



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319065-24

#### Development

#### PROTECTED STRUCTURE:

Restoration of protected stone walls.  
Demolition of an industrial building for the construction of a house and all associated site works.

#### Location

Inchicore Terrace South, Dublin 8,  
D08 R763

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

3731/23

#### Applicant

Alan Weber

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Rachel Kerskens and Christian  
Kerskens & Others  
Lilian Johnson Arthur & Others

#### Observer(s)

Donal O'Herlihy & Pheobe Brady

**Date of Site Inspection**

7<sup>th</sup> November 2024

**Inspector**

Conor Crowther

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## **1.0 Site Location and Description**

- 1.1.1. The site consists of a disused single storey light industrial building (189m<sup>2</sup>) situated within protected boundary walls relating to the Inchicore Railway Works estate within which the site is located (RPS Nos.3300 & 8744). The protected boundary walls, measuring 2.5m-3.2m in height, bound the north, west and south of the site. The boundary wall along the eastern frontage consists of a blockwork wall which does not have protected structure status. The site forms a triangular shape with an existing site coverage of 88.5% within a stated area of 209m<sup>2</sup>. The site is located at a corner site at the junction of Granite Terrace and Inchicore Terrace South.
- 1.1.2. The site is bounded to the south by a single storey pitched roof building housing the CIE boxing club and an area of green public open space, to the east by No.1 Grattan Court which is a pitched roof end of terrace dwelling, to the north by Inchicore Terrace South and to the west by Granite Terrace which consists of 10 no. terraced dwellings all of which are registered on the Record of Protected Structures (Nos.3290-3299).
- 1.1.3. The site is located in a well-established residential area within the historic Inchicore Railway Works housing estate. The estate consists of 2 storey pitched roof terraced dwellings of varying size and a network of laneways often separating dwellings from their generous rear garden/allotment areas. Informal on-street parking occurs throughout the estate. The site lies approximately 4.3km to the west of Dublin City Centre within the inner suburban area of Inchicore. Inchicore village centre lies 136m to the southeast of the site. The Red Luas line is located 923m to the southeast of the site and a bus stop lies within 280m of the site along a high frequency bus route included within the permitted Liffey Valley to City Centre BusConnects Scheme.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is described as follows:
  - Demolition of existing single storey light industrial building, including roller shutter access from Inchicore Terrace South.

- Maintenance, repair and restoration of the protected boundary walls (RPS Nos.3300 & 8744). Part retention of the blockwork wall forming the eastern boundary of the site.
- Construction of a two storey 5 bed semi-detached dwelling (152m<sup>2</sup>) within the boundary walls. Provision of an entrance via the existing ope in the northern boundary wall, bin storage, bicycle parking, private open space, SuDS measures and ancillary works.

Further Information:

2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage to include the following:

- Fixed clerestory glazing to the northeastern corner of the proposed development with a slated charred timber screen in front.
- An additional upper-level window along the northwest elevation to create a corner window.

Information/Documentation:

2.1.3. Along with the standard drawings and information, the application was accompanied by:

- Structural Condition Report.
- Architectural Heritage Impact Assessment.
- Design Statement & Housing Quality Assessment.
- Social Housing Exemption Certificate.
- Architectural Heritage Impact Assessment (FI).
- 3D Imagery of the proposed development (FI).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Dublin City Council (The Planning Authority) issued a FURTHER INFORMATION request on the 5<sup>th</sup> July 2023 relating to architectural heritage, visual and residential

amenity impacts. In this respect, the Planning Authority requested a revised proposal. The applicant responded by undertaking minor amendments to the fenestration along the northeastern and northwestern elevations.

3.1.2. The Planning Authority subsequently issued a GRANT of permission for the above-described proposed development on the 23<sup>rd</sup> January 2023, subject to 10 no. conditions. Conditions of note include:

- Condition 2 removing exempted development privileges for any future extensions, garages, stores, offices or similar structures:
  - *‘Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) no extensions, garages, stores, offices or similar structures, shall be erected within the curtilage of the dwelling without the prior grant of planning permission.’*
- Condition 4(b) – *‘The entrance off Inchicore Terrace South shall not be gated’.*
- Condition 6 imposing the requirements of the Planning Authority’s Conservation Officer:
  - *‘The development shall comply with the following requirements of the Conservation Officer:*
    - (a) Prior to commencement of development, the developer shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority:*
      - (i) Site samples/exemplars for the proposed cleaning, repointing and stone repairs are to be agreed on site with the Conservation Officer prior to these works commencing.*
      - (ii) Specification for the cleaning of the stone wall, following agreement of a cleaning sample with the Conservation Officer.*
    - (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 the permitted works shall*

*be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.*

(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'.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The first Planning Officer's Report requested FI in relation to the following:

- An amended proposal was requested to address concerns surrounding the response of the proposed development to its immediate architectural context, the visual impact and form of the proposed development, the amenity, special architectural character and setting of the protected structure, neighbouring protected structures on Granite Terrace and the adjacent Conservation Area.



3.2.2. A second Planning Officer Report was issued by the Planning Authority recommending a GRANT of permission, subject to 10 no. conditions.

### 3.3. Other Technical Reports

3.3.1. The following internal sections issued reports following consideration of the application:

- Conservation Section -
  - First report states refusal on the grounds of visually obtrusive, dominant form, serious injury to the amenity, special architectural character and setting of surrounding protected structures, contravention of Policy BHA2 and BHA9 of the Development Plan.
  - Subsequent report states no objection, subject to 1 no. condition.
- Drainage Section – no objection, subject to 6 no. conditions.
- Transport Planning Section – no objection, subject to 4 no. conditions.

### 3.4. Prescribed Bodies

3.4.1. None received.

### 3.5. Third Party Observations

3.5.1. Several 3<sup>rd</sup> party observations were received in response to the application submitted to the Planning Authority. The issues raised by observers are generally reflected in the 3<sup>rd</sup> party appeals, observation and the Planning Authority decision submitted to the Board, and include also the following concerns:

- At odds with the Urban Design Manual – *‘proposed developments should respect and integrate/adopt existing building sightlines’*.
- The floor area of the proposed development is well in excess of the average floor area of an existing extended dwelling within the estate.
- No off-street parking provided which would exacerbate on-street parking issues.

- The current owner has neglected the protected boundary walls and removed parts of the wall, which was recently the subject of enforcement proceedings (ENF Ref. E0858/21).
- No mention of a change of use in the development description.
- Change of use is unacceptable due to the historic use of the site for light industrial purposes.
- External lighting plan and Landscaping Plan should be provided.
- A light and shadow study for the proposed rooms should be provided.
- The addition of a kerb along Inchicore Terrace South may help to protect the roadway.
- Ownership of the protected boundary walls requires further clarification.
- Potentially non-compliant with the Building Regulations.
- No renewable energy generation solutions proposed.

## 4.0 Planning History

### Subject Site:

- 4.1.1. Ref. 3762/22 – Permission REFUSED in 2022 for the demolition of the existing single storey light industrial building, construction of a 2 storey, 5 bedroom dwelling 215m<sup>2</sup> in size, including a terraced balcony at 1<sup>st</sup> floor level at the rear of the site, a roof garden with 1.8m high screens on the west of the site, removal of part of the stone wall at the north-east corner of the site to create a new pedestrian entrance, 5 no. cycle parking spaces and ancillary works.

Reasons for refusal include visually incongruous design, out of character with existing development in the area, overdevelopment of the site, negative impact on residential and visual amenities, visually obtrusive and dominant form, negative impact on the character and setting of the protected structure and adjacent protected structures, non-compliance with the Development Plan.

- 4.1.2. ENF Ref. E0858/21 - 'Unauthorised works to the protected boundary wall (RPS ref: 3300 and 8744)'.

Neighbouring Sites of relevance:

- 4.1.3. ABP-314056-22 – Permission GRANTED by the Board in 2023 for the Liffey Valley to City Centre Core BusConnects Scheme located approximately 165m to the east of the site.

## 5.0 Policy Context

### 5.1. Architectural Heritage Protection Guidelines for Local Authorities

- 5.1.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed development:

- Promote the consideration of the potential impact of the proposed development on the character of the protected structure.
- Encourage the smallest possible loss of historic fabric.
- Avoid adversely affecting the principle elevations of the protected structure.
- Assess the reversibility of proposals to allow for the future correction of unforeseen problems without causing damage to the structure.

- 5.1.2. Chapter 3 of these Guidelines relates specifically to Architectural Conservation Areas (ACAs) and is not of relevance to the proposed development as it is not located within or adjacent to an ACA at the time of writing.

### 5.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024

- 5.2.1. These recently adopted ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches of relevance:
- SPPR 1 – Separation Distances – *‘minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.*

- SPPR 3 - Car Parking – *‘In city centres and urban neighbourhoods of the five cities’....‘car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling’.*

### 5.3. Dublin City Development Plan 2022-2028

5.3.1. The following are sections, policies and objectives of relevance to the proposed development from the Dublin City Development Plan:

- Map D - Zoning Objective Z1 (Sustainable Residential Neighbourhoods) – *‘To protect and provide and improve residential amenities’.*
- The following protections apply to the site:
  - Record of Protected Structures Nos.3300 & 8744 – Northern, western and southern boundary walls of the site.
  - Record of Protected Structures Nos.3290-3299 Granite Terrace to the west of the site.
  - Zoning Objective Z2 (Residential Neighbourhoods (Conservation Areas) *‘To protect and/or improve the amenities of residential conservation areas’* to the north and west of the site.
- Chapter 11 - Built Heritage and Archaeology:
  - Policy 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).*
    - (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’.*

- Section 11.5.2 includes a list of priority Architectural Conservation Areas (ACAs) to be prioritised over the development plan period, with the Inchicore Railway Works estate included on the list.
- Policy BHA9 – Conservation Areas – *‘To protect the special interest and character of all Dublin’s Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible’.*
- Chapter 15 – Development Standards:
  - Section 15.4.2 – Architectural Design Quality – *‘Imaginative, innovative and contemporary architecture is encouraged in all development proposals, provided that it respects Dublin’s heritage and local distinctiveness and enriches the city environment’.* Key principles to consider include:
    - *‘The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site’.*
    - *‘The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid*

*to void relationships, degree of uniformity and the composition of elevations, roofs and building lines’.*

- *‘The existing palette of materials and finishes, architectural detailing and landscaping including walls’.*
  - *‘The suitability of the proposed design to its intended land-use and the wider land-use character of the area, along with its relationship with and contribution to the public realm’.*
  - *‘The design of new development should respect and enhance’... ‘the settings of protected structures, areas of special interest and important views’.*
- Section 15.5.2 – Infill Development – *‘Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. As such Dublin City Council will require infill development:*
    - *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
    - *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area’.*
  - Section 15.13.3 – Infill/Side Garden Housing Developments – *‘Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design’.*
  - Section 15.15.2.3 – Protected Structures – *‘Conservation is the careful and sensitive management of change and DCC would support new proposals to conserve, repair and adapt Protected Structures to ensure*

*they stay in long term sustainable use’... ‘Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011)’*

- Appendix 5 – Car Parking Standards – The following are maximum car parking standards for land uses relevant to the proposed development in Zone 2:
  - Residential Dwelling – 1 per dwelling.
- Appendix 16 – Daylight & Sunlight.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The closest site of natural heritage interest to the proposed development is the Royal Canal proposed Natural Heritage Area (002103) which is located approximately 550m to the south of the proposed development. Other sites of relevance include:
- The Liffey Valley proposed Natural Heritage Area (000128) located approximately 2.4km to the northwest of the proposed development.
  - The Royal Canal proposed Natural Heritage Area (002103) located approximately 4km to the northeast of the proposed development.

#### **5.5. EIA Screening**

- 5.5.1. Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced inner suburban area at a remove from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, 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 stage (see Appendix 2) and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. 2 no. 3rd party appeals were submitted by Rachel Kerskens and Christian Kerskens & Others and Lilian Johnson Arthur & Others (neighbouring properties to the east, north and west), on the 16<sup>th</sup> February 2024 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

Rachel Kerskens and Christian Kerskens & Others:

- Concern about design and development within a priority proposed Architectural Conservation Area and adjoining the curtilage of a row of listed buildings (Granite Terrace).
- The proposed development is sited at a visually significant location within the estate disrupting the building line and obscuring the adjacent listed buildings (Granite Terrace).
- Boundary walls of the site form the curtilage of the protected structures on Granite Terrace.
- Negative visual impact of the proposed development on the surrounding heritage context, particularly the setting of Granite Terrace, due to the design which is out of character with the surrounding buildings.
- Unsatisfactory roof profile. A pitched roof would be more complementary and sympathetic.
- Non-compliance with various Development Plan provisions (Chapter 16/Policies BHA2 & BHA9).
- The applicant's Architectural Heritage Impact Assessment (AHIA) disregards the concept and importance of building lines on the left-hand entrance to the estate.
- The Planning Authority's Conservation Section originally recommended refusal. This should carry greater weight than the applicant's supporting AHIA.



- The scale, outline and design of the proposed development has not been appropriately altered to address the grounds for refusal set out by the Planning Authority's Conservation Section.
- The proposed development has a higher parapet line than all existing houses, which are all setback from the road, and should be reduced in height to match.
- The visual prominence in the applicant's referenced precedent examples of similar development is not as significant as the proposed development.
- The applicant's 3D and CGI imagery is not a true reflection of the proposed development and its impact on neighbouring buildings.
- The proposed development negatively impacts the residential and visual amenity of the area.
- The positioning and size of the proposed fenestration will lead to loss of privacy for neighbouring dwellings.
- Overshadowing and overbearing front gardens along Inchicore Terrace South and No.1 Grattan Court, thereby negatively impacting their residential amenity.
- Minimal separation from No.1 Grattan Court, adjoining the eastern boundary of the site.
- Not clear how the Planning Authority's Conservation Section altered their determination post-submission of FI.
- Concerns surrounding noise pollution from proposed outdoor heat pump or heat recovery system.
- No 1 Grattan Court is likely to be negatively impacted during construction due to its proximity to the site.
- Previous reasons for refusal on this site relate to overdevelopment due to lack of usable private open spaces, visually incongruous design, negative impact on residential and visual amenities, negative impact on the character, setting and amenity of adjacent protected structures due to design, form, roofline, height and proximity.

Lilian Johnson Arthur & Others:

- Incongruous scale, height, design and materials.
- Concerns relating to the potential multi-occupancy of the proposed development due to its design and layout and the fact that speculative development was previously proposed onsite.
- Concerns about the safety of pedestrian and bicycle access and egress onto the main carriageway.
- Noise and traffic management concerns during both construction and operation due to protected structure standards requiring retention of single glazed windows for houses along Granite Terrace.
- Concerns about the use of the green as a construction compound.
- Submitted drawings are ambiguous.
- Overbearing due to roof height and eaves line, in comparison to existing two storey and single storey properties.
- Fenestration located on the west elevation and south elevation will lead to overlooking of properties along Granite Terrace.
- Several of the proposed 2m windows could be omitted and a single aspect in each room retained, with complementary rooflights provided.
- No other 5 bedroomed dwellings exist within the estate.
- The applicant's architects (Hannah Loughnane 5-7 architects) refer to precedent development in the area which is not reflective of the proposed development.
- The Planning Authority's Conservation Section did not address the impact of the proposed development on the protected structures at Granite Terrace in their assessment of the FI.
- The proposed timber finish would be incongruous in this setting; A lighter wooden finish should be employed instead.

- Previous submissions and appeals on this site remain relevant to the proposed development, particularly in the context of the commitment in the current Development Plan to designate the area as an ACA.
- The proposed development will erode the character of the area.
- Significant negative impact on the amenity of neighbouring properties.

## 6.2. Applicant Response

6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- The applicant intends to develop the site as a family home.
- The applicant has employed a Grade 1 architect (Hannah Loughnane) to address issues raised in previous grounds for refusal.
- The proposed development represents a reduction in size compared to the previously refused onsite development (Ref.3762/22).
- The following design parameters represent the guiding principles for the amended design:
  - Minimum floor to ceiling heights.
  - Low pitch roof profile.
  - Setback from the protected boundary walls.
  - Contemporary design and form.
  - External finishes consisting of timber cladding to complement the protected boundary walls.
  - Siting of the proposed development in the eastern portion of the site adjacent to an existing terrace of dwellings and where the site is at its widest point.
- The Planning Authority's Conservation Section acknowledged that the revisions made at FI stage were a significant improvement on the original proposal (the progression of the design from pre-app stage to FI stage are demonstrated in the response with the use of drawing extracts).

- All the concerns raised by the appellants and in submissions to the Planning Authority have been addressed in the revised design submitted and approved at FI stage.
- The appellants have not engaged a professional with regard to the contents of their grounds of appeal.
- The separation distances between directly opposing windows at 1<sup>st</sup> floor level fronting onto Granite Terrace are in excess of the standard 22m traditionally required.
- 1<sup>st</sup> floor windows at ground floor level fronting onto Inchicore Terrace South achieve a separation distance of approximately 20.5m but are not directly opposing any windows along Inchicore Terrace South.
- The glazing area of the proposed bedroom windows (1.9m<sup>2</sup>) is similar to existing bedroom windows along Granite Terrace (1.8m<sup>2</sup>) and Inchicore Terrace South (1.5m<sup>2</sup>).
- The windows will offer passive surveillance of the street and are a tenet of good design.
- The perception of overlooking onto the front gardens of dwellings opposite the northern elevation of the site would be minimal due to the 9m separation distance from the front boundary wall of said dwellings. It is noted that these dwellings do not avail of rear gardens and, as such, utilise their front gardens as their private amenity space.
- The appellants' views that the proposed development would negatively impact the relationship between the protected dwellings along Granite Terrace, the dwellings along Inchicore Terrace South and the surrounding neighbourhood are unfounded. Additional CGI images showing views of the proposed development from Granite Terrace are submitted in support of the applicant's view.
- The 3D modelling was carried out using AutoCAD and is based upon accurate dimensions and measurements. No manipulation of the imagery occurred apart from the hue of the timber cladding which can be agreed at condition compliance stage.

- The heritage context of the area has been considered in the design of the proposed development, which is also influenced by the varied architectural context to the south where more modern buildings and the urban village of Inchicore are situated.
- Given the constraints of the site, it was considered that a contemporary design would be better suited to this site.
- The proposed development is designed in accordance with the minimum height for such a development. Excavating further into the ground to increase the building height would destabilise the protected boundary walls.
- The roof design respects the rooflines of neighbouring dwellings.
- The proposed development enhances the protected boundary walls and would have a minimal impact on the surrounding environs.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to grant permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.
- A naming and numbering condition.

### **6.4. Observations**

6.4.1. An observation from Donal O’Herlihy & Pheobe Brady, 10 Inchicore Terrace South was received by the Board on the 7<sup>th</sup> March 2024. The issues raised by the observers are generally reflected in the 3<sup>rd</sup> party appeal and also raise the following:

- The proposed development is not in accordance with the Residential Conservation Area zoning.
- Inchicore Terrace South is registered on the National Inventory of Architectural Heritage (NIAH).
- The site of the proposed development forms a significant part of the receiving environment for Granite Terrace and Inchicore Terrace South.

- The scale, materiality and expression of the proposed development reconfigures the receiving environment of Granite Terrace as perceived from the approach along Inchicore Terrace South.
- The proposed development is located 6m forward from the existing building line of Grattan Court to the east.
- Before and after viewpoints are submitted demonstrating the negative impact of the proposed development on the receiving context.
- The proposed development is almost twice the size of a typical 3 bed dwelling located along Inchicore Terrace South (78m<sup>2</sup>).
- A 2m offset from the building line of Grattan Court to the east is suggested. This would increase separation distances from properties on Inchicore Terrace South and would allow for a developable area of approximately 100m<sup>2</sup>, including an upper floor.
- Access and egress from the site would be curtailed by the depth of the boundary wall which would limit visibility.
- Concerns surrounding construction management due to the limited vehicular accessibility of the site.
- Concern surrounding the access of future residents to sunlight and daylight due to the height of the protected boundary walls.
- Very little consideration for the attenuation of surface water and the implementation of a SuDS strategy, as required by the Development Plan.
- No provision of habitat or biodiversity measures.

## 7.0 Assessment

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

- Principle of Development & Change of Use.

- Height, Scale & Form of Development
- Impacts on Architectural Heritage.
- Residential Amenity.
- Other Matters.

## **7.2. Principle of Development & Change of Use**

- 7.2.1. As stated in Section 5.3.1 of this report the site falls under Zoning Objective Z1. Residential development is a permissible use under this zoning, providing residential amenities are not negatively impacted. The neighbouring dwellings along Granite Terrace and Inchicore Terrace South fall under Zoning Objective Z2 which aims '*To protect and/or improve the amenities of residential conservation areas*'. This zoning is reflective of the fact that the Inchicore Railway Work estate is earmarked as a priority ACA. Notwithstanding this, residential development is also a permissible use under this zoning objective. Given the permissibility of residential development under both zonings, I consider the principle of the proposed residential development to be acceptable.
- 7.2.2. I note that concerns were raised in the submissions to the Planning Authority regarding the change of use of the site from light industrial to residential. This change of use has not been specifically set out by the applicant in their application. As the existing building is proposed to be demolished, I do not consider a change of use of the building to occur. Rather, a change of use of the site would occur and this is clear in the description of development. Thus, it is inherent that a change of use of the site would occur if the development were to be granted, as proposed.

## **7.3. Height, Scale & Form of Development**

- 7.3.1. The applicant contends that the height of the proposed development aligns with the eaves of the adjacent dwellings on Granite Terrace and Inchicore Terrace South and with the ridgeline of the adjacent dwellings on Grattan Court. In addition, the applicant contends that the simple roof form and consistent height of the proposed dwelling (2 storeys - 6m) respects the prevailing height of the area. The applicant also highlights the reduction in footprint of the proposed development when compared to a previously refused onsite development (3762/22), and the site coverage of the proposed development (44%) which matches the average site

coverage of neighbouring dwellings. The Planning Authority notes that the overall ridge height of the proposed development sits well below the ridge lines of dwellings along Inchicore Terrace South. The Planning Authority also considers the contemporary form, the ratio of solid to void and the staggered planes along the elevation of the proposed development to be acceptable. Conversely, the 3<sup>rd</sup> parties consider the proposed development to be oversized, too far forward of the existing building line, the roof profile to be unsympathetic, the parapet line to be too high in the context of surrounding dwellings and the design to be visually incongruous.

7.3.2. Regarding the height of the proposed development, I note that the overall ridge height of the proposed dwelling would sit below the ridge height of the existing surrounding dwellings. Whilst the eaves of the proposed development would largely align with those of existing dwellings on Granite Terrace and Inchicore Terrace South, the eaves would rise approximately 1m above the eaves of existing dwellings on Grattan Court. This is due to the differing floor to ceiling heights of dwellings along Grattan Court. Notwithstanding this, I consider that the overall height of the proposed development would align with that of surrounding dwellings and would therefore not appear to be oversized or overly dominant in the context of the surrounding area. Moreover, the applicant states that the floor to ceiling height would be the minimum achievable due to the potential to impact on the foundations of the protected boundary walls. Having analysed the ground level of the site in the submitted drawings and considering the proximity of the protected boundary walls, I agree with the applicant that no scope exists to materially reduce the floor levels or floor to ceiling heights in the development such as would facilitate a further reduction in overall height.

7.3.3. I note that the height of the proposed development would be mitigated by its proposed low pitched roof form which allows for an overall ridge height that would be sympathetic to the existing surrounding dwellings. If a pitched roof form were to be incorporated into the proposed development, I consider that this would risk the proposed development appearing overly dominant and oversized in the context of Grattan Court due to their lower eaves height. Given this, and that the low-pitched roof form provides for a contemporary form, as encouraged in Section 15.4.2 of the Development Plan, I consider the roof profile of the proposed development to be acceptable.



- 7.3.4. The 3<sup>rd</sup> parties have raised concerns with the building line of the proposed development. When considered in the wider context of Inchicore Terrace South, it is evident that the building line along the northern portion of Inchicore Terrace South is clear and consistent, whereas there is a staggered and inconsistent building line along the southern portion of Inchicore Terrace South. This is reflected in the existing onsite building line defined by the protected boundary walls which immediately abut the roadway, whereas the buildings to the east of the site lie approximately 7m from the roadway. When considering the 1.5m setback of the proposed development from the roadway, a building line differential of 5.5m would exist along the eastern elevation at first floor level. As stated above, the protected boundary walls establish a building line immediately adjacent to the roadway. Given that these boundary walls have a protected structure status, removal of the walls would generally not be permissible. Thus, the building line is established at ground level, however, at first floor level the proposed development would introduce a new building line. I am of the view that the design of the slated screen in front of the clerestorey glazing along the eastern elevation would diminish the visual impact of the building line to the east, at first floor level. This is due to the reduction in the solid to void ratio of the building, which would reduce the visual prominence of the building line. I am also of the view that the charred timber cladding would limit the visual prominence of the building line along the eastern elevation at first floor level due to its assimilation with the limestone and granite walls.
- 7.3.5. The 3<sup>rd</sup> party observers suggested that the building line differential between the proposed development and Grattan Court should be limited to 2m and they have demonstrated this by way of an illustrative diagram. The observers' diagram shows the area of the proposed development tightly configured within a triangular area abutting the protected boundary walls on the southern elevation. Given the constraints of the site, the need to protect the boundary walls and to assimilate with the surrounding dwellings, I do not consider this to be an acceptable design response for the building line. I also consider this approach to potentially compromise the residential amenity of future occupants due to the limited access to daylight and sunlight that would arise as a result of the tight configuration.
- 7.3.6. I note that the proposed development was altered at FI stage through the provision of increased glazing on the northeastern and northwestern corners of the 1<sup>st</sup> floor.

This was undertaken in order to improve the solid to void ratio of the proposed development. The proposed glazing includes a mixture of picture windows and floor to ceiling windows at ground floor level and a rooflight, floor to ceiling windows and escape windows at first floor level. This, in my opinion, provides for a satisfactory design and form which helps to mitigate the scale of the proposed development thereby making it appear less bulky in the receiving environment.

- 7.3.7. The applicant's response to the 3<sup>rd</sup> party appeals demonstrates, by way of comparative drawings, how the design of the proposed development has evolved over time. This includes a clear reduction in site coverage, height, scale and form which is clearly apparent from the previous refusal. In conclusion, when viewed in tandem with the contemporary form, roof profile, overall ridge height, solid to void ratio and building line, I consider that the height, scale and form of the proposed development would be sympathetic to surrounding dwellings and would not be overly dominant or oversized.
- 7.3.8. In respect of the similar precedent examples referenced by the applicant, I consider there to be similarities with the proposed development in terms of the design and materials. However, I consider the context of the precedent examples to be different to that of the proposed development.

#### **7.4. Impacts on Architectural Heritage**

- 7.4.1. I note the 3<sup>rd</sup> parties' allegations that the Planning Authority, specifically the Conservation Officer, inconsistently assessed the proposed development, particularly regarding the design changes at FI stage which did not fundamentally alter the design of the proposed development. The 3<sup>rd</sup> parties also contend that there is little or no difference between the proposed development and previously refused onsite development (Ref. 3762/22). On this issue I note the applicant's response to the 3<sup>rd</sup> party appeals which clearly demonstrates by way of comparative drawings the differences in site coverage, height, scale and form between the previously refused development (Ref. 3762/22) and the current proposal. In any event, the previously refused development on the site was not the subject of appeal and therefore assessment by An Bord Pleanála. What is for assessment under this appeal is the proposed development as amended by FI, and the Board will undertake a de novo assessment of this revised proposal.

### Protected Boundary Walls

- 7.4.2. The applicant's AHIA, undertaken by Hannah Loughnane of Five-Seven Architects, accepts that the protected boundary walls constitute the dominant feature of the subject site. It is contended that the proposed development would retain the dominance of these walls due to their retention, the setback of the development from the protected boundary walls and the charred timber cladding external finish which I generally agree with, as detailed in preceding sections. A Structure Condition Report, undertaken by Marty Wardick of MSW & Associates on behalf of the applicant concluded that the proposed development would not compromise the structure of the protected boundary walls.
- 7.4.3. The Planning Authority recognise the regional importance of the protected boundary walls and are of the opinion that the proposed development would improve their presentation and amenity due to the removal of the existing structure from the confines of the walls which I generally agree with, as detailed in preceding sections. In addition, the Planning Authority consider the repair and renewal elements of the proposed development to be beneficial to the safeguarding of the protected walls. The 3<sup>rd</sup> parties contend that the proposed development would negatively impact the protected boundary walls and point to the fact that the applicant has damaged them (ENF Ref. E0858/21).
- 7.4.4. From analysis of the site, I observed elements of damage and deterioration along the protected boundary walls which consist of a limestone wall along the northern elevation transitioning to a granite wall along the southern elevation. The protected walls were capped by crenelated stone capping which I noted to be missing in some sections. This is supported by the appellants' contestations about damage to the boundary walls and the applicant's structure condition report. The NIAH references the regional importance of the protected boundary walls and particularly notes the skilled craftsmanship in the execution of a section of granite wall at Granite Terrace where the boundary walls transition from a limestone to a granite wall. Based on both the applicant's Structure Condition Report and AHIA the height of the protected boundary walls varies from 2.5m-3.2m. The overall length of the protected boundary walls measures approximately 52m, minus the entrance opening.

- 7.4.5. Given the location of the protected boundary walls along the northern, western and southern elevations of the site, I consider the appearance of the proposed development from these elevations to be of most relevance to my assessment of the impact of the proposed development on the protected boundary walls. In particular, I consider the setback distance and the design of the proposed development to be of most relevance.
- 7.4.6. The layout of the proposed development provides for varying setback distances from the protected boundary walls with the closest separation distance being 0.14m at 1<sup>st</sup> floor level on the southern elevation and the furthest being 12m at ground floor level on the western elevation. The existing disused single storey light industrial unit occupies much of the site and immediately abuts the protected boundary walls but was not readily visible above the protected boundary walls upon my site visit. I consider the proposed development to represent an improvement in the context of the impact on the protected boundary walls as it provides for greater setback distances thereby facilitating repair and maintenance of them. The proposed development would also support a visual distinguishment between the protected boundary walls and the proposed dwelling structure by way of an appropriate setback. I also consider the removal of a small portion of the blockwork wall on the eastern boundary to be a positive addition as it demonstrates a visual separation from the protected boundary walls on the eastern elevation.
- 7.4.7. The design of the proposed development evokes a contemporary feel with a charred timber cladding finish and a box-like form. Given the height and extent of the protected boundary walls, the ground floor of the proposed development would not be visible from most elevations except the northern elevation where a rendered entrance is proposed. Thus, the charred timber cladding box-like design at 1<sup>st</sup> floor level features prominently from all viewpoints. Notwithstanding the prominence of this design, I consider that the protected boundary walls maintain a visual dominance, particularly at ground level where the development would be almost fully hidden from sight. I do not consider that the design of the 1<sup>st</sup> floor level detracts from the prominence of the protected boundary walls but rather adds an appropriately designed contemporary feature that is sympathetic to them. I therefore consider that the proposal aligns with Sections 15.5.2 and 15.13.3 of the Development Plan which encourage a modern design response for infill developments.

- 7.4.8. The proposed development also involves the repair and restoration of the protected boundary walls which would proactively address the structural issues highlighted in the applicant's Structural Condition Report and AHIA. The proposed development would therefore facilitate the renewal of the protected boundary walls and bring them back into long-term sustainable use, in accordance with the provisions of the Architectural Heritage Protection Guidelines and Section 15.15.2.3 of the Development Plan.
- 7.4.9. Having regard to the above, I consider that the proposed development would not significantly or negatively impact the character and setting of the protected boundary walls.

Granite Terrace:

- 7.4.10. The applicant's AHIA places emphasis on the separation distance of the proposed development from Granite Terrace, which they consider minimises any impact on these protected structures. The 3<sup>rd</sup> parties contend that the visual aspect and setting of Granite Terrace would be materially impacted by the proposed development as the view of Granite Terrace from Inchicore Terrace South would be obscured by the proposal due to the disrupted building line and design which they consider to be out of character with the area. The 3<sup>rd</sup> parties also contend that the Planning Authority did not appropriately assess the impact of the proposed development on Granite Terrace at FI stage.
- 7.4.11. Policy BHA2 of the Development Plan emphasises the need to protect the character and setting of protected structures. The Architectural Heritage Protection Guidelines promotes the avoidance of adversely affecting the principle elevations of protected structures. Given the relatively untouched nature of the front elevations along Granite Terrace and the fact that this elevation clearly demonstrates the granite structure of these protected structures, I consider the front east facing elevations to be the principle elevations of Granite Terrace. Thus, the principle elevations face towards the site of the proposed development.
- 7.4.12. The character and setting of Granite Terrace is generally characterised by its pitched roof profile, granite form, consistent building line and generous ancillary garden space to the rear with a green area of public open space to the front of the terrace. None of these elements would be altered by the proposed development, however,

concerns have been raised by 3<sup>rd</sup> parties relating to the impact of the proposed development on the visual context of Granite Terrace. It is considered that these concerns generally relate to the vista towards Granite Terrace from Inchicore Terrace South which is currently exposed at 1<sup>st</sup> floor level due to the single storey nature of the existing onsite development.

- 7.4.13. As noted by the applicant, the proposed development lies to the east of Granite Terrace at a separation distance of approximately 26m in an established inner suburban setting. The proposed development is largely located within the central and eastern portion of the site and avoids the western portion of the site, the closest area within the site to Granite Terrace. This demonstrates a conscious effort by the applicant to avoid impacting the principle elevations of Granite Terrace. The design and scale of the proposed development is also fashioned in a way that assimilates with the existing surrounding dwellings in the area. The projection of the proposed development above the protected boundary walls is also limited by the height of the proposed development which generally aligns with the existing surrounding dwellings in the area. Having regard to the above, I do not consider that the principle elevations of Granite Terrace would be impacted by the proposed development.
- 7.4.14. Regarding the impact of the proposed development on the visual amenities of dwellings along Granite Terrace, I note that the addition of a 2-storey dwelling on this site would change the view of the streetscape from Granite Terrace. This is evident in the CGI images submitted by the applicant, most notably Image 9 on page 11 of the applicant's response to the appellants. When this is compared with the image of the existing view of the streetscape from No.9 Granite Terrace as submitted by the appellants, it is evident that the view of the streetscape would be altered from this location. Notwithstanding this, I am of the opinion that the proposed development would be located at such a distance (26m) as to render its impact on the visual amenities of Granite Terrace to be insignificant. Moreover, the design and scale of the proposed development assimilates into the surrounding environment which limits the visual impact of the proposed development in this context.
- 7.4.15. Having analysed the vista from and towards Granite Terrace on my site visit, the CGI images submitted by the applicant, which I consider to be an accurate reflection of the proposed development, and the images submitted by the 3<sup>rd</sup> parties, I consider that the vista of Granite Terrace from Inchicore Terrace South and vice versa would

be somewhat altered by the proposed development. Notwithstanding this, I am of the view that the existing vista to and from Inchicore Terrace South is not unobstructed and is not characterised by an openness that would be materially impacted by the proposed development. Thus, whilst I consider that the proposed development would alter this vista, I do not consider that it would be altered to an extent that it would materially impact the protected structures of Granite Terrace or their settings.

- 7.4.16. Having regard to the above, I am satisfied that the proposed development would not materially impact the character, setting or visual context of Granite Terrace.

Wider Inchicore Railway Works Estate:

- 7.4.17. Regarding the location of the site in the context of the Railway Works Estate, I note that the site is not visible from the pedestrian entrance to the estate from Grattan Crescent, at a distance of approximately 156m from the site. I observed this on my site visit to the area during the autumn period whereby the proposed development would be likely to be most visually exposed due to the limited foliage. On the eastern approach to the site, visibility was limited until the junction of Inchicore Terrace South and a local laneway was reached, at a distance of approximately 46m from the site. I therefore do not consider the proposed development to be located at the entrance of the estate. Notwithstanding this, I accept that the site abuts the main thoroughfare through the estate (Inchicore Terrace South), but this does not, in my view, add to the prominence of the site. Moreover, the appearance of the site is characterised by the protected boundary walls which are grey in colour. This limits the visual significance of the site in the context of the estate which features multiple grey walls throughout. Thus, the site of the proposed development does not appear visually prominent at a distance.

- 7.4.18. The applicant's AHIA contends that existing development along the southern portion of Inchicore Terrace South is piecemeal and therefore not of architectural significance. In particular, the AHIA highlights the lack of uniformity of materials, plot widths, boundary treatments and the inconsistent building line. The AHIA also states that the southern portion of Inchicore Terrace South was not within the original Inchicore Railway Works estate. I am generally in agreement with the applicant on these matters, as demonstrated in Section 7.4.21 below. Notwithstanding this, the AHIA notes the conformity in height and scale of the proposed development to

existing residential development in the vicinity, including Inchicore Terrace South. The AHIA also draws attention to the separation distance of the proposed development from the dwellings on the northern portion of Inchicore Terrace South (20m) in respect of minimising the impact of the proposed development on these historic structures. The applicant contends that this is supplemented by the discrete presence of the proposed development at street level.

- 7.4.19. The 3<sup>rd</sup> parties highlight the fact that the wider Inchicore Railway Works Estate is earmarked as a priority ACA in the Development Plan and that the proposed development does not adequately consider this. In this respect, the 3<sup>rd</sup> parties submit that the proposed development would erode the character of the area. Although, the area is not currently designated as an ACA at the time of writing.
- 7.4.20. Within the immediate context of the site, I note that the Z2 zoning objective is only applied to Granite Terrace and Inchicore Terrace South and is not applied along the southern portion of Inchicore Terrace South. This indicates that the Planning Authority potentially does not view the southern portion of Inchicore Terrace South to merit inclusion within any future ACA. Policy BHA9 of the Development Plan specifically references 'Conservation Areas', which are indicated by their Z2 zoning, and outlines that development affecting these Conservation Areas must positively contribute to its character and distinctiveness. In their assessment of the proposed development, the Planning Authority's Conservation Section, considered the structures along the northern portion of Inchicore Terrace South to be of historic importance due to their unified roofline and elevational treatment. Having reviewed the NIAH survey, I did not identify a specific reference to Inchicore Terrace South. Rather, I identified an ancillary reference to Inchicore Terrace South within the context of the boundary walls of and entrance to the Inchicore Railway Works Estate.
- 7.4.21. In assessing the impact of the proposed development on the wider Inchicore Railway Works Estate, I consider the northern portion of Inchicore Terrace South to be of most relevance as this is identified within a 'Conservation Area' zoning and does not include protected structures within the immediate context. I am generally in agreement with the applicant in relation to the architectural importance of the southern portion of Inchicore Terrace South. This is reflected in the Development Plan zoning and in the assessment of the Planning Authority's Conservation Section.



7.4.22. Noting the Planning Authority's Conservation Section's view of the importance of the unified roofline and elevational treatments of dwellings along the northern portion of Inchicore Terrace South, I consider that the proposed development would not impact or obscure these features due to its similar eaves height, low pitched roof form and sympathetic design. As demonstrated by the applicant, this is supported by a separation distance of approximately 20m from the dwellings on the northern portion of Inchicore Terrace South which further mitigates any potential impact in this regard. I also consider the retention and renewal of the protected boundary walls to be a positive contribution to the Conservation Area as these boundary walls once functioned as the boundary for the wider Inchicore Railway Works Estate.

7.4.23. The proposed development would be visible from Inchicore Terrace South onto which it fronts. Thus, the proposed development has the potential to impact the visual amenities of dwellings along Inchicore Terrace South. The reduced setback from the roadway on the northern elevation of the proposed development, when compared to the western elevation, advances the proposed development closer to the streetscape from this perspective, which I consider to be justified given the constraints of the site. I do not consider that the visual amenities of dwellings along Inchicore Terrace South would be materially impacted as the scale and height of the proposed development would be in keeping with existing dwellings and would satisfactorily integrate into the area.

7.4.24. Having regard to the above, I consider that the proposed development would positively contribute to the character and distinctiveness of the wider Inchicore Railway Works Estate and would not negatively impact its character, visual amenity, appearance or setting, in the context of its zoning as a Conservation Area and designation as a priority ACA.

## **7.5. Residential Amenity**

### Adjacent Residential Amenity:

7.5.1. The applicant contends that the separation distances between the proposed development and existing dwellings on both Granite Terrace and the northern portion of Inchicore Terrace South would negate any residential amenity concerns. The appellants submit that the proposed development would impact the residential amenities of dwellings along Granite Terrace, Inchicore Terrace South and Grattan

Court by way of overlooking, overshadowing and overbearing impacts. In particular, the appellants point to the loss of privacy arising from the location and size of the proposed fenestration.

Overlooking:

7.5.2. From analysis of the submitted drawings, it is evident that the proposed development achieves separation distances in excess of the 16m standard set out in SPPR 1 of the Compact Settlement Guidelines. I consider this to be the baseline for the assessment of separation distances since it is set out in an SPPR which carries greater weight than the provisions of the Development Plan. I note that directly opposing windows at 1<sup>st</sup> floor level are located along Granite Terrace and Inchicore Terrace South and that the separation distances to these windows are in excess of the 16m standard. In addition, the separation distances to dwellings on both Granite Terrace and Inchicore Terrace South traverse a roadway. No directly opposing windows exist along Grattan Court. I note that the clerestorey glazing along the stairwell on the eastern elevation of the proposed development would likely allow for oblique views of properties along Grattan Court. However, this would be mitigated by the proposed charred timber screen which would limit views from this prospect. I am therefore satisfied that the proposed development would not lead to overlooking of neighbouring dwellings.

7.5.3. I note the appellants' suggestion that the west facing windows in bedrooms 1,4 and 5 be omitted in order to address their overlooking concerns. Given that I am satisfied that the proposed development would not lead to overlooking of neighbouring dwellings, I do not consider the omission of these windows to be necessary. I also believe that their omission would compromise the residential amenity of future residents by reducing access to natural light. In this respect, I do not consider rooflights to be an acceptable replacement, in the event of the omission of these windows.

Overbearing & Overshadowing:

7.5.4. As discussed in previous sections of this report, I consider the height of the proposed development to be similar to that of neighbouring dwellings. This is an important consideration in the assessment of any overbearing and overshadowing impacts that may arise. The proposed development is setback approximately 1.5m from the

roadway thereby advancing approximately 5.5m beyond the building line to the east along Grattan Court. This creates potential overbearing and overshadowing concerns for dwellings along Grattan Court which are setback approximately 7m from the roadway; In particular, No.1 Grattan Court (the closest dwelling on Grattan Court) which enjoys a 3-4.7m separation distance from the proposed development. I therefore consider that the proposed development may have an overbearing and overshadowing impact on No. 1 Grattan Court. However, I consider that this would be mitigated by the similarity in height of the proposed development and the oblique angle at which it relates to No.1 Grattan Court. I note that the south facing rear garden of No.1 Grattan Court, where the quality of private amenity space would be highest, would not be impacted by the proposed development as the rear building line would sit behind the rear building line of Grattan Court. In addition, the orientation of the proposed development mimics that of Grattan Court which would further mitigate any overbearing concerns as the principle elevations would face away from Grattan Court. I am therefore satisfied that the proposed development would not lead to material overshadowing and overbearing impacts on dwellings along Grattan Court.

- 7.5.5. Regarding the potential for the proposed development to overbear and overshadow dwellings along the northern portion of Inchicore Terrace South, I note that these dwellings do not have the benefit of rear gardens, therefore their front garden functions as their primary private amenity space. These front gardens are also south facing, thereby availing of high levels of direct sunlight. The proposed development would be setback approximately 9.5m from the boundary wall of the aforementioned front gardens. This, in my opinion, would provide for an adequate separation distance and would not be likely to create any material overshadowing or overbearing impacts, given the southern orientation of the front gardens along the northern portion of Inchicore Terrace South. In terms of impact, I note that precedent exists for a lesser separation distance than this between the gable end of No.10 Granite Terrace and the front gardens of Nos. 4 & 5 Inchicore Terrace South. Due to its pitched roof form, No.10 Granite Terrace has a higher overall height than the proposed development. This would create greater overshadowing and overbearing impacts on these front gardens than the proposed development would have on the front gardens of dwellings along Inchicore Terrace South. I am therefore satisfied

that the proposed development would not lead to any material overshadowing or overbearing impacts on dwellings along Inchicore Terrace South.

- 7.5.6. Having regard to the above, I am satisfied that the proposed development would not materially impact the residential amenities of surrounding dwellings by way of overbearing, overlooking or overshadowing impacts.

Internal Residential Amenity:

- 7.5.7. Regarding the impact of the proposed development on the residential amenities of future residents of the proposed dwelling, the applicant states that the private amenity space (104m<sup>2</sup>) provided would be generous and would receive sufficient daylight and sunlight. The applicant highlights that a triple aspect is provided at ground floor level and that this, accompanied with the size and orientation of the rooms, would maximise the use of natural light. The 3<sup>rd</sup> parties contend that the proposed development would not receive sufficient daylight and sunlight and that a shadow study is required. The 3<sup>rd</sup> parties also highlight that a lack of usable private open space was included as a reason for refusal in a previous onsite refusal (Ref. 3762/22). The Planning Authority noted the extent of the private open space well in excess of the private open space requirements for such a development. They also noted the access to natural light afforded to the bedrooms at 1<sup>st</sup> floor level.
- 7.5.8. I note that the amount and standard of private amenity space provided with the proposed development would be in compliance with the Development Plan standards. The private amenity space would be both west and south facing and would be setback from the boundary walls at ground floor level (4.8-6.3m), providing for greater access to natural light, despite the height (2.5-3.2m) and depth of the boundary walls. This, in my view, would provide for an acceptable level and standard of private amenity space. In addition, the future residents of the proposed dwelling would also have the benefit of the public open space area located to the immediate south of the site. I also note the increased private amenity space provided in this proposal, in comparison to the previously refused proposal (Ref. 3762/22).
- 7.5.9. In the absence of a shadow study, I am guided by the provisions of the Development Plan (Appendix 16) and the BRE Guidelines on the matter of access to daylight and sunlight for the proposed development. Given the constraints of the site, I consider the obstruction angle, room depth and orientation to be of primary concern in my

assessment of access to natural daylight and sunlight. With regard to the ground floor level, I note the greater setback from the boundary wall provided in the kitchen and dining area which reduces the obstruction angle. The room depth and fenestration orientation in this part of the ground floor level would allow for ample access to natural daylight and sunlight given the triple glazing aspect. In the living room area at ground floor level, the setback distance from the boundary walls would be tighter along the southern aspect but would be in excess of 8m along the western aspect, however, increased glazing is proposed along the southern aspect in the living room which maximises access to daylight and sunlight. I consider the natural daylight and sunlight penetration from the western aspect to be acceptable. Having regard to the above, I consider the natural daylight and sunlight penetration at ground floor level to be acceptable.

7.5.10. Regarding access to natural daylight and sunlight at 1<sup>st</sup> floor level, I am generally satisfied that all bedrooms would receive acceptable levels of natural daylight and sunlight due to the level of glazing provided which exceeds that of existing neighbouring dwellings along this frontage.

7.5.11. Having regard to the above, I consider the internal residential amenity associated with the proposed development to be acceptable.

## **7.6. Other Matters**

### Access & Car Parking:

7.6.1. The applicant notes that 'safe' external access space for cyclists and pedestrians would be provided due to the setback from the public road at the existing entrance opening which is approximately 3.2m in width. The applicant supports the approach of not providing car parking as part of the proposed development due to the proximity of the site to several public transport modes of travel. The Planning Authority consider the access and parking approach to be acceptable, given the constraints of the site. The appellants have raised concerns with the potential for the proposed development to generate a need for 5 no. parking spaces in an area where demand for on-street parking is high. Thus, the appellants contend that the proposed development would exacerbate on-street parking issues. The appellants also contend that the proposed access and egress arrangements present a health and

safety risk due to the proximity of the roadway, which is a well trafficked roadway, and the depth of the boundary walls which limits sightlines.

- 7.6.2. Regarding car parking, I note that both the Development Plan (Appendix 5) and the Compact Settlement Guidelines (SPPR 3) allow for a maximum of 1 no. car parking spaces for sites such as this. The Compact Settlement 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.
- 7.6.3. Given that an existing bus stop lies within 500m of the site and that this bus stop is located along the route of the permitted Liffey Valley to City Centre BusConnects Scheme, I consider this site to be located in an accessible location. In my view, this merits a zero-car parking approach based on the accessibility of the site alone. In addition, the applicant has indicated their support for this approach which further reinforces the acceptability of this zero-car parking approach. The tight configuration and heritage constraints of the site would also prevent the provision of off-street parking without materially impacting the developability of the site. I therefore consider the zero-car parking approach to be acceptable.
- 7.6.4. Regarding safe access and egress, I note that the protections afforded to the boundary walls limits any potential widening of the existing entrance opening thereby limiting sightlines. Given that the access and egress arrangements relate to pedestrians and cyclists, sightline requirements would not apply. The entrance to the proposed dwelling would be setback approximately 1.5m from the roadway and the existing entrance opening to be retained is 3.2m in length. The entrance is not proposed to be gated, and this has been conditioned by the Planning Authority in their grant of permission (Condition 4(b)). I consider this to be a satisfactory arrangement as it would avoid the congregating of pedestrians and cyclists on the roadway by providing space for them to safely exit and enter the roadway. I note that a similar arrangement is replicated to the rear of dwellings along Granite Terrace. In the event of a grant of permission, I recommend including the Planning Authority's condition prohibiting the gating of the entrance as this would create a health and safety risk for pedestrians and cyclists entering and exiting the site.

#### Construction:

- 7.6.5. Although the applicant has not submitted a Construction Management Plan, their AHIA addresses construction, and suggests that '*best current practice of conservation of historic buildings*' would be used in the demolition of the existing light industrial building and construction of the proposed development. The appellants have raised concerns with the constructability of the proposed development given the constraints of the site and the roadway along Inchicore Terrace South. This roadway functions as a through road to the Iarnród Éireann Railway Works site. The Planning Authority have not commented on the constructability of the proposed development but did include a condition requiring the submission of a Construction Management Plan, prior to the commencement of development.
- 7.6.6. Regarding the demolition and construction of the proposed development, I note that the applicant intends to utilise best practice conservation measures. This would serve to appropriately mitigate any potential impact on the protected boundary walls. Although the site is tightly configured, located within an established urban area and accessed via a relatively narrow and busy roadway, I consider that there would be scope to construct the proposed development without materially impacting the surrounding area and without requiring access to neighbouring properties. I consider that this can be achieved by using standard construction practices set out in a Construction Management Plan. Any impacts arising would therefore be temporary in nature and would not be likely to be permanent, material and negative. In the event of a grant of planning permission, I recommend the imposition of a condition requiring submission of a Construction Management Plan for written agreement with the Planning Authority, prior to commencement of development.

#### Drainage:

- 7.6.7. The observers and appellants have raised concerns about the lack of consideration of SuDS and natural drainage measures in the proposed development. The Planning Authority's Drainage Section has not objected to the proposed development, subject to conditions. The applicant submitted a drainage plan as part of the original application, indicating the use of a rainwater butt and flow control devices. The applicant has also indicated that the paving within the private amenity space would be permeable. Given the applicant's intention to incorporate a rainwater butt and

permeable paving into the layout of the proposed development, I am satisfied that due consideration has been given to SuDS and natural drainage measures. I am therefore satisfied with the proposed drainage approach. In the event of a grant of planning permission, I recommend that a condition be included requiring compliance with the Planning Authority's drainage and attenuation requirements.

General:

- 7.6.8. I note that concerns were raised with the lack of renewable energy generation, habitat and biodiversity measures included in the proposal. Given that this is a constrained infill brownfield site and that the proposed development includes rainwater harvesting and a heat pump, both sustainable measures, I am satisfied that the proposed development would be of a sufficiently sustainable nature not to require renewable energy generation or habitat and biodiversity measures. In this respect, I note that the Development Plan does not require renewable energy generation or habitat and biodiversity measures for developments of this size and scale. Regarding the concerns raised by the 3<sup>rd</sup> parties relating to the potential noise of the proposed heat pump, no evidence has been provided to support these concerns. I consider that the proposed location of the heat pump would be at sufficient remove from neighbouring dwellings (5.4m), behind a blockwork boundary wall 2.4m in height, so as not to materially impact their residential amenities.
- 7.6.9. Regarding concerns surrounding the omission of an external lighting and landscaping plan from the proposal, I note that minimal planting is proposed in order to protect the structure and foundation of the boundary walls and that no external lighting is proposed. I am satisfied with this approach given the need to ensure that the foundations of the protected boundary walls are not compromised by planting overtime.
- 7.6.10. The appellants have queried the ownership of the boundary walls given that they relate to the original Inchicore Railway Works estate. I note that the planning application form indicates a leasehold ownership of approximately 200 years. This shows that the applicants retain rights to the use of the site for a substantial period of time. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a civil matter and are outside the scope of the planning appeal.



In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

- 7.6.11. I note that condition 2 of the Planning Authority's grant of permission removes exempted development privileges for any future extensions, garages, stores, offices or similar structures within the curtilage of the proposed dwelling, in the interests of residential and visual amenity. Given the tight configuration of the site and the proximity of the boundary walls to the proposed development, I consider this condition to be reasonable. In the event of a grant of planning permission, I recommend that this condition be included in the final grant of planning permission.
- 7.6.12. The Planning Authority, in their grant of permission, did not include a condition requiring a development contribution. Nonetheless, the Planning Authority's response to the appeal requested the imposition of a Section 48 development contribution condition. Having reviewed the Planning Authority's approved Section 48 Development Contribution Scheme (2023-2026), I am satisfied that such a condition would apply in this instance.

## **8.0 AA Screening**

### **Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

- 8.1.1. I have considered the proposed development of a semi-detached 2 storey five bed dwelling within the protected boundary walls in light of the requirements of S177S and 177U of the Planning and Development Act 2000, as amended.
- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Dublin City Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.
- 8.1.3. A detailed description of the proposed development is included in Section 2.1.1 of this report. In summary, the proposed development comprises the demolition of an existing single storey light industrial unit within the protected boundary walls of Inchicore Railway Works estate, construction of a 2 storey five bed semi-detached

dwelling within the boundary walls, repair and retention of the protected boundary walls and associated site works.

- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The site is located approximately 550m from the Royal Canal which drains to Dublin Bay.

### European Sites

- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located within 7.5km of the potential development site:

- South Dublin Bay and River Tolka Estuary Special Protection Area (004024).
- South Dublin Bay Special Area of Conservation (000210).

- 8.1.6. The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay and is located 4.5km east of the site. It includes the intertidal area between the River Liffey and Dún Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest.

- 8.1.7. The South Dublin Bay SAC *'lies south of the River Liffey in Co. Dublin, and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. The sediments are predominantly sands but grade to sandy muds near the shore at Merrion Gates. The main channel which drains the area is Cockle Lake'*.

- 8.1.8. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of South Dublin Bay and River Tolka Estuary.

European Site	Qualifying Interests (summary)	Distance	Connections
South Dublin Bay and River Tolka Estuary Special Protection Area (004024)	Wintering water birds (13 x species) Wetland and waterbirds	2.2km	No direct

South Dublin Bay Special Area of Conservation (000210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	2.6km	No direct
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### **Likely impacts of the project (alone or in combination)**

- 8.1.9. Due to the brownfield nature of the development site and the presence of a significant buffer area (urban development) between the brownfield site and the Royal Canal, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.1.10. The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed building and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.1.11. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to European Sites makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.12. Given the scale of the proposed development within an inner suburban area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would represent any significant increase on the current baseline.

### **Likely significant effects on the European sites in view of the conservation objectives**

- 8.1.13. The construction or operation of the proposed development will not result in significant impacts that could affect the conservation objectives of the SPA or SACs. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions as a result of any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile

species including otter during construction or operation of the proposed development.

### **In combination effects**

8.1.14. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

8.1.15. No mitigation measures are required to come to these conclusions.

### **Overall Conclusion**

#### **Screening Determination**

8.1.16. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the qualifying interests of European Sites within vicinity of the site namely, South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.1.17. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and absence of indirect connections to the European sites.
- The determination of the Planning Authority, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

## **9.0 Recommendation**

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the Z1 zoning of the site for residential development adjacent to a residential Conservation Area and row of protected structures (RPS Nos. 3290-3299) within the confines of protected boundary walls (RPS Nos.3300 & 8744), to the infill nature and size of the site and the separation distances from existing dwellings, and to the height, design, scale and form of the proposed development, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dublin City Development Plan 2022-2028, the Architectural Heritage Protection Guidelines for Local Authorities and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. The proposed development 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, as amended by the further plans and particulars received by the planning authority on the 21<sup>st</sup> day of December 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. Notwithstanding the provisions of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) no extensions, garages, stores, offices or similar structures, shall be erected within the curtilage of the dwelling without the prior grant of planning permission

**Reason:** In the interests of residential and visual amenity.

3. The entrance off Inchicore Terrace South shall not be gated.

**Reason:** In the interests of orderly development.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. 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.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

7. The development shall comply with the following requirements of the Conservation Officer:

(d) Prior to commencement of development, the developer shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority:

- (iii) Site samples/exemplars for the proposed cleaning, repointing and stone repairs are to be agreed on site with the Conservation Officer prior to these works commencing.
- (iv) Specification for the cleaning of the stone wall, following agreement of a cleaning sample with the Conservation Officer.

- (e) 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 the permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.
- (f) The proposed development shall be carried out in accordance with the following:
  - (v) 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.
  - (vi) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
  - (vii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
  - (viii) 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 ensure that the proposed works are carried out in accordance with best conservation practice.

8. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the

structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing [façade] and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

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

**Reason:** In the interest of public health.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to



An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Conor Crowther  
Planning Inspector

11<sup>th</sup> December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319065-24</b>		
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Restoration of protected stone walls. Demolition of an industrial building for the construction of a house and all associated site works.		
<b>Development Address</b>	Inchicore Terrace South, Dublin 8, D08 R763		
<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>	
<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)?</b>			
<b>Yes</b>	✓	Class 10(b)(i) [Residential] mandatory threshold is 500 dwelling units. Class 10(b)(iv) [Urban Development] where the mandatory thresholds are 2ha, 10ha or 20ha depending on location.	Proceed to Q3
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	1 dwelling unit/500 dwelling units OR 0.2ha/5ha	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	✓	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

**Inspector: Conor Crowther      Date: 11<sup>th</sup> December 2024**

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP-319065-24</b>
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Restoration of protected stone walls. Demolition of an industrial building for the construction of a house and all associated site works.
<b>Development Address</b>	Inchicore Terrace South, Dublin 8, D08 R763
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project, confines demolition works within the boundaries of the site, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an inner suburban area on a brownfield site consisting of a protected structure located within an historic housing estate earmarked as a priority ACA in the City Development Plan but not designated as such. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan.
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>	

Inspector:

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

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

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

(only where Schedule 7A information or EIAR required)