillorgan, Co. Dublin, A94 KR64
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/1017/WEB
Applicant(s)	Stillorgan Medical Centre
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stillorgan Medical Centre
Observer(s)	Anthony O'Loughlin
Date of Site Inspection	12 June 2025
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site, 73 Lower Kilmacud Road, is a corner site located at the junction of Beaufield Park and Lower Kilmacud Road in Stillorgan, Co. Dublin. The site measures c. 490 sqm, and contains a single-storey detached house, a garage, and a shed. There is vehicular access to the garage in the rear garden, from Beaufield Park, and pedestrian gates both to the side boundary to Beaufield Park, and to the front, to the Lower Kilmacud Road. The site rises from south to north, with steps from the front gate to the house, and from the house to the raised rear garden.
- 1.2. The Lower Kilmacud Road at this point is made up of the main carriageway to the south for through-traffic, with an access road giving access to Beaufield Park and the adjacent houses and premises. A pocket park is located between the main carriageway and the access road.
- 1.3. The site is bordered by 75 Lower Kilmacud Road to the west, a single-storey house of similar character, and by 61 Beaufield Park to the north, a two-storey house. Beaufield Park is a cul-de-sac housing estate of some 60+ houses, with pedestrian access to Oatlands primary and secondary schools to the north.
- 1.4. The site is located c. 200 metres from the Stillorgan Village Shopping Centre, and from the current location of the applicants' medical practice, which is located in the parade of shops opposite the shopping centre. The overflow car park for the shopping centre, with some 180 spaces, is located 50 metres south-east of the site as the crow flies, or a 250 metre walk via the pedestrian crossing.

2.0 Proposed Development

- 2.1. The proposed development is as follows:
 - Demolition of the house (c. 110 sqm, with c. 15 sqm attic conversion), garage (c. 13 sqm) and shed (c. 7 sqm)
 - Excavation of the site and reduction in site levels.
 - Construction of a two-storey medical centre of 329 sqm with 6 consulting rooms, ancillary offices and meeting rooms, and a pharmacy.

- Widening of the vehicular entrance on Beaufield Park from c. 2.7 metres to 4.0 metres (including the removal of a street tree)
- Provision of four car parking spaces (one universally accessible, one with EV charging)
- Provision of cycle parking (6 spaces), bin storage, landscaping, and all associated works

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reasons:

1. The site is located within Zoning Objective A 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. The proposed development for the demolition of the existing dwelling known as "Saint Annes", and to replace same with the construction of a 2 storey building accommodating a medical / GP practice and pharmacy, fails to accord with Section 12.3.2.6 Health Care Facilities of the Development Plan (2022-2028) that allows for small scale medical practices in residential areas and requires an area of circa 45% of the floor area of the unit to be in use as living accommodation. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of this area.

2. It is considered that the Applicant has not provided an adequately robust justification for the demolition of the existing dwelling at the subject site to facilitate the construction of a medical/GP practice/pharmacy. It is considered that the proposed development is not compliant with Policy Objective CA6 and the requirements of Section 12.3.9 of the County Development Plan 2022-2028, where retrofit is prioritised, and it is also stated that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable. The development, if granted permission, would set an undesirable and negative precedent for similar demolition of habitable dwellings in their entirety in the local area and the wider County, and would not be in accordance with the proper planning and sustainable

development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report noted the context of the site; the third party submissions; the departmental reports; and the development plan policy context. It noted that sufficient justification was not submitted for demolition of the house, and that the proposal would not comply with Section 12.3.2.6 of the Development Plan regarding Health Care Facilities, as it was not a small practice in a partly residential building, as normally required in the A zoning. It noted the negative impacts of overspill parking and traffic generation, as well as impacts on the character of the streetscape, and recommended a refusal.

3.2.2. Other Technical Reports

- Drainage Planning – no objection, subject to conditions on the detail of the green roof, the rain garden, the hardstanding areas, and surface water runoff
- Transportation Planning – no objection subject to conditions on revised design of vehicular entrance to increase visibility; on provision of showers for cyclists; on implementation of the Construction Environmental Management Plan (CEMP) and the outline Construction Traffic Management Plan (CTMP), and the Workplace Travel Plan (WTP); and avoiding damage to the public roads. The car parking provision was considered acceptable, given the quantum of publicly accessible car parking (c. 310 spaces within 200 metre radius) and the proximity to bus services.
- EHO – a detailed CEMP and a Resource & Waste Management Plan requested as Further Information.
- Environmental Enforcement Department – conditions recommended in the event of a grant, including the implementation of the submitted CEMP and the submitted Operational Waste Management Plan; and the submission and implementation of a Public Liaison Plan and a Pest Control Plan.

3.3. Prescribed Bodies

No reports on file.

3.4. Third Party Observations

Fifteen third party observations were submitted. These raised concerns in the main regarding traffic, including congestion and queuing; overspill parking; illegal and antisocial parking; and road safety. Concerns were also raised regarding the scale of the building; the change from residential to commercial use; the accuracy of submitted information; contravention of the Development Plan regarding the siting of medical practices of this size; and removal of mature hedging and the street tree.

4.0 Planning History

The planner's report notes the following permissions:

- 61 Beaufield Park Stillorgan (site immediately to north)

D18A/1030 – permission granted for demolition of single-storey house and construction of two-storey house.

- St Patrick's Cottage, 21 Beaufield Park (within estate)

D17A/0744 – permission granted for demolition of 4-bed house and construction of 5-bed house.

Other applications of note in the vicinity:

- Stillorgan Village Centre including overflow car park

D23A/0424 – permission granted for introduction of paid parking with associated ticket machines and signage. Not yet implemented.

5.0 Policy Context

5.1. Eastern & Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031

- 5.1.1. The following regional policy objectives (RPOs) of the RSES are considered relevant to this appeal:

Consolidation and Re-Intensification RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

Provision of Health Services RPO 9.23: Facilitate the development of primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with RSES settlement strategy and core strategies of development plans.

5.2. Dun Laoghaire-Rathdown County Development Plan 2022-28

- 5.2.1. The zoning objective for the subject development site is “A”: *To provide residential development and improve residential amenity while protecting the existing residential amenities. ‘Doctor/Dentist etc.’ is permitted in principle as a land use in this zoning, as is Health Centre/Healthcare Facility, both with the following footnote “[w]here the use will not have adverse effects on the ‘A’ zoning objective, ‘to provide residential development and improve and improve residential amenity while protecting existing residential amenities’.”.*

- 5.2.2. ‘Shop Neighbourhood’ is open for consideration.

- 5.2.3. Chapter 3 deals with Climate Action.

Policy Objective CA5: Energy Performance in Buildings

It is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock.

Section 3.4.1.2 Policy Objective 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).

With 30% of construction related emissions locked into the completed building as 'embodied carbon' priority should be given to repairing and re-using existing buildings in preference to demolition and new-build. This policy objective is again in line with the targets of the DLR CCAP. For new build and repair or retrofit, the Planning Authority will support the use of materials that are sustainably sourced and the reuse and recycling of existing materials wherever possible.

Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority (See also Section 12.3.9. Demolition and Replacement Dwellings).

Chapter 4 Neighbourhood – People, Homes, and Place has the following relevant Policy Objective.

4.2.1.1 Policy Objective PHP2: Sustainable Neighbourhood Infrastructure

It is a Policy Objective to:

- Protect and improve existing sustainable neighbourhood infrastructure as appropriate.*
- Facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users consistent with RPO 9.13 and RPO 9.14 of the RSES.*
- Encourage the provision of multi-functional facilities, space and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.*

4.2.1.2 Policy Objective PHP3: Planning for Sustainable Communities

It is a Policy Objective to:

- *Plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’ and any amendment thereof.*
- *Ensure that an appropriate level of supporting neighbourhood infrastructure is provided or that lands are reserved for Sustainable Neighbourhood Infrastructure (SNI), in conjunction with, and as an integral component of, residential development in new residential communities as identified in the Core Strategy (see Figure 2.9, Chapter 2).*
- *Identify, provide and/or improve (as appropriate) supporting sustainable neighbourhood infrastructure in tandem with residential development in renewal/redevelopment areas and existing residential neighbourhoods.*
- *Create healthy and attractive places to live consistent with NPO 4 of the NPF and RPO 9.10 of the RSES.*

4.2.1.8 Policy Objective PHP9: Health Care Facilities

It is a Policy Objective to:

- *Support the Health Service Executive and other statutory and voluntary agencies in the provision and/or improvement of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health and wellbeing facilities.*
- *Encourage the integration of appropriate healthcare facilities within new and existing communities.*

Policy Objective PHP19: Existing Housing Stock - Adaptation

It is a Policy Objective to:

- *Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.*
- *Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

Chapter 12 gives detailed guidance on Development Management.

Section 12.2.1 Built Environment states

The Planning Authority will encourage and promote the repair, retrofitting and reuse of buildings in preference to their demolition and reconstruction where possible (Refer also Section 12.3.9 Demolition and Replacement Dwellings). Where this cannot be achieved, the Planning Authority will support the use of sustainably sourced building materials and the reuse of demolition and excavated materials.

Section 12.3.2.6 Health Care Facilities sets out detailed guidance as follows:

The Planning Authority will distinguish between small-scale medical practices involving one to two principals (i.e. doctor/dentist/physiotherapist owning the business) with a maximum of one to two employees, and larger medical practices accommodating two or more medical practitioners and two or more support staff.

The Planning Authority will consider on their own merits, any applications for the establishment of small-scale medical practices, or the extension/ refurbishment of existing small-scale medical practices, in residential areas. Applications should involve professional medical (commercial) activities carried out by the resident of the building or, the premises should incorporate an otherwise occupied living unit. The living accommodation should comprise a minimum of circa 45% of the overall building floor area. The operation of these premises shall not have negative impacts on the residential amenities of the surrounding area. Parking and access arrangements shall be as per the Transportation Section's requirements, while parking areas shall not dominate the front curtilage of the property in contrast to adjoining dwellings and shall be similarly landscaped.

Medical practices in residential areas should normally be additions to the existing residential use of a dwelling and be subordinate to it in most cases. Similar to childcare facilities in residential areas – small-scale medical practices should ideally be in larger, and detached houses on their own grounds and with suitable and convenient access for those arriving by car, foot or public transport.

Larger scale and group medical practices should normally only be located in Neighbourhood, District and Major Town Centre zonings. They should not have negative impacts in terms of generating overspill of car parking, traffic hazard, negative impact on adjoining residential uses, and should complement the existing uses and buildings and should have only modest signage.

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).

Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

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.

Table 12.5 Car Parking Zones and Standards sets out that in Zone 2 (Near Public Transport) the maximum car parking provision for medical facilities is 2 spaces per consulting room.

Section 12.4.6 Cycle Parking states that cycle parking should accord with Standards for Cycle Parking and Associated Cycling Facilities for New Development a council document from 2018 which sets out detailed standards for cycling parking, including 1 visitor cycle parking space per 2 consulting rooms, and 1 long-stay cycle parking space per 5 staff.

Chapter 13 Land Use Zoning Objectives includes the following definitions at Section 13.2. Definition of Use Classes:

Doctor/Dentist, etc. Use of part of the dwelling house in which the Practitioner resides for the provision of medical or professional services. Group practices are excluded from this definition.

Health Centre / Healthcare Facility A building or part thereof or land used for the provision of local medical, dental, prophylactic or social assistance services for the local community and including group practices and clinics, primary care centres,

*mental health and wellbeing facilities and other complementary medical services.
(The above relates to out-patient services only - see Hospital for in-patient services).*

Shop – Neighbourhood A neighbourhood shop is one which primarily serves a local community and does not generally attract business from outside that community. They will primarily serve a ‘walk-in’ population and will typically have limited carparking.

Shop - Specialist A single retail unit which sells specialised merchandise.

5.3. Stillorgan Local Area Plan 2018-2024

- 5.3.1. It is noted for clarity that the site does not lie within the area covered by this Local Area Plan.

5.4. Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA 004024 – 2.3 kilometres
- South Dublin Bay SAC 000210 – 2.3 kilometres
- South Dublin Bay pNHA 000210 – 2.3 kilometres
- Fitzsimon’s Wood pNHA 001753 – 2.8 kilometres

5.5. 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.

5.6. Water Framework Directive Screening

- 5.6.1. The subject site is located in a built up area in the Greater Dublin Area, c. 650 metres west of the Brewery Stream, within the Brewery Stream_010 sub basin

(IE_EA_09B130400). The site is located on top of the ground water body Kilcullen (IE-EA-G-003).

- 5.6.2. The proposed development comprises the demolition of a house and construction of a medical centre and associated works.
- 5.6.3. No water deterioration concerns were raised in the planning appeal.
- 5.6.4. 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.
- 5.6.5. The reason for this conclusion is as follows:
- the small scale and nature of the development
 - the distance from the nearest water bodies and the lack of hydrological connections
- 5.6.6. 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.

6.0 The Appeal

6.1. Grounds of Appeal

One appeal has been received, on behalf of the applicant, against the refusal. Issues raised are as follows:

- The proposal complies with Development Plan policies and guidance, and the uses are permitted in principle or open for consideration (pharmacy is classified as shop neighbourhood) in the zoning. There is no prohibition on larger medical

practices in residential areas; the preference for smaller medical practices incorporated into residential homes in residential areas as stated at 12.3.2.6 is a preference, not a prohibition on larger practices. The planner's report has inappropriately focused on the requirements for smaller practices, while larger practices are permitted in principle in the zoning.

- The planner's report notes that alternative sites in the District Centre zoning would be a more appropriate location. The applicant has been seeking new premises since covid restrictions were lifted, and has been unsuccessful in securing same, despite making serious enquiries on a number of sites zoned District Centre and Neighbourhood Centre in Stillorgan, including two former bank buildings. In any case, the zoning of the proposed site is appropriate.
- The provision of a medical centre on a brownfield site close to Stillorgan Village and public transport is an efficient use of land, and will ensure there is no loss of essential local services for the existing 700 patients of the practice. The proposed design has accessible parking, ground floor consulting rooms, and a wheelchair accessible toilet, none of which the current premises has. The increased accommodation will allow expansion of the practice, which currently has a waiting list of potential new patients.
- Notwithstanding the Development Plan's preference for retrofitting and reuse of existing buildings, it is not mandatory. The existing building is of no architectural merit. A justification report prepared by Mechanical Engineers submitted with the application highlighted the building's problems with insulation, ventilation, thermal bridging, mould, damp, and a poor BER [stated as G in the appeal document, although the certificate states F]. An additional letter has been submitted with the appeal, prepared by the applicant's Civil and Structural Engineers, highlighting issues with the construction, including cracks, evidence of water ingress, rising damp, and a need for intrusive investigations. The costs of renovating and upgrading the building would be prohibitive, and the concluding opinion is that the majority of the building is required to be demolished, including the porch, the extension, the bay window to the front, the roof and its attic conversion, the external steps and landscaping, as well as portions of the interior structural walls and possibly the foundations.

- The modern design is appropriate to the site, which is located in an area with an eclectic pattern of development. The site rises to the rear, and can accommodate a two-storey building with excavation of the slope. The flat roof further mitigates the height impacts. The first floor is set back from the ground floor, in consideration of the building line of the neighbouring building at no 75.
- While the planner's report expressed concerns regarding overspill parking, the Transport Planning Section had no concerns, due to the 310 publicly accessible car parking spaces in close proximity. The proposed level of car parking is appropriate. A drawing of a revised vehicular entrance has been submitted with the appeal, redesigned to comply with the condition proposed by the Transport Planning Division.

6.2. Planning Authority Response

- The Board is referred to the planner's report, as the appeal does not raise any new matter.

6.3. Observations

One valid observation received, from the neighbour at 75 Lower Kilmacud Road. Issues raised include the following:

- The development is in the wrong location, and should be directed to one of the vacant premises in the village centre, or an extension of their existing premises (which is suitably zoned). Policy Objective MFC1 Multifunctional Centres supports the provision of such services in town centres, district centres, and neighbourhood centres. Section 12.3.2.6 of the plan is clear in distinguishing between small scale practices which are suitable for residential sites, and large scale practices which are not.
- Significant excavation is required, which would undermine the neighbouring property and boundary wall
- Conflicting information has been provided regarding site ownership, jeopardising the validity of the application

- Material Contravention of policy objective CA6: Retrofit and Reuse of Buildings and Policy Objective PHP19: Existing Housing Stock – Adaptation, as well as Section 12.3.9. The ‘Justification for Demolition’ report refers repeatedly to Dublin City Council policy, and fails to demonstrate that the house is uninhabitable. The house was most recently occupied within the past 2 years.
- The design is not compatible with the neighbouring character, being the full width of the site, and constructed forward of the front building line, an unmistakable large commercial building, injurious to residential and visual amenities
- The construction so close to the boundary with no 75 is both excessively physically close and would require access to no 75 for construction and maintenance.
- Should the Board be minded to grant permission, a condition setting the building back a minimum of 1.5 metres from the boundary with no 75 should be attached.

6.4. Further Responses

None received.

7.0 Assessment

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

- Demolition of house
- Zoning and proposed use
- Car parking and traffic
- Neighbouring residential amenity

7.2. Demolition of house

- 7.2.1. Lack of a robust justification for demolition was one of the reasons for refusal. The policy on demolition is noted above – under Policy Objective CA6 Retrofit and Reuse of Buildings, retrofitting and reuse of existing buildings is required where possible, rather than their demolition and reconstruction, due to the embodied energy in existing buildings. There is no definition of ‘reconstruction’ in the Development Plan, or in the Planning and Development Act. In my view, it requires some degree of like-for-like replacement, which is not the case here, with the proposed new development being different both in form and purpose. Nonetheless, the Plan (both at Policy Objective CA6 and Section 12.3.9) expresses a preference for refurbishment and retrofit of existing buildings (particularly dwellings) where possible.
- 7.2.2. The appellant notes the poor BER of the existing house, and the high energy efficiency of the proposed building. They also note the accessibility of the proposed building, with a universally accessible parking space and step free access, something which can not be provided in their existing practice, and could not be provided in another site they considered purchasing (a house in the District Centre zoning).
- 7.2.3. The planner’s report noted that there was no statement in the planning report that the existing building is uninhabitable, and that the issues set out in the Justification for Demolition report could be remedied by measures other than demolition.
- 7.2.4. The appeal is accompanied by an additional document prepared by the applicant’s Civil and Structural Engineers, detailing a number of structural issues. I undertook a site visit, and confirmed the details set out in the visual inspection in that document. Some of the cracks referred to appear to be typical of a building of this age, although there is more significant cracking to the front elevation, with internal and external cracks where the hall meets the front porch and front room. There is significant water ingress in the attic, as the roof over the dormer window has failed. The rear extension contains a fitted kitchen which appears recent; however, this rear extension has resulted in the bathroom being internalised, and the oil boiler is located internally, beside the back door, with no mechanical ventilation in evidence. There is mould and damp in the rear extension, and the back bedroom is in poor condition.

- 7.2.5. The house is in poor decorative condition throughout, with evidence of damp and mould in the porch, the hall, the front rooms, the rear extension, the dining room, the attic, and the stairs and hall leading to it.
- 7.2.6. I note the purpose of Policy Objective CA6 is to reduce the overall embodied energy in construction. However, that objective must be weighed and balanced against other objectives and policies in the plan, and in broader national and regional policy, including requirements to consolidate the built up area of Dublin and provide more intensive land uses, and the support for primary healthcare provision as part of the social infrastructure of the neighbourhood.
- 7.2.7. Given the very poor condition of the house, the low intensity of development on the site, and the potential for more efficient use of this site in proximity to the village of Stillorgan, and to high quality public transport, I consider the demolition of the house can be justified.

7.3. **Zoning and proposed uses**

- 7.3.1. As noted above, the Development Plan defines '*doctor/dentist etc*' as a home-based economic activity, with the practitioner seeing patients in their own home. This proposed development comes under the definition of *Health Centre / Healthcare Facility*, which includes group practices. Both uses are listed as permitted in principle in residential zonings (subject to the proviso that they not have adverse effects on the zoning objective).
- 7.3.2. *Section 12.3.2.6 Health Care Facilities* sets out the distinction between small scale medical practices (1-2 principals, and 1-2 staff) and larger medical practices (two or more practitioners, and two or more support staff). Much of this section sets out standards for the use defined as '*doctor/dentist etc*' in the Plan, (the part-use of a house by a medical practitioner), and is of limited relevance to the proposed development. Regarding stand-alone group practices, this section states that they '*should normally only be located in Neighbourhood, District and Major Town Centre Zonings*' and should not have negative impacts on neighbouring amenity. This is a reasonable distinction, as a big busy medical practice, like any commercial undertaking, will have an intensity of use and comings and goings far greater than the use of part of a medical practitioner's house to see patients. However, group

practices are nonetheless permitted in principle in the A zoning, indicating that the reference to their location in other zonings is a recommendation rather than a strict requirement. I note also the information submitted by the applicant regarding their attempts to acquire different sites in the village. In this instance, the site faces the main road and the pocket park, and is in close proximity to other commercial uses (the car service garage and credit union), to the village and shopping centre, and to public transport. The character of the area is somewhat mixed, compared with other residentially zoned sites, and the proposed use can be considered on its merits.

- 7.3.3. The proposed pharmacy can be considered as a neighbourhood shop, which is open for consideration in the zoning.

7.4. Car Parking and Traffic

- 7.4.1. The applicant has submitted a Traffic and Transport Statement (including a Quality Audit), a Workplace Travel Plan, and a Construction Traffic Management Plan. The Traffic and Transport Statement uses the TRICS database to calculate likely trips generated by the development (a health centre with 10 staff). It is projected that there will be 2 arrivals by car during the am peak (9 am-10 am) and the midday peak (11 am-12 noon), with 1 departure by car during the am peak and 3 departures during the midday peak.
- 7.4.2. Four car parking spaces are proposed; this is well under the maximum of 2 per consulting room set out in the Development Plan standards. The planner's report (and the third party submissions) expressed concern regarding overspill car parking, although the Transport Planning Division had no such concerns, noting the large number of car parking spaces available to the public in the vicinity. Third parties noted the use of Beaufield Park for parking by the school community, and by Aircoach commuters in particular. In this regard, I note that car parking is dealt with under the Road Traffic (Traffic and Parking) Regulations, 1997 (as amended), and any parking that interferes with the normal flow of traffic or which obstructs or endangers other traffic, or parking which obstructs a vehicular entrance is a matter for Garda enforcement.
- 7.4.3. Given the low number of trips anticipated by car in the Traffic and Transport Statement, I do not have significant concerns regarding overspill parking. I further

note that this is an application from an existing, established, medical practice, with 700 patients and limited car parking provision. I did not find any information on the file about the travel patterns of the existing staff or patients. There is no designated patient parking at the existing medical practice, and no on-street parking in front of the premises. The shared parking area to the rear of the terrace is accessed via a narrow flight of steps, and has designated parking for the various businesses in the terrace, with signs stating that parking is limited to permit holders. I was unable to ascertain how many, if any, were allocated to the medical practice. I observed two patients leaving the premises and getting the bus. Given the location of the practice close to bus stops and to the shopping centre, and the existing limited parking provision, it is likely that many of the existing patients arrive by public transport or on foot, or combine visits with trips to other nearby businesses in the shopping centre or village. I consider that the proposed car parking is adequate for the proposed uses.

- 7.4.4. Regarding road safety, the Transportation Planning Division requested amendments to the proposed widened entrance in the interests of increased visibility of and by pedestrians. This is reasonable, given the pedestrian traffic on the street, and can be addressed by condition.

7.5. Neighbouring residential amenity

- 7.5.1. The observer has concerns regarding the scale, proximity, and character of the building. The planner's report also expressed concerns regarding the scale of the building and impacts on the streetscape (although this was not a reason for refusal).
- 7.5.2. The proposed building is significantly larger than the existing, being two-storey rather than one, and having more than twice the floor area. However, the proposal to excavate the site and lower the levels mitigates any overbearing or overshadowing impacts on the neighbour at no 75. Additionally, I note that the two-storey element along the shared boundary is limited to the centre of the site, where the blank gables of the observer's garage and rear extension run along the shared boundary. There will be no perceptible impact to daylight or sunlight to any windows. The observer requests a 1.5 metre setback; however, I do not consider it necessary or beneficial. The observer notes the applicant does not have consent to carry out any construction or maintenance from the neighbouring property. I note Section 34(13) of

the Planning and Development Act, which sets out that a person shall not be entitled solely by reason of a permission under that section to carry out any development. Construction impacts can be mitigated and addressed by condition.

- 7.5.3. The proposed building is flat-roofed, contemporary in design, and has commercial signage. Given the nature of the area, which has a large number of commercial uses, and the location of the site at the open end of the street, on a corner, adjacent to these commercial uses, I consider the additional activity and the commercial character of the development acceptable.

7.6. Other issues

- 7.6.1. The application includes a proposal to relocate the existing street tree to facilitate widening of the vehicular entrance (as indicated on drawing 2347-P-010 Existing contiguous Side Elevation and drawing 2347-P-109 Proposed Contiguous Side Elevations). Details of the proposed new tree and its precise location should be agreed with the Planning Authority, prior to the commencement of development. This can be addressed by condition. In line with *Section 12.4.8.5 Financial Contributions*, should it not be possible to conveniently relocate the tree, a financial contribution will be required in lieu.
- 7.6.2. Landscaping proposals have been indicated on p. 18 of the submitted Design Statement prepared by the architects, including native plants and pollinator friendly species, although limited details have been submitted. This can be addressed by condition.
- 7.6.3. A number of conditions were set out by various departments of the Local Authority to comply with technical standards and development plan standards regarding issues such as drainage, waste management, noise, and road maintenance. These are reasonable, and should be attached in the event of a grant.
- 7.6.4. The observer raised the issue of land ownership having regard to the validity of the application; validity is an issue for the Planning Authority. In any case, I see no discrepancies or irregularities in this matter. A letter of consent (signed by one of the applicants in their capacity as a director of the limited company which owns the site) has been submitted to permit the application to be made by the applicants (in their capacity as partners in the medical practice).

8.0 AA Screening

I have considered case ABP-322074-25 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development is located within a built-up area and comprises the demolition of a house and the construction of a medical centre and all associated site works. The closest European Sites, part of the Natura 2000 Network are South Dublin Bay and River Tolka Estuary SPA 004024, and South Dublin Bay SAC 000210, both located 2.3 kilometres west of the proposed development.

Having considered the nature, scale and location of the proposed development 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:

- Small scale of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

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 (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

9.0 Recommendation

I recommend a grant of permission.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Dun Laoghaire Rathdown Development Plan 2022-28, including policy objectives to facilitate the provision of new sustainable neighbourhood infrastructure and to encourage the integration of appropriate

healthcare facilities within new and existing communities; having regard to the size, nature, character, and location of the site, which is in proximity to Stillorgan village and public transport links; the poor condition of the existing house, and the justification for demolition set out in the application and the appeal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

11.0 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 proposed vehicular entrance shall be constructed in accordance with the amended drawings received by An Bord Pleanála on the 13th day of March 2025.

Reason: in the interest of traffic safety.

3. The developer shall provide showers and lockers for people who cycle to work in accordance with Section 12.4.6.2 of the Dun-Laoghaire Rathdown County Development Plan 2022-28.

Reason: to encourage sustainable modes of transport.

4. The Applicant and selected contractor shall ensure that all measures outlined within the submitted Construction Environmental Management Plan by Ayrton Group, dated 11th of December 2024, and the Outline Construction Traffic Management Plan by CS Consulting, dated 18/12/2024 are implemented. In addition, prior to the commencement of development, the applicant shall submit to the Planning Authority (for attention of Environmental Enforcement) for written agreement of a detailed site-specific Construction Management Plan (CEMP). The CEMP should include the following not already detailed in the plan:

a) Measures to reduce any adverse impacts of the construction phase upon the environment,

- b) Measures to control temporary noise, dust and airborne pollutant emissions during the construction phase,
- c) Measures to prevent nuisance or adverse health effects.
- d) Methods to ensure that vehicles leaving the site are clean with commitment to install a wheel wash equivalent method for cleaning down vehicle prior to leaving the site during construction.
- e) If required, Noise monitoring to demonstrate compliance with the limits established BS5228 shall be installed, monitored and reported on at weekly intervals by a suitable qualified specialist company for the duration of the contract.
- f) All monitoring data to be compiled into a weekly technical monitoring report which shall identify remedial measures where levels exceed relevant limit values.
- g) Dust Minimisation and Monitoring Plan should be provided as a compliance submission with details dust mitigation levels and dust monitoring commitments.
- h) Measures should align with and reflect the mitigation measures described in the Resource and Waste Management Plan.

Reason: to safeguard the amenity of property in the vicinity, and in the interests of public safety and amenity.

5. The Applicant and/or the development's Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following.

- a) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.
- b) Keeping local residents informed of progress and timing of particular construction activities that may impact on them.
- c) Provision of a notice at the site entrance identifying the proposed means for making a complaint.
- d) Maintenance of a complaints log recording all complaints received and follow up actions.

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

6. The Applicant and the development's Contractor shall implement the measures detailed within the submitted Operational Waste Management Plan prepared by Ayrton Group; dated 11/12/24; version 1.

In addition, prior to the commencement of development, the applicant shall submit to the Planning Authority (for the attention of Environmental Enforcement) for written agreement of a detailed site-specific Operational Waste Management Plan to ensure management of all operational waste within the curtilage of the development in accordance with relevant waste legislation including byelaws.

The plan shall include detail in relation to waste storage and collection, measures within the development to support segregation of waste and proposed measures in relation to access, monitoring and security of proposed bin stores. Provision for separate collection of clinical waste should also be made

REASON: In the interest of public health and in order to safeguard the amenities of property in the vicinity.

7. The Applicant and the developments Contractor shall develop and implement a Rodent/Pest Control Plan for the duration of the works on site.

REASON: In order to safeguard the health, safety and amenities of properties and owners in the vicinity.

8. All measures outlined in the submitted Workplace Travel Plan by CS consulting dated 18th December 2024 shall be implemented by the Applicant, including the appointment of a mobility management coordinator who shall be appointed for the development upon completion. The name and contact details of the coordinator shall be furnished to the local authority prior to occupation of the proposed development.

Reason: to encourage sustainable modes of transport.

9. All necessary measures shall be taken by the Applicant and Contractor to:

a) prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site construction works, b) repair any damage to the public road arising from carrying out the works, c) avoid conflict between construction activities and pedestrian/vehicular movements on the surrounding public roads during construction works.

Reason: in the interests of orderly development and the safety and amenity of other road users.

Drainage

10. (i) The proposed green roof shall be designed, constructed and maintained in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems of the County Development Plan 2022-2028.

((ii). The proposed raingarden shall be designed, installed and retained on site in accordance with current best practice guidelines and the SuDS Manual (CIRIA C753). The applicant shall provide an appropriate freeboard to allow for water storage (100-300mm). A suitable soil permeability and depth shall be provided, depending on the proposed planting at topsoil level. The depth of sub-base to be provided shall depend on the required storage capacity and the draining parameters of the soil (lined or unlined).

(iii). The proposed parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the County Development Plan 2022-2028.

Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

(iv). The surface water runoff generated by the development shall not be discharged to the public sewer but shall be infiltrated locally to a soakaway, as detailed in the application, in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the County Development Plan 2022-2028. The soakaway shall be designed to BRE Digest 365 and shall not have an overflow. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties. If a soakaway is not a feasible solution then, prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a report signed by a Chartered Engineer showing an infiltration test (with results, photos, etc) and shall propose an alternative SuDS measure.

Reason: to prevent flooding, and to comply with Development Plan policy on Sustainable Drainage Systems.

11. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species

Hard landscaping works, specifying surfacing materials and finished levels

A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and visual amenity.

12. A new street tree shall be provided to replace that removed to facilitate widening of the entrance. Details shall be submitted to, and agreed with, the planning authority prior to commencement of development.

Reason: in the interests of biodiversity and visual amenity.

13. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

14. 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.

15. The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice. Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

Reason: To provide adequate water and wastewater facilities.

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.

Natalie de Róiste
Planning Inspector
20 June 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322074-25
Proposed Development Summary	Demolition of house and construction of medical centre and associated works
Development Address	73 Saint Anne's, Lower Kilmacud Road, Stillorgan, Dublin
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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 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	State the Class and state the relevant threshold
☒ 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)	State the Class and state the relevant threshold Class 10(b)(iv) [Urban Development – 10 hectares – sub threshold]

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322074-25
Proposed Development Summary	Demolition of house and construction of medical centre and associated works
Development Address	73 Saint Anne's, Lower Kilmacud Road, Stillorgan, Dublin
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is a medical centre and pharmacy in an urban area, connected to public services. The development would not result in the production of significant waste, emissions, or pollutants
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 in a built up area, and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	The development would not result in the production of significant waste, emissions, or pollutants, and there is no potential for significant effects, either by itself or cumulatively with other developments.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)