



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317760-23

#### Development

#### PROTECTED STRUCTURE:

Construction of a 4-storey building comprising 6 apartments and all associated site works. Part Demolition of existing boundary wall & gateway onto Fredrick Lane North.

#### Location

Lands to the rear of No. 29 Frederick Street North, (within the curtilage of a protected structure, RPS. 2978), Dublin 1, D01 NW86 with development access off Frederick Lane North.

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

4535/22

#### Applicant(s)

Mosaro Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

RSS Irish Estates Limited

**Observer(s)**

None

**Date of Site Inspection**

22<sup>nd</sup> March 2024

**Inspector**

Frank O'Donnell

## **1.0 Site Location and Description**

- 1.1. The Appeal site is located to the rear of No. 29 Fredrick Street North and has a stated site area of 0.0212 hectares (212 sqm). The site is vacant at present, is positioned along a South-West to North-East axis and faces Fredrick Lane North to the South-West. The side boundaries of the site, to the north-west and south-east, are defined by high stone walls.
- 1.2. The Appeal site forms part of the curtilage of no. 29 Fredrick Street North, which is listed as a Protected Structure, ref. no. 2978. The Protected Structure is a terraced three-bay four storey house over basement, stated to be built c. 1805, as one of a pair. The Protected Structure is also recorded on the National Inventory of Architectural Heritage (NIAH) and assigned a Regional Rating (Ref. 50010895).
- 1.3. Part of the primary structure, but outside the site red line boundary to the north-east, is located within a defined Conservation Area. The site is also located on the border of the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City).
- 1.4. The surrounding area of the site comprises a mixture of commercial and residential developments. This includes the Sheridan Court flats to the southwest and a more recent apartment development located adjacent and further to the south-west.

## **2.0 Proposed Development**

- 2.1. Planning permission was sought for a development comprising of the following principal elements:
  - A 4 storey Apartment Building of 6 no. Apartments comprising:
    - 1 no. 2 Bed Apartment (74.50 sqm) (Ground Floor)
    - 5 no. 1 Bed Apartments (ranging in size from 48.75 sqm to 53.30 sqm) (First, Second and Third Floors)
  - Total Gross Floor Area is stated to be 440 sqm.
  - The Overall Height at the recessed fourth floor measures 12.00 metres.

- Part Demolition of existing boundary wall & gateway onto Fredrick Lane North.

2.2. A Request for Further Information was issued on 21<sup>st</sup> September 2023 on 5 no. main points relating to:

1. A revised plan indicating a reduced depth to established building lines on the Mews laneway and an increase in distance from the Protected Structure and the rear elevation of the proposed building.
2. Revised finishes. The preference from a Conservation standpoint would be that the majority of the external walls be constructed in brick. A revised treatment for the proposed stepped back fourth floor to reduce its impact. Avoidance of uPVC and windows and doors to be of high-quality timber.
3. A Revised survey drawing of surviving sections of historic boundary walls including an annotated photographic record, detailing the current condition of the walls and an accompanying detailed method statement for raking out and repointing the walls and any repair works to be carried out. The method statement should address both the stone and brick walls and display that the works will be carried out in line with best conservation practice and the Department of Housing, Local Government and Heritage's Advice Series.
4. The submission of 1:20 details on the boundary including height and materials. The boundary wall should complement the setting of the protected structure.
5. The under provision of bicycle parking spaces for the proposed occupants. Compliance with standards for bicycle parking spaces as contained in the Sustainable Urban Housing: Design Standards for New Apartments 2020.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to issue a Notification of Decision to GRANT permission on 13<sup>th</sup> July 2023 subject to 11 no. Conditions. Condition no. 5 relates to Architectural Conservation and reads as follows:

*‘5. The developer shall comply with the following requirements of the Archaeology, Conservation and Heritage Section of Dublin City Council:*

*a. The applicant shall submit the following architectural conservation details/ revisions for the written approval of the Planning Authority prior to the commencement of development:*

- i. Samples of the preferred brick and metal cladding are to be provided to the Planning Authority for approval.*
- ii. A revised marked-up drawing at a scale of 1:50 detailing the condition of the wall. The submitted drawing at 1:200 is not sufficiently detailed to demonstrate the impact of works on the walls. Detailed specification drawings of the walls are also to be provided, detailing what specific works are proposed to the varied sections of the walls, including the exposed ends on to Frederick Lane North. This should include any structural stabilisation required as a result of excavation of the foundations for the proposed structure.*
- iii. 1:20 drawings of the proposed railing are to be submitted in advance of works commencing including dimensions on the vertical and horizontal rails, which should be the slimmest profile possible. The colour of the railing is to be confirmed.*

*Confirmation of proposed vegetation screening to the Protected Structure side of the railing is also to be provided.*

*b. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this*

*regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.*

*c. The proposed development shall be carried out in accordance with the following:*

- i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.*
- ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.*
- iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.*
- iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.*

*Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at No. 29 Frederick Street North and to ensure that the proposed works are carried out in accordance with best conservation practice.'*

3.1.2. Condition no. 6 relates to Hours of Operation and Condition no. 9 relates to Noise Control.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The **Local Authority Planner** is satisfied that the proposed development is of a scale, design, contemporary form and layout that does not detract from or erode the character of the conservation area or the Protected Structure. The Planner concludes that the proposed development would be in accordance

with the Dublin City Development Plan 2022-2028 and accords with the proper planning and sustainable development of the area.

#### 3.2.2. Other Technical Reports

- The **Drainage Department** raise no objection to the proposed development subject to 7 no. conditions.
- The **Archaeological, Conservation and Heritage Section** raise no objection to the proposed development subject to 1 no. condition. The recommended 1 no. condition is identical to condition no. 5 of the Notification of Decision to GRANT permission issued by the Local Authority.

#### 3.3. Prescribed Bodies

##### 3.3.1. The planning application was referred to the following Prescribed Bodies:

- **Uisce Eireann:** None Received.
- **National Transport Authority:** None Received.
- **Transport Infrastructure Ireland:** None Received.
- **Heritage Council:** None Received.
- **An Taisce:** None Received.
- **Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None Received.
- **Failte Ireland:** None Received.
- **The Arts Council:** None Received.

#### 3.4. Third Party Observations

- ##### 3.4.1.
- Dublin City Council received a total of 3 no. Third Party Observations in respect of the proposed development. The majority of the issues have either been addressed as part of the assessment of the planning application as amended as part of the further information response or are raised in the Grounds of Appeal.

## 4.0 Planning History

Subject Appeal Site (No. 29 Fredrick Street North)

- **0240/22:** Social Housing Exemption Certificate (SHEC) for a 4 storey Apartment Building containing 6 no. Apartments (1 no. 2 bed & 5 no. 1 bed). GRANTED on 19<sup>th</sup> August 2022.

Adjacent site to the immediate North-West (No. 28 Fredrick Street North):

- **3442/21:** Change of use of the existing crèche at the lower ground level of 28 North Frederick Street North, to a residential 2-bed apartment use. GRANTED on 9<sup>th</sup> December 2021 (9 no. Conditions).
- **3358/20:** Permission Consequent on Planning reg. ref. no. 3653/18. The proposed amendments will consist of: 1. Internal modifications to each apartment on each level, 2. External facade alterations including an increase in parapet height of c. 1m, 3. Material alterations are proposed to the roof level plant area of the development, in comparison to that previously consented. Permission Consequent GRANTED on 16<sup>th</sup> December 2020.
- **3653/18:** Permission for (i) new 4 storey building with 3 no. two bed apartments, 1 no. one bed apartment. Permission was GRANTED on 08<sup>th</sup> May 2019 (17 no. conditions).
- **4220/07:** RETENTION of creche (as previously approved under plan no. 1969/93) with pedestrian access off Frederick Street North and the construction of a detached part 2 storey / part 4 storey building (creche) on lands to the rear of no. 28 Frederick Street North. Permission was GRANTED on 11<sup>th</sup> October 2007 (12 no. conditions).

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Appeal site is zoned Z8 – Georgian Conservation Areas in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective for Z8 lands is: *‘To protect the existing architectural and civic design character, and to allow only*



*for limited expansion consistent with the conservation objective.* Residential is a use which is Permitted in Principle on lands zoned Z8 – Georgian Conservation Areas.

5.1.2. Chapter 4 relates to the Shape and Structure of the City and includes the following relevant Policies:

- SC8: Development of the Inner Suburbs, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC19: High Quality Architecture, SC20: Urban Design & SC21: Architectural Design

5.1.3. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods and includes the following relevant Policies and Objectives:

Policies:

- QHSN2: National Guidelines, QHSN4: Key Regeneration Areas, QHSN6: Urban Consolidation, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN22: Adaptable and Flexible Housing, QHSN36: High Quality Apartment Development, QHSN37: Houses and Apartments,

Objectives:

- QHSNO11: Universal Design

5.1.4. Chapter 11 relates to Built Heritage and Archaeology and includes the following relevant Sections, Policies and Objectives

- Section 11.5 relates to Built Heritage and Archaeological Policies and Objectives:

Policies:

- BHA1: Record of Protected Structures,
- BHA2: Development of Protected Structures:

*That development will conserve and enhance protected structures and their curtilage and will:*

*(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural*

*Heritage Protection Guidelines for Planning Authorities (2011)  
published by the Department of Culture, Heritage and the Gaeltacht.*

*(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*

*(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

*(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*

*(e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*

*(f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*

*(g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*

*(h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*

*(i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*

*(j) Have regard to ecological considerations for example, protection of species such as bats.*

- BHA3: Loss of Protected Structures, BHA4: Ministerial Recommendations, BHA5: Demolition of Regionally Rated Building on

NIAH, BHA6: Buildings on Historic Maps, BHA7: Architectural Conservation Areas, BHA8: Demolition in an ACA, BHA9: Conservation Areas, BHA10: Demolition in a Conservation Area,

- BHA14: Mews:

- *To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.*

- BHA26: Architectural Heritage.

5.1.5. Chapter 14 of the Plan relates to Land Use Zoning. Section 14.7.8 relates to Georgian Conservation Areas – Zone Z8.

5.1.6. Chapter 15 relates to Development Standards and includes the following relevant Sections:

- 15.4: Key Design Principles, 15.5: Site Characteristics and Design Parameters, 15.6: Green Infrastructure and Landscaping, 15.7: Climate Action, 15.8: Residential Development, 15.9: Apartment Standards, 15.11: House Developments, 15.13: Other Residential Typologies (15.13.5: Mews).

5.1.7. The following Appendices are of relevance:

- Appendix 1 - Housing Strategy (Annex 1 - Housing Needs Assessment (HNDA), Annex 2 - Dublin City Housing Supply Target Methodology & Annex 3 - Dublin City Sub-City HNDA), Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 - Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 6 - Conservation, Appendix 7 - Guidelines for Waste Storage Facilities, Appendix 10 - Infrastructure Capacity Assessment, Appendix 12 - Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 - Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation.

## **5.2. Natural Heritage Designations**

5.2.1. The site is not located within or adjacent to a Natura 2000 site.

## **5.3. EIA Screening**

5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. 1 no. Third Party Appeal was received from the following in respect of the decision of Dublin City Council to GRANT planning permission:

- RSS Irish Estates Limited

6.1.2. The following is a summary of the main Grounds of Appeal:

- The Appellant seeks that the Board remove Condition no. 5 which is prejudicial to the correct and safe implementation of the subject proposal (planning reg. ref. no. 4535/22) and the extant permission (planning reg. ref. no. 3358/20) on the adjacent Third-Party Appellant lands at no. 28 North Fredrick Street.
- The Appellant is supportive of the principle of the redevelopment of the site and the Council Decision to GRANT planning permission.
- There is little logic to retaining the existing 5 metre masonry/ free-standing boundary wall. This will serve to entomb the structure between new gable walls of each independent development. In the context of the narrow plot

widths of both developments, the loss of a significant portion of the site is nonsensical and will reduce the internal dimensions and spatial quality of the proposed apartments.

- The proposals will result in the creation of a void space between the new developments and creates issues in relation to the following:
  - The void will be open to rainwater ingress and presents a risk of damp ingress to the buildings. The existing wall, forever entombed but open to the elements will slowly deteriorate with no facility for repair or inspection.
  - The void will be open to windblown litter and leaves and will require access for cleaning.
  - The construction of 2 no. new buildings on either side of the wall, in close proximity to one another, represents an unduly elevated risk of collapse and endangerment to the site operatives.
- The Planning Department has applied a condition supplied by the Conservation Department without considering the practical implication of the condition.
- The Appellant seeks that this condition be removed to allow for both landowners to clear their adjacent sites in a safe manner to enable construction.

## **6.2. Applicant Response**

- None

## **6.3. Planning Authority Response**

- None

## **6.4. Observations**

- None.

## 6.5. Further Responses

- None.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, this appeal solely relates to the attachment of Condition no. 5 of planning reg. ref. no. 4532/22.

7.1.2. The matters covered by this condition relate to Architectural Conservation. Accordingly, this matter alone falls to be assessed rather than the original proposal in its entirety. It is therefore my opinion that this application/appeal, as per the provisions of Section 139 of the Planning and Development Act, 2000 to 2023, should solely focus on the attachment of Condition no. 5 and should therefore be assessed under the following headings:

- Architectural Conservation
- Appropriate Assessment

### 7.2. Architectural Conservation

7.2.1. The Appellant considers the retention of the party wall to be unnecessary and has therefore sought the removal of Condition no. 5 in its entirety.

7.2.2. I note the proposals submitted by the Applicant include the retention of the boundary walls to the north and south. I also note that as part of the redevelopment works for the adjacent residential development to the immediate south, the southern party boundary wall between the appeal site and the adjacent development to the south has been retained. I further note that under planning reg. ref. no. 3653/18 on the adjacent site to the north, the approved floor plans are contained within the site and do not appear to encroach upon the subject party boundary wall, see Drawing No. A-105-100 (Rev. B) attached to that said application. By contrast, the approved ground floor plan under planning reg. ref. no. 3358/20, drawing ref. no. 437\_B1\_02\_00, on

the same adjacent site to the north, shows development at the location of the subject party boundary wall which appears to include the partial demolition of the wall for an approximate distance of 18.4 metres. Therefore, the principle of the partial demolition of the subject party boundary wall is, in my view, established under planning reg. ref. no. 3358/20. I note condition no. 2 of planning reg. ref. no. 3358/20 requires compliance with all conditions under planning reg. ref. no. 3653/18 save as where amended by planning reg. ref. no. 3358/20.

- 7.2.3. The appeal site, including all boundary walls, form part of the curtilage of the Protected Structure. The entire site is afforded the same status and protection. Policy BHA2 of the Dublin City Development Plan, 2022 to 2028 relates to Development of Protected Structures. The policy states that *'development will conserve and enhance protected structures and their curtilage and will ... h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.'* I am satisfied that the boundary walls located within the curtilage of the Protected Structure constitute an important element of built heritage and are therefore worthy of retention.
- 7.2.4. Condition no. 5 is based on recommendations contained in the Conservation Officer's Report dated 30<sup>th</sup> June 2023 and is separated into 3 main parts, A, B and C.
- 7.2.5. Condition 5A i) relates to the submission of samples of brick and metal cladding. This, in my view, is a relatively standard and reasonable requirement. I therefore have no issue with the attachment of this element of Condition no. 5.
- 7.2.6. Condition 5A ii) relates to a revised marked up drawing, specific details/ specifications of the walls and details of any structural stabilisation required due to the excavation of the foundations for the proposed structure. The Applicant's response to Point no. 3 of the Request for Further Information was considered by the Local Authority to lack sufficient detail and, as such, this element of Condition no. 5 was attached. I am satisfied that the retention of the boundary walls is appropriate from an Architectural Conservation perspective and therefore, by extension, I am also satisfied that the attachment of Condition 5A ii) is appropriate in this instance.

- 7.2.7. Condition 5A iii) seeks a revised drawing for the proposed railing at a scale of 1:20, confirmation as to the colour of the railing and details of the proposed vegetation screening. This, in my view, is a reasonable requirement and a condition of this type is relatively common. I therefore have no issue with the attachment of this element of Condition no. 5.
- 7.2.8. Condition 5B relates to the appointment of a suitable conservation expert to oversee the works and, in doing so, ensure minimum interference to the retained fabric and the curtilage of the Protected Structure. Again, this is a relatively standard requirement for developments of this kind. I therefore have no issue with the attachment of this element of Condition no. 5.
- 7.2.9. Condition 5C relates to relatively standard requirements for works to a Protected Structure and I therefore have no issue with the attachment of this element of Condition no. 5.
- 7.2.10. The concerns of the Appellant regarding the creation of a void space open to rainwater egress, the risk of damp ingress and the lack of a facility for repair arising, as a result of the proposed development are noted. In addition, the potential for the accumulation of windblown litter and leaves and the Appellants concern regarding an unduly elevated risk of collapse and endangerment of the site operatives is further noted.
- 7.2.11. Conditions 5 A), B) & C) i) are, in my opinion, ensure the input of appropriate conservation expertise and address the structural stability of the party wall during construction. In addition, the purpose of the remainder of Condition 5 B) is that all works be designed to cause minimum interference to the retain fabric and the curtilage of the Protected Structure. This, in my view, would include measures to ensure the future long-term survival of the party wall in accordance with best conservation practice including adequate weatherproofing measures as deemed necessary. I am satisfied therefore that Condition 5 is sufficiently robust to address the concerns raised by the Third Party in respect of the structural stability of the party wall during construction and adequate weatherproofing, where deemed necessary.
- 7.2.12. Condition no. 5 should therefore be attached in its entirety.
- 7.3. Appropriate Assessment



- 7.3.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

- 8.1. I recommend that the Board should ATTACH Condition no. 5 and the reason thereof.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the site location within an established residential area, the protected structure status of the property, the surrounding pattern of development in the area, the zoning objective for the site, the nature and scale of the proposed development, it is considered that the attachment of Condition no. 5 is appropriate in this instance, will serve to protect the amenity, setting and curtilage of the Protected Structure and ensure that the proposed works are carried out in accordance with best conservation practice. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

*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.*

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Frank O'Donnell  
Planning Inspector

5<sup>th</sup> April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317760-23		
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Construction of a 4 storey building comprising 6 apartments and all associated site works.		
<b>Development Address</b>	Lands to the rear of No. 29 Frederick Street North, (within the curtilage of a protected structure, RPS. 2978), Dublin 1, D01 NW86 with development access off Frederick Lane North.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
<b>No</b>	✓	N/A – Below threshold	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold..... 10 (b)	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	√	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2 - Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317760-23	
Proposed Development Summary	PROTECTED STRUCTURE: Construction of a 4-storey building comprising 6 apartments and all associated site works.	
Development Address	Lands to the rear of No. 29 Frederick Street North, (within the curtilage of a protected structure, RPS. 2978), Dublin 1, D01 NW86 with development access off Frederick Lane North.	
The Board carries 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.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development, which relates to the provision of 6 no. residential units (stated site area 0.0212 hectares (212 sqm), is within an area zoned Z8 (Georgian Conservation Areas) in the Dublin City Development Plan 2022-2028 where residential use is a use which is Permitted in Principle. The nature of the proposed development is not considered to be exceptional in the context of the existing environment.</p>	No

Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development will connect to existing public services. The proposed development will not result in any significant waste, emissions or pollutants.	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>This proposal is for the construction of 6 no. residential units and is far below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations.</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p>	The proposed development is located on a serviced site, is suitably zoned and is not located on, in, adjoining nor does it have the potential to significantly impact on an ecologically sensitive site or location.	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The proposed development is located on a serviced site, is suitably zoned and does not have the potential to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment.  EIA not required	There is significant and realistic doubt regarding the likelihood of significant effects on the environment.  <del>Schedule 7A information required to enable a Screening Determination to be carried out.</del>	There is a real likelihood of significant effects on the environment.  <del>EIAR required.</del>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)