



An
Bord
Pleanála

Inspector's Report

ABP-317811-23

Development	Construction of a detached two-storey house.
Location	Rear of 14 Inchicore Terrace North, Inchicore, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	1449/23
Applicant(s)	Sharon Chatterton
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sharon Chatterton
Observer(s)	Louise Reilly and Ashling Newberry
Date of Site Inspection	23 rd May 2024
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located within a well-established residential area in the historic Inchicore Railway Works Estate and has a stated area of 532 sq.m. The site is surrounded by the rear of a series of terraces of two storey dwellings. No 14 Inchicore Terrace is located directly to the north of the appeal site. The local area contains a network of laneways and the subject site itself is adjoined by laneways along its northern, southern and western boundaries.
- 1.2. The adjoining dwellings and others within the historic Railway works estate have a distinctive layout arrangement with a laneway enabling vehicular access running along the rear of the properties separating the dwellings from their generous rear gardens /allotment area. Some of the gardens / allotments associated with the dwellings have incorporated the laneway into the rear garden space.
- 1.3. The site appears to originally have provided an allotment for No. 14 and is separated from the rear of No. 14 by a laneway. The site is bound by trees and hedgerows on its western and southern boundary and a timber fence separates the site from the adjoining property to the east. To the north there is an open boundary between the site and No.14, beyond which is an access lane which is terminated by a fence where it meets the rear of No. 15.
- 1.4. The houses within the Inchicore Works estate generally comprise uniform terraces of two storey dwellings of traditional character, with a rear return in a small rear yard. The existing rear boundary wall of No. 14 is a stone wall with a pedestrian opening. The general area is characterised by a mix of rear extensions of varied character many of which extend to the rear pedestrian laneways which are a feature of this area. A number of properties on Inchicore Terrace North have car parking to the rear which is accessed via Cowshed Lane.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a detached two storey three bedroom dwelling with a floor area of 168 sq.m. One no. car parking space is proposed for which vehicular access is proposed from the laneway adjoining the western boundary.

3.0 Planning Authority Decision

3.1. Decision

On 20th July 2023 Dublin City Council issued a notification to refuse permission for two reasons as follows:

1. The proposed development is located in an area zoned Z2 with a stated zoning objective 'to protect and/or improve the amenities of residential conservation areas'. Having regard to the established pattern of development in the area, it is considered that the proposed development, by reason of its overall design would be visually incongruous and would fail to respect or enhance the architectural style of existing dwellings within the wider Inchicore Terrace area, would result in overdevelopment of the site by failing to provide for a sufficient level of amenity for proposed residents and would fail to ensure an adequate quantum of private open space would be retained for the existing dwelling at No.14 Inchicore Terrace North. The proposed development would therefore, seriously injure the residential and visual amenities of this residential conservation area and be contrary to the proper planning and sustainable development of the area.
2. The surrounding laneway network, due to its constrained width, lack of vehicle turning facilities and reduced visibility is considered to be substandard as a mews laneway and does not comply with aims and objectives for a shared surface mews laneway as per the Dublin City Development Plan 2022 – 2028, Section 15.13.5 'Mews' and Section 4.3.8 of Appendix 5. The development would result in increased pedestrian, cyclist and motorist conflict. The proposed mews development would set an undesirable precedent for the laneway, and the wider area and is therefore considered to be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report is consistent with the decision to refuse permission and noted the following main points:

- There are no previously permitted mews developments located on any of the laneways in Inchicore Terrace North or South.
- Room dimensions have not been detailed on the plans and a schedule detailing compliance with standards for habitable rooms in houses has not been submitted. The roof plan contains a proliferation of roof lights which would indicate that many of the internal areas would struggle to obtain adequate daylight and ventilation via windows and door openings.
- The design and layout would give rise to potential impacts on the adjoining amenity space to the east.
- Details of the new curtilage boundaries in terms of design, dimensions and materials have not been indicated on the plans and appear extensive in height.
- The proposal would result in the provision of an extensive blank façade on to the laneway and does not engage with the local area in terms of surveillance or active frontage.
- The proposal would appear out of character in the context of the largely traditional design treatment in this area and would not respect or enhance the architectural style of existing dwellings.
- Having regard to the sensitive location of the site, its relative prominence as viewed from the laneway and from surrounding dwellings the proposed design would be visually incongruous and contrary to the visual amenities of the area and would adversely affect the character and setting of the conservation area.
- The proposal takes up the entirety of the existing plot which comprises the rear amenity space of No.14 Inchicore Terrace and would fail to retain adequate open space to serve the existing dwelling.
- The planning history of the site indicates the substandard nature of the laneway network serving the area in terms of its capacity to accommodate vehicular traffic associated with residential development.

- The development does not comply with Development Plan standards with regard to width of the laneway, would create a traffic hazard and would set a poor precedent.

3.2.2. Other Technical Reports

Drainage Planning: No objection subject to conditions

Transportation Planning: Refusal recommended. Report notes the following:

- Large sections of the laneways in the vicinity of the site are substandard in width in respect to development plan policy.
- No parking restrictions are in force within the laneways surrounding the application site, nor within the surrounding road network.
- The proposed development has failed to demonstrate safe access and egress for all vehicles, has failed to demonstrate that the proposed development can be adequately serviced and would result in the creation of a traffic hazard and the setting of a poor precedent.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

12 no. third party observations were received objecting to the proposed development. The grounds of objection are similar to those raised in the third party observations on the appeal.

4.0 Planning History

4.1. Appeal Site

3096/20 – permission refused by PA on 17/09/2020 for construction of 2 residential mews dwellings of 2 storeys in height each accommodating 3 bedrooms, widening of existing lane with associated site works and services, accessed via existing laneway network. The reasons for refusal relate to visual impact, overdevelopment,

inadequate private open space retained for No. 14, and substandard laneway width resulting in traffic hazard.

3305/02 – permission refused by PA on 20/11/2002 for two garages with access onto laneway.

4.2. **Surrounding Area:**

3877/02: Permission refused by the planning authority for demolition of existing garage and construction of a two storey mews dwelling and driveway at site to rear of 3 Inchicore Terrace South. Reasons for refusal relate to substandard width of laneway resulting in traffic hazard; overlooking, loss of privacy, inadequate private open space, and undesirable precedent.

1593/99 / ABP reference PL 29S.113015: Permission refused by the planning authority and An Bord Pleanála for a two storey house on a site to the rear of 19 Inchicore Terrace. Reason for refusal relates to inadequate width of laneway resulting in traffic hazard.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The Dublin City Development Plan 2023-2029 (CDP) is the operative Development Plan for the area. The site is in an area zoned 'Objective Z2 – Residential Neighbourhoods (Conservation Area) with the land use zoning objective 'to protect and/or improve the amenities of residential conservation areas'. 'Residential' is a permissible use within this land use zoning. The Development Plan states that the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

Urban Consolidation and Infill Development

- 5.1.2. Policy QHSN6, Policy QHSN10 and Section 15.13.3 support residential consolidation and sustainable intensification through appropriate infill and backland development on suitable sites. Criteria for consideration include that side gable walls as side boundaries facing corners in estate roads are not considered acceptable and

should be avoided and use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

Section 15.13.4 sets out criteria to be considered in applications for backland housing.

Policy GI41 Seeks to protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance.

Conservation Areas

Policy BHA9 and Section 11.5.3 seek to protect the special interest and character of all Dublin's Conservation Areas – including within the Z2 zoning objective.

Section 15.15.2.2 provides guidance for development in these Conservation Areas, including that development shall: Respect the existing setting and character of the surrounding area; Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context; Protect the amenities of the surrounding properties and spaces; Provide for an assessment of the visual impact of the development in the surrounding context; Ensure materials and finishes are in keeping with the existing built environment; Positively contribute to the existing streetscape; Retain historic trees.

- 5.1.3. Chapter 11 includes a list of 16 areas which are identified as priority Architectural Conservation Areas to be prioritised over the development plan period, with the CIE estate Inchicore included on the list.

Road & Traffic Safety and Active Travel

- 5.1.4. Table 15-1 requires the inclusion of a 'Service Delivery and Access Strategy' with all applications for mews/backland dwellings. Appendix 5: Table 2 - requires 0.5 car parking spaces per dwelling within Parking Zone 1.

Section 15.13.5.4 of the Development Plan and Section 4.3.8 of Appendix 5 outline aims and objectives for a shared surface mews laneway. Potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles. A minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and

pedestrians must be demonstrated. All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

- 5.1.5. The Development Plan Glossary defines Mews as historically comprising stabling with living accommodation above. Usually built at the rear of larger Georgian and early Victorian terraces (often Protected Structures).

5.2. Regional Spatial and Economic Strategy for Eastern & Midland Region (RSES)

- 5.2.1. The RSES in Regional Policy Objective 4.5 Consolidation and Re-Intensification seeks to 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.

5.3. Project Ireland 2040 – National Planning Framework (NPF)

- 5.3.1. The overarching policy objective of the NPF is to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites.

5.4. National Planning Guidelines

- 5.4.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024)

This site is within a 'City-Centre' area as defined within Table 3.1 of these Guidelines. The guidelines set out that the city centre and immediately surrounding neighbourhoods, are the most central and accessible urban locations in their regions with the greatest intensity of land uses. An accessible location is defined in these Guidelines as lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

SPPR 1 - Separation Distances ... a separation distance of at least 16 metres between opposing windows serving habitable rooms ... above ground floor level shall be maintained. ... In all cases, the obligation will be on the project proposer to demonstrate that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

SPPR 2 – Minimum Private Open Space Standards for Houses requires new houses provide a minimum private open space area of 40 sq.m for a 3 bed house. For urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.

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

Policy and Objective 4.1 That PA's implement the principles, approaches and standards set out in DMURS (including updates) in carrying out their functions under the PDA (as amended) and as part of an integrated approach to quality urban design and placemaking.

5.4.2. Other Relevant Guidelines and Plans

Design Manual for Urban Roads and Streets (2013, updated 2019). Section 4.4.1 addresses carriageway widths and states that the standard carriageway width on Local streets should be between 5-5.5m (i.e. with lane widths of 2.5-2.75m) and the total carriageway width on Local streets where a shared surface is provided should not exceed 4.8m.

Section 4.4.4 deals with forward visibility and Table 4.2 provides standards for stopping sight distances. A design speed of 10km/h has a SSD of 7m, 20km/h has a SSD of 14m and 30km/h has a SSD of 23m.

5.5. Natural Heritage Designations

- 5.6. The site is located approximately 650 metres north of the Grand Canal pNHA (002104). The site is not located on any designated Natura 2000 site(s), with the nearest Natura 2000 sites, South Dublin Bay and River Tolka Estuary SPA (004024) located approximately 6.5 kilometres east and South Dublin Bay SAC (000210) (and pNHA) located approximately 7.5 kilometres east of the site.

5.7. EIA Screening

- 5.7.1. See Appendix 1 - Form 1 EIA Pre-Screening and Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent, characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. 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

The decision of Dublin City Council was the subject of a first party appeal which is summarised below. The appeal includes a traffic survey and a traffic engineer's assessment prepared by DBFL Consulting Engineers and a revised site layout plan.

- The development complies with planning policy, including the National Development Plan, Dublin City Development Plan and Kilmainham-Inchicore Development Strategy which support compact growth and infill development on such highly accessible inner urban infill sites. The reasons for refusal are not consistent with the stated objectives of the development plan.
- The site is unique within the Inchicore Works estate. At 532 square metres and 15 metres wide at its southern boundary it is 62% larger than the average plot of 202 sqm., is fully serviced and presents a singular opportunity for an infill/backland development on an under-utilised, vacant site. Its unique aspects ensure that the proposal will not set a precedent for 'mews' type development.
- The site has significant street frontage with laneways on three sides and its western perimeter is 45-50m in length. No other site within the estate has such a large street frontage with adequate access. The folio also includes

ownership of the surrounding laneways providing an opportunity to improve access to the site.

- The proposal should have been assessed under the 'sustainable development of vacant or under-utilised infill sites' policy in the Development Plan.

Refusal Reason No. 1

- The design meets the criteria set out in Policy BHAP 'Conservation Areas', is 'contemporary architecture and complies with Section 15.4.2 'Architectural Design Quality' and respects the existing scale and massing.
- No report was submitted by DCC's conservation department to support the planning officer's assessment.
- The proposed plot ratio of 0.3, site coverage at 22% and density are below Development Plan provisions. Therefore 'overdevelopment of the site' in the reason for refusal is not a valid determination based on the policies in the development plan.
- Proposed amenity space exceeds Development Plan requirements.
- No. 14 remains separated from the appeal site and has a formal front garden of approx. 100 sqm and a rear yard of approx. 20 sqm. No. 14 does not rely on the appeal site for adequate private open space, and the integrity and amenity of no. 14 is not affected by this proposal. The proposal is not a mews development in the 'rear garden' of No. 14.
- The design ensures that the shortest elevation, that being the west elevation with a width of 6m, meets the street. This is in line with existing gable elevations of 6-9m including returns and aligns with existing height lines reflecting the established scale of development.
- The west elevation facing the laneway is not a blank façade as it contains windows to the living room and a bedroom at first floor and pedestrian and vehicular entrance gates.
- All rooms comply with dimensions in Quality Housing Sustainable Communities Guidelines

- The scale and massing proposed reflects the scale and pattern of existing development. Existing gables face directly onto laneway spaces which is part of the character of the area.
- Architectural Heritage Protection Guidelines recognises that high-quality contemporary design is appropriate within historic areas. The proposal is subordinate to the front elevations on the primary streetscapes and is in keeping with good conservation practise which recommends new structures are responsive to the existing character while allowing the existing historic fabric to be clearly legible from new interventions.
- The design complies with Section 15.4.2 'Architectural Design Quality', is respectful of its context, positively contributes to the special character of its setting, and meets the requirements for internal daylighting and ventilation.
- Proposed material finishes complement existing materials in the vicinity.
- The site is surrounded by the rear elevations of houses in the vicinity, many of which have been extended at ground and first floor with contemporary design features.
- All existing trees on the southern perimeter of the site are to be retained.
- Windows to the east elevation are all obscure, have 100mm window restrictors and will be inward opening only for cleaning/maintenance purposes and at ground floor will be set at a high level to avoid overlooking.
- The plots to the rear of houses in the estate are not gardens with mews houses onto a laneway. Allotments were provided in the spaces behind the terraces which were originally separated from the houses by laneways and not every house directly related to an allotment. Planted front gardens were provided as the amenity space for these cottages along with small rear yards. Some houses have subsumed the laneway into their ownership and developed the former allotment into a private amenity space whereas other houses never had an allotment and retain the original front garden as the primary amenity space.
- The appeal site and No. 14 were previously in the same ownership and are now in separate ownership and separated by a laneway.

- The planning authority's reason for refusal is invalid as it cannot enforce the transfer of land or refuse permission on the basis of a land deal. There is sufficient space within the appeal site which could be purchased by No. 14 to provide amenity space.

Refusal Reason No. 2

- The site is highly accessible for walking, cycling and public transport and is an 'Accessible Urban Location' as defined in the New Apartment Guidelines.
- Precedent exists within Dun Laoghaire Rathdown and Dublin City for similar development with a more restricted access point and less mitigation measures than the appeal site. These precedents were considered based on specific site constraints and local traffic conditions, the same consideration to the appeal site would demonstrate adequate access and egress.
- Section 4.3.8 in Appendix 5 of the Development Plan sets out requirements for minimum widths and states that where these widths cannot be provided, safe access and egress for all vehicles must be demonstrated. This has been demonstrated in the Transport Engineers report attached to the appeal which indicates, as a result of the development, a negligible increase in vehicle users on the laneway and no expected increase in conflict.
- Increased visibility splays and traffic calming measures are proposed based on the results of the survey. The traffic calming measures proposed will improve the existing situation for all users.
- A redesigned vehicular entrance is proposed providing for enhanced visibility splays ensuring appropriate intra-visibility between an existing vehicle and active travel users. The planning authority is invited to attach a condition requiring a 'sleeping policeman' traffic calming ramp circa 10m to the north and south of the proposed vehicular entrance on the laneway which is in the applicants ownership.
- The introduction of double yellow line road markings could be implemented and a condition to facilitate this could be attached to a grant of permission.
- DCC requirements for Mews access of 4.8m and 5.5m are at odds with DMURS requirements which state that the total carriageway width on local

streets where a shared surface is provided should not exceed 4.8m. Many of the precedents illustrated in the appeal do not fully meet this clear unobstructed 4.8m width requirement and provide widths comparable to or less than that available at the appeal site.

- A swept path analysis demonstrates that a car can safely gain access to/from the proposed parking space.
- Building Regulations require that a fire appliance needs to get within 45m of the principle entrance to the dwelling house which can be achieved as No. 11 Inchicore Square is 40 m from the subject site. These regulations also indicate that a fire tender has a minimum width requirement of 3.1m. Ambulance and waste collection can also be facilitated. Swept path analysis for refuse and fire vehicles demonstrate access to/from the proposed development.
- The laneways could be converted into a one-way system should the need arise which can be accommodated by the proposed development.
- The development has the potential to use a route (route B) over which no vehicular traffic currently travels during the commuter peak periods.

6.2. Planning Authority Response

Response received on 13th September 2023:

- The Board is requested to uphold the decision to refuse permission. If permission is granted a condition requiring the payment of a Section 48 development contribution and a naming and numbering condition is requested to be included.

6.3. Observations

Two observations have been received from the owner and occupier of 14 Inchicore Terrace North located immediately to the north of the appeal site which includes a copy of the observer's objection to the planning authority and from the occupant of 17 Inchicore Square East

The observations can be summarised as follows:

- The proposed development is contrary to the Development Plan, fails to retain adequate open space for No. 14 Inchicore Terrace North, would seriously injure the residential amenities of property in the area and would be inconsistent with proper planning and development of a conservation area.
- Sightlines are severely restricted by existing stone walls on both sides of the junction and the proposal would result in increased pedestrian and vehicular conflict and endanger public safety by reason of traffic hazard.
- Kerbs or parking spaces have been identified in the application without consent. Swept path analysis is insufficient. Access for construction and refuse collection is limited.
- There is a lack of vehicular access to the site, the laneways are not a principal access route and are used primarily by pedestrians and cyclists and are unacceptable for residential development as they are sub-standard in width and have no footpaths.
- The development is not in keeping with the architectural and cultural heritage of the estate which is a Conservation Area. The CIE estate has a unique cultural and architectural heritage and has been identified for prioritisation for protection under an Architectural Conservation Area in the development plan.
- The special architectural and social interest of 14 Inchicore Terrace is recognised in its inclusion in the NIAH, NIAH reg. no 50080407.
- Overlooking of adjoining properties on North Terrace, East Square and South Terrace will arise.
- Similar developments in the area have been refused by DCC and ABP.
- The scale of the proposed dwelling is disproportionate and would overpower and dominate the existing house. The design, form, scale and materials are contrary to Development Plan policy for such development, would be out of character with the wider conservation area and create an undesirable precedent. The design is out of context with the traditional design in the area, would be visually incongruous and contrary to the visual amenities of the area.

- This would be the tallest structure in the estate, would break the building line and undermine the integrity of the urban grain. The site could be developed sympathetically to surrounding structures.
- The original title deeds for each house on the estate include a restrictive covenant which will operate to the effect that the house shall only ever be used as a single private dwelling and prohibits any development or separate use on the site, except for the benefit of the main house.
- In July 2023 the Court of Appeal held that a covenant contained in a deed of 1947 continued to be valid and enforceable, and the effects of this bound the successors in title to the original convantor as intended. It is undesirable that permission be granted where disputes concerning the freehold covenant is likely to end up in court.
- The design fails to provide for surveillance or active frontage on to the lane.
- The design does not comply with building height regulations or guidance in 'Quality Homes Sustainable Communities'.
- Lack of details relating to boundaries which appear excessive in height.

6.4. Further Responses

None.

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 inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as set out below:

- Principle of Development
- Impact on Visual and Residential Amenity
- Vehicular Access & Car Parking
- Planning Precedent

7.2. Principle of Development

- 7.2.1. The site is zoned Z2 Residential Neighbourhoods (Conservation Areas) whereby it is the Council's objective 'to protect and/or improve the amenities of residential conservation areas' and residential use is a permissible use. The Development Plan notes that these areas are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.
- 7.2.2. The site comprises an underutilised backland site which is surrounded by two storey dwellings and is serviced. I am satisfied that residential development is acceptable in principle and will consolidate and provide for compact growth within this urban neighbourhood in line with relevant national, regional and local policies and objectives.
- 7.2.3. The observers to the appeal raise concerns relating to a covenant which exist which restricts development on the appeal site. I consider this is outside the scope of this assessment and I note that Section 34(13) of the Planning and Development Act provides that an applicant shall not be entitled solely by reason of permission to carry out any development.

7.3. Impact on Visual and Residential Amenity

Visual Amenity

- 7.3.1. The area is characterised by distinctive terraces of two storey houses with an attractive architectural quality known as the CIE Inchicore Works estate and this distinctive character is recognised in the Z2 Zoning Objective. The area is not currently designated an Architectural Conservation Area, there are no protected structures in the immediate vicinity of the site and the dwellings at Inchicore Terrace are not included on the NIAH. An observer has stated that No. 14 Inchicore Terrace North is included on the NIAH, however I have searched the NIAH and found this not to be the case.
- 7.3.2. The site is surrounded on all sides by the rear gardens of properties on Inchicore Terrace North, Inchicore Terrace South and Inchicore Square East and is bound by laneways on three sides. The design of the proposed dwelling is contemporary but incorporates references to existing dwellings and incorporates a two storey element

with a pitched roof and chimney and a flat roofed single storey element. The western elevation directly addresses the main laneway fronting the site with a two storey gable and the boundary wall of the flat roof single storey element and there is limited fenestration on this elevation. The point of the pitch of the two storey roof is stepped such that the ridge on the south elevation is set below the ridge of the north elevation. When viewed from the west on the laneway fronting the site this feature is concealed by the proposed chimney, as is the northern pitch of the roof such that the dwelling appears monopitch from this view. The ridge height of the extended pitch on the north elevation is 8.33m with the lower ridge on the south elevation extending to 8.28. The chimney extends to a height of 10.25m. The eaves height is indicated as approx. 6m. I note that there is a lack of clarity in the drawings which is addressed in section 7.3.14 below.

- 7.3.3. The ridge height of the existing houses in the vicinity of the site as shown on the contiguous elevation drawing is approx. 7m with a chimney height of approx. 8.5m. Houses on Inchicore Terrace North are located approximately 16m from the proposed northern elevation and houses along Inchicore Terrace South are located approx. 50m south of the proposed southern elevation. Dwellings to the west on Inchicore East are approximately 23 m from the proposed western elevation. I note that many of the surrounding properties, including those on Inchicore Terrace North have incorporated single and two storey extensions, many of which are contemporary in design and extend to meet the rear boundaries adjoining the laneways.
- 7.3.4. The proposal is located to the rear of the existing dwellings and its visibility from the main roads in front of the existing dwellings is likely to be limited. The visual impact will be noticeable from the rear laneways surrounding the site and from the rear of surrounding properties. Overall I consider the scale is in keeping with existing dwellings and is acceptable having regard to the size of the site and the setback distance from surrounding dwellings. I consider the contemporary design is acceptable in this area and in compliance with Policy BHA9 and with the criteria set out in Section 15.15.2.2 relating to new development in conservation areas which states infill proposals should respect the design of the surrounding development and character of the area including existing scale, height and massing, materials and finishes. Having regard to the location of the site to the rear of existing dwellings and

to the height, massing and scale of development proposed, I consider the proposed development will satisfactorily integrate into the area, will not result in an overbearing or dominant feature within the streetscape and will not negatively impact on the character of the area it.

- 7.3.5. The west elevation forms a side gable elevation and has limited fenestration, with high level windows (which are not shown on floor plans) at ground floor to provide for light whilst retaining privacy. At first floor a narrow window serves a bedroom. Both the planning authority and observers raised concerns in relation to the proposed blank facades and resulting lack of surveillance on the laneway adjacent to the west elevation. Whilst I agree that the proposal provides for limited surveillance along this section of the laneway, I note the desire to retain privacy in the ground floor habitable rooms and the inclusion of a bedroom window at first floor on the west elevation as well as on the upper floors of the north and south elevations which provide for some surveillance over the laneway. I also note the first party's case that the design reflects existing dwellings in the area where blank gables directly address the laneway, such as between 13 and 14 Inchicore Terrace North. I am satisfied that the proposed development is appropriate for the site in this regard.
- 7.3.6. Observers have raised concerns in relation to non-compliance with Development Plan provisions relating to protection of trees. I note that the proposed development would result in the removal of some hedgerow and trees from the site. Having inspected the site I consider the trees and hedges to be removed are not of visual or amenity significance and I am satisfied that their removal will not contravene Development Plan policy GI41.

Conclusion regarding Visual Amenity

- 7.3.7. I consider the design which provides for a modest scale of development would not injure the residential amenities of the conservation area and I do not agree with the PA reason for refusal that the proposed dwelling would fail to respect or enhance the architectural style of existing houses. Having regard to the size of the site, its location to the rear of and separate from existing properties and to the proposed scale and design, I am satisfied that the development would not adversely impact on the visual amenities of the residential conservation area.

Impact on Residential Amenity

- 7.3.8. In relation to overlooking, the first floor contains windows serving habitable rooms on the east, west and south elevations where separation distances are substantially in excess of 16 metres between rear opposing windows and as such I am satisfied that the development complies with SPPR 1 of the Compact Settlements Guidelines and will not give rise to undue overlooking into surrounding dwellings.
- 7.3.9. A timber fence defines the site's eastern boundary, beyond which is the rear garden of No. 15. The proposed east elevation is located on the boundary with No. 15 Inchicore Terrace North with a total length of approximately 17m, 11m of which is single story and 6m is two storey. This boundary faces into the rear garden of No. 15 and there are no directly opposing windows. The two storey element is set back approximately 25m from the rear elevation of no 15 and as such is unlikely to result in overbearing impacts. The east elevation contains an office window at ground floor and office and bathroom windows at first floor which are obscure and inward opening and are located on the shared boundary. I note that the fenestration on the east elevation drawings does not match the floor plans. Notwithstanding their design, I have concerns with the location of these windows on the shared boundary and their impact on any potential future development to the rear of No. 15. If the Board decides to grant permission I consider that the windows on the eastern elevation should be omitted, noting the presence of windows on the north and south elevation serving habitable rooms that may be impacted by the omission of these windows on the eastern elevation. I consider this matter can be addressed by condition.
- 7.3.10. In relation to the PA's concerns regarding adequate daylight and ventilation, I note the dwelling is dual aspect and windows are provided for habitable rooms. The first party appeal includes a schedule of room sizes demonstrating compliance with Quality Housing for Sustainable Communities Guidelines.

Open Space

- 7.3.11. The proposed dwelling provides for private amenity space of 180 sq.m. to the south and 80 sq.m. to the north which is in accordance with Compact Settlements Guidelines SPPR 2.
- 7.3.12. In relation to concerns raised by the PA and observers regarding the retention of inadequate private open space for the existing dwelling at No. 14, the first party

argue that the appeal site never formed part of the private open space for No. 14 but rather acted as an allotment which is separated from No. 14 by a laneway and also that the appeal site is now in separate ownership from No. 14.

7.3.13. I do not consider it reasonable to request the occupants of No. 14 to purchase open space from the appeal site as put forward by the first party. Nor do I consider it appropriate that where ownership of rear private amenity space has changed that development should be permitted which would reduce the open space serving the host property to an unacceptable degree such that it would result in residential amenity impacts for the host property. The Compact Settlements Guidelines outline requirements for private open space, with SPPR 2 requiring a minimum of 40 sq.m. per 3 bed house for new development. The standards do not relate to existing dwellings, however I consider it reasonable that new development should retain adequate open space and should not reduce the amount of private open space serving an existing dwelling to below the standards set out in the Development Plan and/or Section 28 Guidelines, where existing private open space meets or exceeds the minimum standards. As outlined by the first party, some properties within the overall estate do not have rear allotments and as such rely on their front garden and rear yard for private open space and where the rear allotments do exist they were traditionally separated from houses by a laneway. The front garden of no 14 measures approx. 85 sqm and noting its size, existing mature planting, and the absence of in curtilage parking, provides for a level of privacy and amenity that would not typically be provided in front gardens. I consider this, along with the south facing rear yard provides adequate private open space for no 14. Whilst not directly relevant to existing dwellings, I note that SSPR 2 makes provision for reduced provision where the full amount of private open space is not provided with the intent that occupants be provided with a high standard of amenity in terms of open space provision. I also note that the existence of an access road between the rear of no 14 and the appeal site and the presence of rear boundary walls at No 14 provides for a separation of the space such that the appeal site does not act as a typical rear garden. I am satisfied that the extent of private open space serving the existing dwelling at No. 14 is acceptable and the proposed development will not negatively impact on the residential amenity of the existing dwelling in terms of private open space.

- 7.3.14. I have some concerns in relation to the lack of details and inaccuracies on drawings. The proposed north elevation and proposed south elevation drawings appear to be incorrectly labelled with the ridge on the south elevation at 8.33m whilst the ridge on the north elevation is stepped slightly below this at 8.28m. This is not in line with the contiguous elevation drawing. There also appear to be some discrepancies whereby plans and elevations do not correspond. Windows shown on the east and west elevations do not match openings shown on floor plans. I also note that the proposed east elevation drawing shows No. 22 Inchicore Terrace north positioned to the west of the site which appears to be incorrect. The contiguous elevation drawing also appears to have incorrectly labelled adjoining dwellings, on the south elevation no. 14 and 15 Inchicore Terrace East would appear to refer to dwellings on Inchicore Square East. I also note that limited information has been provided in relation to material finishes proposed. However, I am satisfied that the principle of development on the site is acceptable and that the drawings submitted are adequate to assess the proposed development.

Conclusion Regarding Residential Amenity

- 7.3.15. Having regard to the above I consider the proposed development is acceptable in terms of residential amenity for existing and future residents and I am satisfied that the proposed development does not result in overdevelopment of the appeal site.

7.4. Vehicular Access and Car Parking

Laneway Width

- 7.4.1. The proposed vehicular access would be located directly off the laneway to the west of the appeal site. The laneways within the estate provide access to properties on Inchicore Terrace North and Inchicore Square as well as access to the rear of properties, with numerous vehicular entrances located on the laneways in the vicinity of the appeal site. The laneways are narrow in width have no footpaths or road markings and are unable to accommodate passing traffic. Having regard to the traffic survey submitted with the first party appeal and to my observations during a site inspection, the laneways do not appear to be heavily trafficked and traffic speeds are low.
- 7.4.2. The first party argues that the development should not have been assessed under the development plan provisions relating to mews development. I note the definition

of mews provided in the development plan and I agree with the first party that the development does not relate to a mews as defined. However, I consider the provisions within the Development Plan relating to access to mews dwellings from existing laneways are relevant, noting the characteristics of the site are similar in this regard.

- 7.4.3. The PA Transportation Section report outlined concerns in relation to large sections of the laneways which are considered substandard with respect to development plan policy. The report noted that the laneway is approximately 3.6m to 4.0m in width to the west of the development site, reducing to 3m at the western end of the lane connecting to Inchicore Square and widens to approximately 8m in width where it meets the lane to the west of the appeal site.
- 7.4.4. The applicant proposes to use route option B for vehicular access to serve the dwelling, via Inchicore West Terrace allowing for use of other routes to be minimised. I consider such an approach would be difficult to enforce, and even if the applicants were to use this route it would be difficult to ensure others accessing the development, including future occupants, would use this route as a priority. As such I do not consider it appropriate to rely on this approach. However, I do note that there are a number of alternative routes to access the site, including from Inchicore Terrace South, from Inchicore Terrace North or from Inchicore Square.
- 7.4.5. Documents submitted with the appeal include a swept path analysis for refuse vehicle and fire tender access – egress to Inchicore Square and Inchicore Terrace South, and a swept path analysis for a 1.8m wide car as well as a traffic survey indicating numbers of vehicles as well as speed. The Development Plan requires under Section 15.13.5.4 that: “potential mews laneways must provide adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles”. Volume 2 Appendix 5 Section 4.3.8 also highlights this stating that a “minimum carriageway of 4.8m in width (5.5m where no verges or footpaths are provided) is required. In circumstances where these widths cannot be provided, safe access and egress for all vehicles and pedestrians must be demonstrated”. Whilst the laneway width in this case is below the recommended width of 4.8m, the Development Plan provides for flexibility where the width is less than 4.8m. The first party appeal includes a transport engineers report in relation to the proposed

development which demonstrates that access for cars, refuse and emergency vehicles can be accommodated.

- 7.4.6. Having considered the documentation submitted and undertaken a site inspection, I agree with the first party that the proposal will generate low traffic volumes and note the narrow lane width which acts as a shared surface serving existing dwellings in the area and that similar such layouts exist in other urban locations. I also note that the site is highly accessible by modes of transport other than the private car.
- 7.4.7. While I acknowledge the submission of the PA, I would consider that given the small scale nature of the development, together with the current use of the laneway to access existing dwellings, and the scope at various points within the network of laneways for vehicles to pass, the proposed development would not generate so significant a level of traffic as to give rise to a public safety issue. As such, and having regard to the national policy which seeks to achieve development of serviced infill sites within existing urban areas, I am satisfied that the use of the laneways to provide vehicular access to serve the proposed dwelling is justified.
- 7.4.8. The PA also raised concerns that there are no parking restrictions in force and that a parked car within the laneway could obscure vehicular access to the laneway. I note that the laneways are currently in use to serve rear vehicular access to properties in the area as well as being one of the vehicular routes used to access Inchicore Terrace North and Inchicore Square. I consider that the concerns raised by the PA could arise regardless of whether the appeal site is developed or not and having regard to the limited increase in traffic arising from the proposed development I do not consider these adequate grounds for refusal.

Vehicular entrance and sight lines

- 7.4.9. The proposed vehicular entrance is located at the western site boundary opposite the junction with the laneway leading to Inchicore Square. The PA Transportation Section report raises concerns in relation to the position of the vehicular access at an existing laneway junction which may cause a conflict between vehicles and prevent safe access/egress. I note the concerns in this regard and would have some concerns in relation to the proposed vehicular entrance as submitted to the planning authority which fails to provide sightlines at the proposed entrance.

- 7.4.10. A revised site plan has been submitted with the first party appeal which increases the width of the vehicular access with an overall vehicular gateway width of approximately 7 m as shown on the visibility splays drawing submitted with the appeal which includes a pedestrian entrance of 1.6m. In the revised drawings the angle of the northern splay has been redesigned to improve visibility and the drawings submitted show the revised entrance proposed provides visibility splays of 2.4m (x-distance) by 7m (Y-distance). The Transportation Report submitted with the first party appeal also suggests incorporation of 'Sleeping Police men' traffic calming ramp c.10m to the north and south of the proposed access and inclusion of double yellow lines on the lane to the west of the appeal site.
- 7.4.11. I consider the sightlines submitted with the appeal are acceptable having regard to the low levels of traffic, the slow traffic environment and shared surface which exists and I do not consider it necessary to require traffic calming measures or double yellow lines on the laneway as proposed by the first party. I note that the revised proposed vehicular entrance width exceeds the Development Plan requirements in Section 4.3.1 which states that for a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width. I am satisfied that the unique site characteristics are adequate to justify an increased vehicular entrance width and that the development will not result in a poor-quality pedestrian environment or unacceptable visual impact such that might be the case where an overly wide vehicular entrance is proposed in a more typical residential development layout.
- 7.4.12. I have some concerns that the proposed gate when fully open may restrict the available sightlines as sightlines would not extend the full width of the opening to the boundary wall as shown on the site layout plan noting what appears to be a concertina style gate and a pedestrian entrance which are likely to obscure sight lines. If the Board decides to grant permission I consider this matter can be addressed by a condition restricting the height of the vehicular and pedestrian gate to 1.2m.
- 7.4.13. I note the PA concerns that access and egress from the car parking space would as a result of the lack of on-site turning space require additional movements on the lane. An autotrack drawing indicating vehicular access to the proposed car parking space from the lane has been submitted with the appeal. Having regard to the low

levels of traffic using the lane I am satisfied that the vehicular entrance is generally acceptable. In the event that the Board is not satisfied with the proposed vehicular entrance, they may apply specific planning policy SPPR 3 to this site, that car parking should be wholly eliminated given its nature and scale, its locational context within a 'City-Centre' location that is highly accessible and lies proximate to local retail, services and employment centres within the area. I consider that this matter could be appropriately addressed by way of condition.

Conclusion regarding Vehicular Access and Car Parking

- 7.4.14. Having regard to the existing site and traffic characteristics, the amended site access/egress arrangements providing for improved intra-visibility, and subject to the requirement for a construction management plan, I am satisfied that the development will not give rise to a traffic hazard. I note that the PA did not refuse permission for reason of material contravention and on the basis of the documents submitted with the appeal I am satisfied that safe access and egress for pedestrians and vehicles has been demonstrated and that the development meets the requirements of Section 15.13.5.4 and Section 4.3.8 of Appendix 5. I am therefore satisfied that the question of a material contravention of the plan in this regard does not arise.

7.5. Planning Precedent

- 7.5.1. The appeal submission includes a list of applications which are considered to demonstrate precedent for the proposed development. I note that a number of precedents referred to are not within DCC administrative area or were not permitted under the current DCC Development Plan and not all references included vehicular access. As such, I do not consider that these applications are appropriate precedents for the purposes of this case.

8.0 AA Screening

- 8.1. I have considered the proposed development of one dwelling and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approx. 6.5km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and 7.5 km from the South Dublin Bay SAC (000210).

The proposed development comprises the development of one dwelling and associated site works. No nature conservation concerns were raised in the planning appeal.

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 European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed dwelling and associated site works.
- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account screening determination by the Planning Authority.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

9.1. I recommend that permission is granted subject to the following conditions.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Dublin City Development Plan 2022-2028, to the Z2 Residential Neighbourhoods (Conservation Areas) zoning objective where residential development is permitted in principle, to the pattern of development in the area, to the infill nature and size of the site and the separation distance from existing dwellings, and to the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not injure the visual or residential amenities of the area, would

not detract from the residential conservation area and would not result in a traffic hazard and would, therefore, 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 and by the further plans and particulars received by An Bord Pleanála on the 16th day of August 2023, 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 development shall be amended as follows:
 - a. All windows on the ground and first floor east elevation shall be omitted.
 - b. The vehicular and pedestrian access gates shall not exceed 1.2m in height.
 - c. The proposed floor plans shall be amended to provide for windows on the west elevation that correspond with proposed elevations.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and traffic and pedestrian safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, including boundary treatments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Proposals for a naming/numbering scheme for the dwelling shall be submitted to and agreed in writing with the planning authority prior to the occupation of the dwelling.

Reason: In the interest of urban legibility.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity

7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays 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.

10. 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 the 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.

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.

Bernadette Quinn
Planning Inspector

26th July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317811-23		
Proposed Development Summary	Construction of a detached two-storey house.		
Development Address	Rear of 14 Inchicore Terrace North, Inchicore, Dublin 8		
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	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) and (iv) of Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317811-23	
Proposed Development Summary	Construction of a detached two-storey house.	
Development Address	Rear of 14 Inchicore Terrace North, Inchicore, Dublin 8	
<p>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.</p>		
	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>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for residential development on land zoned residential located in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>No, the proposal will be connected to the existing water supply and waste water drainage infrastructure. Construction waste can be managed through standard waste management conditions.</p>	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>The proposed development seeks permission for 1 house on a site measuring 0.053 ha which is not considered exceptional in the context of the existing urban environment.</p> <p>No</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> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No, South Dublin Bay and River Tolka Estuary SPA (004024) IS located approximately 6.5 kilometres east and South Dublin Bay SAC (000210) and Pnha are located approximately 7.3 kilometres east of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)