



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319431-24

#### Development

#### PROTECTED STRUCTURE:

Permission for internal & external renovation of dwelling. Removal of plaster to front elevation and repointing of the original brickwork. Demolition of the mono-pitch & flat roof rear extensions, (later additions to the original structure). Construction of a rear two-storey flat roof extension and associated site works.

#### Location

163 Richmond Road, Drumcondra,  
Dublin 3, D03 TK50

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

3877/23

#### Applicant

Gael Property Investments Limited

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant

Martin Kirk

**Date of Site Inspection**

26<sup>th</sup> February 2025

**Inspector**

Conor Crowther

## **1.0 Site Location and Description**

- 1.1.1. The site is located within an established inner suburban area with a mixture of residential, commercial, medical, recreational and educational development. The site is located approximately 2.2km northeast of Dublin City Centre, within the Local Authority area of Dublin City Council.
- 1.1.2. The site has a stated site area of 220m<sup>2</sup> (0.02 ha) at no.163 Richmond Road which previously functioned as a residential dwelling. The site of the proposed development included what was once a 3 bay mid-terrace 2 storey Georgian-era dwelling, with a rendered front and rear elevation and a double span M-type hipped roof, designated as a protected structure (RPS ref.7357). The front of the site included an enclosed front garden area of limited size facilitating a pedestrian entrance via a low-level decorative wrought iron gate flanked by stone capped pillars on both sides. The front garden area was enclosed by low-level decorative wrought iron railings atop a low-level stone capped wall. The rear of the site included 2 no. single storey extensions that were added to the rear of the protected structure as ex-modern additions. Upon undertaking my site visit, I noted that almost all the above features had been either demolished or removed including the front wall, roof and 1<sup>st</sup> floor, with only the wall to the rear and some internal dividing walls remaining but exposed to the elements. The mature tree formerly located in the rear garden area was not present and the blockwork wall bounding the rear of the site demonstrated elements of damage or deterioration.
- 1.1.3. The site is bounded to the south by Richmond Road, to the east by no.165 Richmond Road (a protected structure), to the west by no.161 Richmond Road with a moderately sized mast affixed to its roof and to the north by Charthouse Business Centre. The Tolka River and the Tolka Conservation Area lie further to the south of the site. A Record of Monuments and Places (RMP) designation relating to the buried remains of a potential castle lies further to the east of the site.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is described as follows:

- Internal & external renovation of existing dwelling house (protected structure), consisting of a two-storey terraced building, having a maximum ridge height of 7.63m above existing ground level.
- Removal of the plaster to front elevation and repointing of the original brickwork.
- Demolition of the existing mono-pitch & flat roof rear extensions.
- Construction of a new two-storey flat roof extension to the rear and all ancillary site works.

I note that no significant internal alterations are proposed to the room layouts, the front and rear elevations are proposed to be retained and repaired, and minimum interventions are proposed to the roof timbers.

Further Information:

2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage as follows:

- The en-suite was removed from the playroom at ground floor level and included within the link corridor, thereby increasing the width of the link corridor at ground floor level from 2.2m to 3.4m.
- The size of the rear extension was reduced to 54.1m<sup>2</sup> decreasing the cumulative extent and depth of the extension along the shared boundary wall with no.165 from 9.3m to 6m. This provides for a more compact courtyard measuring 5.6m<sup>2</sup> overlooked by the playroom and the toilet in the link corridor and accessed from the kitchen/living area.
- A greater amount of the rear garden area was retained and repurposed to include a soakaway and additional landscaping.
- At first floor level, the 4<sup>th</sup> bedroom was removed to leave an expanded master bedroom with an en-suite and the en-suite for bedroom 2 was relocated to adjoin to the link corridor.
- At roof level, the roof profile of the proposed rear extension was altered to provide for a flat roof with 2 no. velux rooflights serving the expanded master bedroom.

- The fenestration to the rear was altered to reflect the changes to the rear extension form and layout.

Information/Documentation:

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

- Conservation Report.
- Surface Water Management Plan (FI).
- Daylight & Sunlight Assessment (FI).
- Photographs (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 26<sup>th</sup> July 2023 relating to design, layout, architectural heritage, visual and residential amenity impacts and surface water management. Thus, the Planning Authority requested a revised proposal. The applicant responded by amending the scale and layout of the proposed development to provide greater private amenity space and to reduce the no. of bedrooms from 4 to 3. The applicant proposed a revision to the internal layout involving the relocation of the en-suite attached to the playroom at ground floor level and to bedroom 2 at 1<sup>st</sup> floor level. The extent of the extension to the rear was also reduced along the shared boundary with the appellant's property to the east, with the roof profile of the extension amended to fully incorporate a flat roof design. These amendments also resulted in subsequent alterations to the fenestration layout of the extension to the rear.

3.1.2. The Planning Authority subsequently issued a GRANT of permission for the above-described proposed development on the 4<sup>th</sup> March 2024, subject to 9 no. conditions. Conditions of note include:

- **Condition 3(a)** amending the depth of the revised 1<sup>st</sup> floor extension to a maximum of 6m.

- **Condition 3(b)** requiring the area of the ground floor extension beyond the rear elevation of the reduced 1<sup>st</sup> floor extension to have a flat roof profile with a maximum parapet height of no greater than 3.2m.

I note that condition 3 above was recommended by the Planning Authority Senior Planner in light of her concerns about the impact of the Case Officer's recommended condition on the viability of the proposed development. In this case, the Case Officer's recommended condition proposed significant reductions to the extent and layout of the rear extension. This condition was not included in the Planning Authority's final grant of planning permission.

## 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 general design, layout and form of the proposed development, the private amenity space provided, the residential amenity of future occupants, surface water management and the amenities of neighbouring properties.

3.2.2. A second Planning Officer Report was issued by the Planning Authority recommending a GRANT of permission, subject to 9 no. conditions.

### 3.2.3. Other Technical Reports

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

- Conservation Section –
  - First report requests additional information on:
    - The proposed rear extension to omit the first floor and a proposed en-suite at ground floor level and to reduce the extent of the rear extension to retain more private amenity space.

- The surviving features of the protected structure including the recording, identifying and clarification of proposed conservation repair works of same.
- Identification of any trees within the boundaries of the site.
- Annotation and cross-referencing of photographs contained within the submitted Conservation Report.
- The new timber sash windows require revised drawings.
- The use of breathable attic insulation.
- Subsequent report states no objection, subject to 2 no. conditions, one of which involves alterations to the proposed development including a reduction in scale of the 2 storey rear extension.
- Drainage Section –
  - First report requests additional information on the onsite surface water management and a flood risk assessment.
  - Subsequent report states no objection, subject to several conditions.

### **3.3. Prescribed Bodies**

3.3.1. None received.

### **3.4. Third Party Observations**

3.4.1. 1 no. 3<sup>rd</sup> party observation was received in response to the application submitted to the Planning Authority. The issues raised by the observer are generally reflected in the 3<sup>rd</sup> party appeal and the Planning Authority decision submitted to the Board, and include the following concerns:

- Section 1.6 of Appendix 18 of the Development Plan applies to the proposed development regarding the issue of daylight and sunlight.
- Existing and proposed sections have not been submitted which does not demonstrate the full scale of the proposal.

- The proposed rear extension would effectively result in the addition of another dwelling to the site by way of its size and extent.
- Negative impact on the special architectural character of the protected structure.

## 4.0 Planning History

### Subject Site:

- 4.1.1. E1105/24 – Active enforcement file onsite.

### Neighbouring Sites of relevance:

- 4.1.2. LRD6009/23-S3 (ABP-317438-23) – Permission GRANTED by the Board in 2023 for a Largescale Residential Development for the construction of 779 no. apartments, a new hospital building and associated works on lands at St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3 approximately 20m to the east of the site.
- 4.1.3. LRD6006/23-S3 (ABP-317136-23) - Permission GRANTED by the Board in 2023 for a Largescale Residential Development for the demolition of existing buildings and construction of 133 apartments, 17 artists' studios, a retail unit, a gymnasium and a childcare facility in three blocks of four to ten storeys and associated development at 158A, The former Leydens Wholesalers & Distributors, Richmond Road, Dublin 3, D03 YK12 directly opposite the site to the south.

## 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 principal 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.
- Where demolition of a protected structure is both justified and required, every effort should be made to retain its special interest.

## 5.2. **Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007**

- 5.2.1. Published in 2007 by the Department of the Environment, Heritage and Local Government, these guidelines serve to implement national planning policies in place at the time, including the superseded National Spatial Strategy and National Development Plan. Given that no updated guidelines have been published since, these guidelines are still applicable in this instance.
- 5.2.2. Regarding the proposed development, the guidelines indicate minimum floor areas likely to be required to satisfy the requirements of normal living standards,

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

- 5.3.1. These ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The following guidelines can be applied to the proposed development:
- 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 2 – This SPPR sets minimum private open space standards as follows:
    - 3 bed house 40m<sup>2</sup>

## 5.4. **Dublin City Development Plan 2022-2028**

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

- Map E - 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 (RPS) No.7357 – 163 Richmond Road.
  - Potential new road scheme indicated to the south of the site.
- Chapter 5 - Quality Housing and Sustainable Neighbourhoods:
  - Policy QHSN6 - Urban Consolidation
- Chapter 11 - Built Heritage and Archaeology:
  - Policy BHA2 Development of Protected Structures
- Chapter 15 – Development Standards:
  - Section 15.15.2.3 - Protected Structures
- Appendix 18 – Ancillary Residential Accommodation:
  - Section 1.1 - General Design Principles
  - Section 1.2 - Extensions to Rear
  - Section 1.4 – Privacy and Amenity
  - Section 1.6 – Daylight & Sunlight

## 5.5. Natural Heritage Designations

5.5.1. The closest site of natural heritage interest to the proposed development is the Royal Canal proposed Natural Heritage Area (002103), which is located approximately 750m south of the proposed development. Other sites of relevance include:

- The North Dublin Bay proposed Natural Heritage Area (000206) located approximately 1.2km to the east of the proposed development.
- South Dublin Bay & River Tolka Estuary Special Protection Area (004024) located approximately 1.3km to the east of the proposed development.
- The Grand Canal proposed Natural Heritage Area (002104) located approximately 2.5km to the south of the proposed development.

- South Dublin Bay proposed Natural Heritage Area (000210) located approximately 4km to the southeast of the proposed development.
- The South Dublin Bay Special Area of Conservation (000210) located approximately 4km to the southeast of the proposed development.
- The North Dublin Bay Special Area of Conservation (000206) located approximately 4.3km to the east of the proposed development.
- The North Bull Island Special Protection Area (004006) located approximately 4.3km to the east of the proposed development.
- North-West Irish Sea Special Protection Area (004236) located approximately 6.8km to the east of the proposed development.

## **5.6. EIA Screening**

- 5.6.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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**

A 3<sup>rd</sup> party appeal was submitted by Martin Kirk of no.165 Richmond Road, on the 2<sup>nd</sup> April 2024 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

- Not in accordance with the provisions of the Development Plan relating to rear extensions or protected structures.
- Cumulative negative impact on residential amenities of neighbouring properties.
- Depreciation of the value of neighbouring properties.

- Section 1.2 of Appendix 18 of the Development Plan relates to the proposed development.
- The proposed development will overshadow the appellant's property by way of height, proximity and siting to the west of the appellant's property.
- The scale and proximity of the proposed development will be overbearing.
- Condition 3(a) of the Planning Authority grant of planning permission does not impose any prohibitions on the proposed fenestration on the eastern elevation thereby failing to address overlooking concerns.
- The length of the proposed development is excessive, in that, the proposed ground floor extension would be greater than the length of the existing dwelling and would extend two thirds of the length of the western site boundary.
- The extent of the proposed development is exacerbated by the terraced nature of the dwelling.
- The height, scale and proximity of the proposed development to shared boundaries is excessive.
- The omission of development at 1<sup>st</sup> floor level to the rear was requested at Additional Information stage but was permitted by the Planning Authority.
- No setback provided from mutual side boundaries despite the Conservation Officer and the Deputy Planning Officer recommending conditions requiring such a setback.
- The proposed development does not meet the requirement for 60m<sup>2</sup> of private amenity space.
- Given that the playroom originally included an en-suite, it is reasonable to assume its potential use as an additional bedroom.
- The disharmonious design along with the excessive size and scale of the proposed development would not integrate with the existing dwelling.
- The proposed development, as permitted by the Planning Authority, does not address the concerns of the Conservation Officer and therefore does not

adequately conserve or enhance the architectural character and setting of the protected structure.

- The proposed development is contrary to Objective BHA 2 of the Development Plan.
- Undesirable precedent for similar inappropriate proposals.
- The grant of permission by the Planning Authority required further significant amendments to the proposed development as the applicant's original and revised proposals were not considered to have addressed the issues raised.
- Having regard to the above, the proposed development should be refused.

## **6.2. Applicant Response**

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

- A submitted Daylight & Sunlight Assessment, undertaken by Bury Architects, demonstrates that the proposed development would not significantly overshadow no.165 Richmond Road.
- Condition 3(a) of the Planning Authority's grant of permission limits the depth of the extension to the rear which reduces its impact on no.165.
- The assessment considers the Vertical Sky Component (VSC), Sunlighting and the lighting of gardens and spaces in line with Chapters 2 and 3 of the BRE 206 (2022).
- The 1<sup>st</sup> floor windows of neighbouring properties will not be impacted by the proposed development as the centre of each window lies outside 45 degrees of the top of the proposed development.
- The proposed development will reduce the VSC of the kitchen glass door of no.161, the playroom window of no.163 and the kitchen window of no.165 to the minimum permitted in BRE 206. All windows comply with the parameters, as set out in BRE 209.

- All windows are north facing and do not receive direct sunlight. The proposed development will therefore not have an impact on direct sunlight to existing rear windows.
- The post-development levels of sunlight to the rear garden areas of nos. 161, 163 and 165 will be satisfactory and in accordance with the BRE 209 guidelines.
- 2 no. existing deciduous trees within the rear garden of no.165 were not included in the calculation of sunlight to the rear garden areas.
- No windows are proposed along the eastern elevation, except frosted windows serving toilets.
- The proposed development will be constructed within the boundaries of the site.
- Providing a setback from the eastern boundary of the site wouldn't benefit the appellant and would reduce the floor area.
- The overall height of the proposed rear extension will not exceed 5.54m, with the ground floor element not exceeding 3.2m.
- The proposed private amenity space is proportionate to the number of bed spaces. Accordingly, 2 no. double beds and 1 no. single bed amounts to 50m<sup>2</sup>.
- The design of the proposed rear extension is subservient to the main dwelling (protected structure).
- The proposed link corridor between the rear extension and the existing dwelling (protected structure) represents best practice in conservation terms as it makes a clear distinction between the historical and modern structures.
- The proposed link corridor minimises the amount of work required to the rear roofline of the protected structure.
- Conservation guidelines do not require the extension works to match the protected structure. Rather, the works are required to be well-presented and functional in shape and form.

- Workmanship will be undertaken to the highest standard using the best quality materials.
- The layout has been modified based on the request of the Planning Authority Conservation Officer; however, it was not considered necessary to omit the 2 no. en-suites and the rear bedroom.
- The Planning Officer concurred with the layout, as proposed, and granted permission on that basis.
- The internal layout of the proposed development has little bearing on the development of the site.
- The Conservation Officer's suggestion of utilising a hipped roof on the proposed rear extension would increase the height of the extension and limit its usefulness as a family home.
- Incorrect to state that the proposed development would not adequately conserve or enhance the architectural character and setting of the protected structure.
- Leaving a 2-bed dwelling on a site with an area of 220m<sup>2</sup> does not represent proper planning.
- Essential to provide family sized dwellings where reasonable land space exists to manage urban sprawl.
- The appellant's rear garden would not be significantly impacted due to the size and orientation of the proposed rear extension in a north-western aspect.
- The proposed rear extension would only result in a modest reduction of sunlight to the rear garden area due to its northern aspect.
- The design of the proposed development does not facilitate overlooking.
- The proposed development would not set an undesirable precedent as it would bring an undersized dwelling back into use as a family home.
- The scale and size of the proposed development complies with the provisions of the Development Plan.

- The protected structure, in conjunction with the rear extension, will be conserved to the highest standard and made safe from continuing dereliction and decay.
- The proposed development is not injurious to the residential amenities of adjoining properties.

I note that the submitted Daylight & Sunlight Assessment assesses the development as originally proposed and not as altered by the grant of planning permission issued by the Planning Authority.

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

6.3.1. The Planning Authority requests that the Board upholds its decision 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.

### **6.4. Observations**

6.4.1. None received.

### **6.5. Further Responses**

6.5.1. 1 no. further response to the applicant's response was received from Martin Kirk.

This response can be summarised as follows:

- Contended that the proposed development would negatively impact the appellant's property, contrary to Section 1.2 Appendix 18 of the Development Plan.
- Lack of setback from the shared boundary exacerbates the negative impact of the proposed development, given its extent and the length of the shared boundary.
- Both the Conservation Officer and the Planning Officer recommended conditions to provide for a setback.

- The proposed development does not meet the requirements of the Conservation Officer and does not satisfactorily preserve the protected structure.
- At present, the front wall and roof of the protected structure are no longer in place.
- The Planning Authority have an active enforcement file onsite (E1105/24).
- An alternative design is required to satisfactorily maintain the residential amenity of the area and the character of the protected structure, whilst achieving a satisfactory standard of development for future occupants.

## **7.0 Assessment**

7.1.1. Having examined the application details and all other documentation on file, including all of 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 & Status of Development Site

### **7.2. Principle of Development & Status of Development Site**

7.2.1. The subject appeal before the Board relates to the granting of planning permission for the external and internal renovation and refurbishment of the existing dwelling (protected structure) and demolition of the rear extensions to be replaced by a 2-storey modern flat roof extension. Given the Z1 zoning of the site and the retention of the existing dwelling for residential use, I consider the principle of the proposed development to be acceptable. However, Concerns arose about the status of the development site when I viewed the site on Google Street View (October 2024) as it showed the protected structure to be almost fully removed or demolished. These concerns were confirmed upon undertaking my site visit where I observed construction hoarding and scaffolding to the front of the site with the front wall, roof, internal walls and front garden area of the protected structure removed or demolished. The rear extensions were also not present and appeared to be removed or demolished. Notwithstanding this, I observed the retention of some internal walls

and much of the rear wall of the protected structure with horizontal and vertical steel beams supporting the side walls of the neighbouring properties. However, these structures were left exposed to the elements and did not appear to be carefully preserved or conserved.

7.2.2. The plans and particulars submitted with the initial application to the Planning Authority and in response to the Planning Authority's FI request, clearly outline that the existing rear extensions were proposed to be demolished. The plans and particulars do not indicate at any point that the existing dwelling (protected structure) was proposed to be demolished. This is supported by the applicant's Conservation Report which emphasises the importance of retaining the protected structure via renovation and refurbishment of the front façade, minimum interventions to the roof timbers and not damaging existing and surviving historic fabric. Given that the protected structure, rear extensions and front garden have clearly been removed or demolished, I consider the extent of development shown on the plans and particulars of the proposed development to differ both significantly and materially to the current status of the development site. This is compounded by the fact that no separate planning permission exists for the demolition or removal of the aforementioned elements.

7.2.3. From analysis of the file, it appears that the existing dwelling (protected structure), rear extensions and front garden area were fully intact when assessed by the Planning Authority. This is evidenced by the Planning Authority's description of the site which does not refer to any demolished or removed features, nor is this referenced in the Planning Authority's assessment of the proposed development. Moreover, I note that the appellant referenced the removal of the front wall and roof elements of the existing dwelling in his submitted further response (see Section 6.5 of this report) and that there was an active enforcement file with the Planning Authority (E1105/24). I note that this enforcement file was not referenced in the Planning Officer's report which further indicates that the removal or demolition occurred after the Planning Officer undertook his site visit. I am therefore satisfied that the removal or demolition of the protected structure and its ancillary elements occurred in the recent past and that the Planning Authority did not err in law in deciding to grant planning permission as it is evident that the protected structure was intact at the time of their assessment.

- 7.2.4. Section 57(10)(b) of the Planning & Development Act 2000 (as amended) states that the Board cannot permit the demolition of a protected structure, save for exceptional circumstances. In addition to the absence of any reference to the demolition and/or removal of the protected structure in the plans and particulars accompanying the application, no commentary or justification has been provided by the applicant in relation to the demolition of the protected structure. Given that the protected structure has been largely removed or demolished and is the subject of enforcement action by the Planning Authority, I consider the imposition of any remedial or retrospective measures to be beyond the scope of my assessment. In any case, the Board does not retain any remit for planning enforcement matters.
- 7.2.5. Having regard to the fact that the submitted plans and particulars differ both significantly and materially to the status of the development site and that no exceptional circumstances have been put forward in relation to the demolition of the protected structure, as required by Section 57 of the Planning & Development Act 2000 (as amended), I consider that the Board is precluded from granting permission and that a refusal of planning permission is merited on these grounds.

## **8.0 AA Screening**

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

- 8.1.1. I have considered the proposed internal & external renovation of the existing dwelling (a protected structure), removal of the plaster to front elevation and repointing of the original brickwork, demolition of the existing mono-pitch & flat roof rear extensions and construction of a new two-storey flat roof extension to the rear 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.
- 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 110m from the River Tolka 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). Five European sites are located within 10km of the potential development site:
- South Dublin Bay and River Tolka Estuary Special Protection Area (004024)
  - South Dublin Bay Special Area of Conservation (000210)
  - North Dublin Bay Special Area of Conservation (000206)
  - North Bull Island Special Protection Area (004006)
  - North-West Irish Sea Special Protection Area (004236)
- 8.1.6. The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay. 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 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. The site is a Special Area of Conservation under the EU Habitats Directive.
- 8.1.8. The North Dublin Bay SAC covers the inner part of north Dublin Bay, the seaward boundary extending from the Bull Wall lighthouse across to the Martello Tower at

Howth Head. The North Bull Island is the focal point of this site. The site is a Special Area of Conservation under the EU Habitats Directive.

- 8.1.9. The North Bull Island SPA covers all of the inner part of north Dublin Bay, with the seaward boundary extending from the Bull Wall lighthouse across to Drumleck Point at Howth Head. Saltmarsh extends along the length of the landward side of the island and provides the main roost site for wintering birds in Dublin Bay. The island shelters two intertidal lagoons which are divided by a solid causeway. These lagoons provide the main feeding grounds for the wintering waterfowl. The sediments of the lagoons are mainly sands with a small and varying mixture of silt and clay. The site is a Special Protection Area under the EU Birds Directive, of special conservation interest.
- 8.1.10. The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.
- 8.1.11. 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, North Dublin Bay, North Bull Island and North-West Irish Sea.

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	<b>1.3km</b>	No direct
South Dublin Bay Special Area of Conservation (000210)	[1140] Tidal Mudflats and Sandflats [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	<b>4km</b>	No direct

North Dublin Bay Special Area of Conservation (000206)	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], Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) [1330], Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Humid dune slacks [2190], <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	<b>4.3km</b>	No direct
North Bull Island Special Protection Area (004006)	Wintering water birds (18 x species) Wetland and waterbirds	<b>4.3km</b>	No direct
North-West Irish Sea Special Protection Area	Wintering and migratory water birds (21 x species)	<b>6.8km</b>	No direct

### Likely impacts of the project (alone or in combination)

- 8.1.12. Due to the brownfield nature of the development site and the buffer of the existing built-up area between the brownfield site and the River Tolka, 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.
- 8.1.13. 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.
- 8.1.14. 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.
- 8.1.15. Given the scale of the proposed development within an established 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**

- 8.1.16. The construction or operation of the proposed development will not result in significant impacts that could affect the conservation objectives of the SPAs 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**

- 8.1.17. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.
- 8.1.18. No mitigation measures are required to come to these conclusions.

### **Overall Conclusion**

#### **Screening Determination**

- 8.1.19. 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 European Sites within Dublin Bay namely, South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA, North-West Irish Sea SPA 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.

- 8.1.20. 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 weak 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 be REFUSED for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

The requirements for making a planning application, including submission of drawings of plans, elevations and sections, and such other particulars as are necessary to describe the works to which the application relates, are set out in Articles 22 and 23 of the Planning and Development Regulations, 2001, as amended. It is considered that the submitted plans and particulars of the proposed development inadequately describe the development and differ significantly and materially from the development on site. In these circumstances, it is considered that the Board is precluded from considering the granting of permission for the development where the statutory description of the proposed development is not consistent with the existing status of the subject site. The proposed development would, therefore, be contrary to proper planning and sustainable development.

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

6<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319431-24		
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: Permission for internal & external renovation of dwelling. Removal of plaster to front elevation and repointing of the original brickwork. Demolition of the mono-pitch & flat roof rear extensions, (later additions to the original structure). Construction of a rear two-storey flat roof extension and associated site works.		
<b>Development Address</b>	163 Richmond Road, Drumcondra, Dublin 3, D03 TK50		
<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>	<input checked="" type="checkbox"/>
		<b>No</b>	<input type="checkbox"/>
<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>	<input checked="" type="checkbox"/>	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>	<input type="checkbox"/>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	<input type="checkbox"/>		

No	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	✓	1 dwelling unit/500 dwelling units OR 0.02ha/5ha.	Preliminary examination required (Form 2)

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

Inspector: Conor Crowther      Date: 6<sup>th</sup> March 2025

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-3129431-24</b>
<b>Proposed Development Summary</b>	<p><b>PROTECTED STRUCTURE:</b>  Permission for internal &amp; external renovation of dwelling. Removal of plaster to front elevation and repointing of the original brickwork. Demolition of the mono-pitch &amp; flat roof rear extensions, (later additions to the original structure). Construction of a rear two-storey flat roof extension and associated site works.</p>
<b>Development Address</b>	163 Richmond Road, Drumcondra, Dublin 3, D03 TK50
<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>	
<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).</p>	<p>The development has a modest footprint, comes forward as a standalone project, confines 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.</p>

<p><b>Location of development</b></p> <p>(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).</p>	<p>The development is situated in An inner suburban area on an infill brownfield site located in an established area zoned for residential development in the City Development Plan. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan.</p>				
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>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.</p>				
<p style="text-align: center;"><b>Conclusion</b></p>					
<p><b>Likelihood of Significant Effects</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"><b>Conclusion in respect of EIA</b></th><th style="width: 40%;"><b>Yes or No</b></th></tr> </thead> <tbody> <tr> <td data-bbox="665 1330 1157 1464">There is no real likelihood of significant effects on the environment.</td><td data-bbox="1157 1330 1453 1464">Yes</td></tr> </tbody> </table>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>	There is no real likelihood of significant effects on the environment.	Yes
<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>				
There is no real likelihood of significant effects on the environment.	Yes				
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p> <p style="text-align: right;">Yes</p>				

**Inspector:**

**Date:**

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

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

(only where Schedule 7A information or EIAR required)