



An  
Bord  
Pleanála

## Inspector's Report ABP-319439-24

<b>Development</b>	Demolition of extension, construction of extensions. Construction of dwelling with all associated site works
<b>Location</b>	18 Merlyn Road, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3069/24
<b>Applicant</b>	Maeve Dupont
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Seamus Deeny & Gabrielle McKeown Anne-Marie O'Connor & Richard O'Connor Eamonn Keogh
<b>Date of Site Inspection</b>	21 <sup>st</sup> February 2025
<b>Inspector</b>	Conor Crowther

## **1.0 Site Location and Description**

- 1.1.1. The site has a stated area of approximately 0.06 ha at no. 18 Merlyn Road, Dublin 4, including the curtilage of a two-storey semi-detached dwelling with a stated area of 143m<sup>2</sup>. The site is located in the established residential suburb of Ballsbridge, approximately 3.96km southeast of Dublin City Centre within the Local Authority area of Dublin City Council. The area is characterised by a mixture of detached and semi-detached dwellings from the mid-20th century and includes paid on-street parking to the front of the site and in the wider area. The site itself currently consists of a semi-detached 2 storey dwelling, including a 2-storey extension to the side, a generous rear garden and off-street parking to the front. The site is a corner site with its eastern and northern elevation fronting onto Merlyn Road.
- 1.1.2. The site is bounded to south by a line of mature trees, to the west by no.16 Merlyn Road, a semi-detached dwelling, to the east by the cul de sac of Merlyn Road and No.20 Merlyn Road and to the north by Merlyn Road. An infill bungalow dwelling is located further to the east of the site at no.20A Merlyn Road. The architectural profile of the surrounding properties, although not identical, presents as somewhat uniform in style but differs in eaves and roof detail. Almost all surrounding properties have been extended to the rear to some extent, with some properties extending across 2 storeys to the rear. In terms of the wider surrounds, features of note include the DART line approximately 52m to the west of the site and the RDS approximately 950m to the northwest of the site.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is described as follows:
- Demolition of an existing 2-storey side extension; refurbishment and reorientation of the interior layout of the existing dwelling, construction of a ground floor single storey extension to the rear; a dormer extension to the rear with all associated alterations and site and ancillary works to the existing dwelling.
  - Construction of a 4-bedroom, 2 storey end-of-terrace dwelling (18A) with attic accommodation and a dormer extension to the back, contiguous to the

existing dwelling at no. 18 Merlyn Road, with all associated alterations, site works and ancillary works.

- New pedestrian access to the side of the new dwelling (18A) along the eastern elevation fronting onto the public footpath, use and widening of the existing vehicular access entrance for no.18A; a new vehicular access entrance along Merlyn Road to serve as the new entrance to No. 18 Merlyn Road with all associated alterations, site works and ancillary works.
- Garden studio structures to the rear of both 18 and 18A Merlyn Road with all associated alterations, site works and ancillary works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Dublin City Council (The Planning Authority) issued a notification of decision to GRANT permission for the above-described proposed development on the 12<sup>th</sup> March 2024, subject to 10 no. condition. Conditions of note include:

- **Condition 4** amending the proposed development to omit the proposed vehicular entrance for House A and provide a pedestrian entrance instead, construct the proposed rear dormers separately retaining a minimum gap of 0.5m between them, setback the structure from the boundary shared with the public footpath so that it does not form the boundary wall.
- **Condition 6(a)** omitting the widening of the existing vehicular entrance and retaining its current width.

#### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's Report dated 11<sup>th</sup> March 2024 recommended a GRANT of permission, subject to 10 no. conditions. The Planning Officer concluded that:

- The proposed roof profile is considered favourably in comparison to the existing flat roof extension to the side.

- The proposed development can be accommodated on the site and would not constitute overdevelopment.
- The proposed development would not overlook, overshadow or overbear surrounding properties.
- The private amenity space provided with the new dwelling (50.26m<sup>2</sup>) falls below the standards for private amenity space set out in the Development Plan, however, the quality of usable space and the presence of the outbuilding within the rear garden is considered acceptable.
- No objection to the proposed drainage approach.

#### 3.2.3. Other Technical Reports

- Drainage Section – no objection subject to numerous conditions.
- Transportation Planning Section – no objection, subject to 6 no. conditions. Requests the omission of the proposed new vehicular entrance.

### 3.3. Prescribed Bodies

#### 3.3.1. None received.

### 3.4. Third Party Observations

#### 3.4.1. 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 appeal and the Planning Authority decision submitted to the Board, and include the following concerns:

- The existing drainage network is already under pressure.

## 4.0 Planning History

#### Subject Site:

#### 4.1.1. PAC0131/23 – Pre-planning consultations for the subject proposal.

#### Neighbouring Sites of Relevance:

- 4.1.2. WEB1952/23 – Permission GRANTED in 2024 for demolition of single storey porch entrance and construction of a first-floor side extension over an existing side converted garage, single storey rear extension with internal alterations, two rear attic dormers, widening of existing vehicle access and front entrance pillars and new gate, bin/bike storage to front garden and associated site works at no.42 Merlyn Road approximately 125m to the north of the site.
- 4.1.3. ABP-313509-22 – Permission GRANTED by the Board in 2024 for BusConnects Belfield/Blackrock to City Centre Core Bus Corridor Scheme approximately 167m to the west of the site.
- 4.1.4. 2053/20 – Permission GRANTED in 2020 for demolition of existing garage; and 2 no. chimneys to side. Construction of 2-storey extension to side and rear; raise section of garden wall to front / side garden; changes to first floor windows to rear elevation; widen existing vehicular entrance; and all associated landscape and drainage works at no.13 Merlyn Road approximately 38m to the northwest of the site.
- 4.1.5. 3696/16 (ABP Ref. PL29S.247675) – Permission GRANTED by the Board in 2017 for 2 storey extension to side and rear of house, demolition of garage and out houses, new canopy and new living area at no.10 Merlyn Road approximately 52m to the southwest of the site.

## **5.0 Policy Context**

### **5.1. National Planning Policy Framework 2018-2040**

- 5.1.1. The National Planning Framework – Project Ireland 2040 was published in February 2018. The following policies and objectives of the Framework apply to the proposed development:
- National Strategic Outcome 1 – Compact Growth - Recognises the need to deliver a greater proportion of residential development within existing built-up areas.
  - National Policy Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

## 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:
    - 4 bed + house 50m<sup>2</sup>
  - 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’.*

## 5.4. **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 H - Zoning Objective Z1 (Sustainable Residential Neighbourhoods) – *‘To protect and provide and improve residential amenities’.*

- Chapter 5 - Quality Housing and Sustainable Neighbourhoods:
  - Policy QHSN6 - Urban Consolidation – *‘To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development..., subject to the provision of good quality accommodation’.*
  - Policy QHSN37 – Houses & Apartments – *‘To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation’.*
- Chapter 15 – Development Standards:
  - 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 15.6.9 - Trees and Hedgerows – Promotes the protection of existing trees when granting permission and places emphasis on the need to consider existing trees at the earliest possible stage of design.
  - Section 15.11.2 – Aspect, Daylight/Sunlight & Ventilation – *‘The orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Where feasible, the main habitable rooms (living / kitchen) should have south and/or west facades. Rear private garden should be sufficiently sized and*

*orientated to ensure direct sunlight access is achieved for part of the day on March 21st. Living rooms shall not be lit solely by roof lights’.*

- *Section 15.13.3 Infill/Side Garden Housing Developments – ‘The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites’:*
  - *The character of the street.*
  - *Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.*
  - *Accommodation standards for occupiers.*
  - *Development plan standards for existing and proposed dwellings.*
  - *Impact on the residential amenities of adjoining sites.*
  - *Open space standards and refuse standards for both existing and proposed dwellings.*
  - *The provision of a safe means of access to and egress from the site.*
  - *The provision of landscaping and boundary treatments which are in keeping with other properties in the area.*
  - *Level of visual harmony, including external finishes and colours.*
  - *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.*
  - *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
  - *Appropriate boundary treatments should be provided both around the site and between the existing and proposed*



*dwellings. Existing boundary treatments should be retained/ reinstated where possible.*

- *Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance’.*
- Appendix 5 - Transport and Mobility: Technical Requirements:
  - *Section 4.1 - On Street Parking – ‘There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area’.*
  - *Section 4.3.2 - Impact on Street Trees – ‘In all cases, the proposed vehicular entrance shall not interfere with any street trees. Proposals to provide a new entrance or widen an existing vehicular entrance that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted in exceptional circumstances, must be mitigated’.*
- Appendix 18 – Ancillary Residential Accommodation:
  - *Section 1.1 - General Design Principles – ‘The design of residential extensions should have regard to the amenities of adjoining properties and in particular, the need for light and privacy. In addition, the form of the existing building should be respected, and the development should integrate with the existing building through the use of similar or contrasting materials and finishes.*

*Applications for extensions to existing residential units should:*

- *Not have an adverse impact on the scale and character of the existing dwelling.*

- *Not adversely affect amenities enjoyed by the occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.*
- *Achieve a high quality of design.*
- Section 1.2 - Extensions to Rear – *‘Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house’.*
- Section 1.4 – Privacy and Amenity - *‘It is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight’.*
- Section 1.7 - Appearance and Materials – *‘The extension should not dominate the existing building and should normally be of an overall scale and size to harmonise with the existing house and adjoining buildings....features such as windows and doors on the new extension should relate to those on the original building in terms of proportion and use of materials’.*
- Section 5 - Attic Conversions / Dormer Windows – *‘Dormer windows, where proposed should complement the existing roof profile and be sympathetic to the overall design of the dwelling’.*

## **5.5. Dublin City Tree Strategy 2016-2020**

- 5.5.1. The Dublin City Tree Strategy 2016-2020 is the most recent available strategy adopted by the Planning Authority and its implementation is supported by the Development Plan (Policy Objective GI041). There are no site-specific provisions within this strategy of relevance to the proposed development, however, I note that the strategy discourages the loss of or damage to trees.

## **5.6. Natural Heritage Designations**

5.6.1. The closest sites of natural heritage interest to the proposed development are the South Dublin Bay proposed Natural Heritage Area (000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210) which are located approximately 635m to the east of the proposed development. Other sites of relevance include:

- Booterstown Marsh proposed Natural Heritage Area (001205) located approximately 1.5km to the south of the proposed development.
- The Grand Canal proposed Natural Heritage Area (002104) located approximately 2.29km to the northwest of the proposed development.
- The Royal Canal proposed Natural Heritage Area (002103) located approximately 3.24km to the northwest of the proposed development.
- The North Dublin Bay proposed Natural Heritage Area (000206) located approximately 3.39km to the north of the proposed development.
- The North Dublin Bay Special Area of Conservation (000206) located approximately 4.69km to the northeast of the proposed development.
- The North Bull Island Special Protection Area (004006) located approximately 4.69km to the northeast of the proposed development.
- The North-West Irish Sea Special Protection Area (004236) located approximately 5km to the northeast of the proposed development.

## **5.7. EIA Screening**

5.7.1. Having regard to the limited nature and scale of the proposed development, the location of the site within a serviced 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. 3 no. 3<sup>rd</sup> party appeals were submitted by Éamonn Keogh, Anne-Marie & Richard O'Connor and Seamus Deeny & Gabrielle McKeown (neighbouring properties to the east), on the 3<sup>rd</sup> and 8<sup>th</sup> April 2024 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

- The Planning Authority has failed to consider the impact on the shared boundary wall and no approval has been provided for alterations to the shared boundary wall.
- The proposed development should be setback from the shared boundary wall in the same way that the Planning Authority required a setback from the boundary with the public realm to the east.
- The proposed development would exacerbate existing flooding issues, of which photographs are submitted.
- Negative impact on the value of neighbouring property.
- The proposed development should be reduced in size, particularly the dormers at attic level which appear overly dominant. Otherwise, the proposed development should be refused.
- The purpose of the side entrance is unclear, and it appears inconsistent in the streetscape and should be omitted.
- The height of the shared boundary wall is not illustrated correctly in the drawings.
- The proposed development constitutes terracing of existing semi-detached dwellings which has been previously prevented by the Planning Authority as part of a condition attached to a final grant of planning permission for works to no.42 Merlyn Road (WEB1952/23).
- The Planning Authority Officer's Report has not appropriately considered the terracing effect of the proposed development, and it is not agreed that the

location of the proposed development on a corner site would mitigate any terracing impact.

- The fenestration within the dormers to the rear will overlook neighbouring dwellings to the east and will negatively impact residential amenities (Images submitted showing the existing view of the site from No.20 and 20A Merlyn Road).
- The pre-planning consultations with the Planning Authority indicated that the attic level proposals were unacceptable.
- The proposed development presents as a 3-storey dwelling due to the dominance of the dormers.
- The application drawings demonstrate a slight overhang of the shared boundary wall with no.20 Merlyn Road and with the public realm. This overhang is not permitted in the grant of permission issued by the Planning Authority.
- The provisions of Appendix 18 of the Development Plan relating to design principles apply to the proposed development.
- Previous applications on Merlyn Road have been amended to respect the front building line and the main ridgeline.
- 'A' line roof profile would be inconsistent with hipped roofs of surrounding properties. Images are submitted demonstrating how other similar development on Merlyn Road retained the roof profile.
- The proposed development represents overdevelopment of the site due to its extent and lack of consideration for residential amenities, it would also change the overall aspect of the streetscape and breaks the building line.
- The proposed roof profile will lead to an excessively bulky gable wall, when viewed from no.20 Merlyn Road.

- The omission of a 2<sup>nd</sup> gated entrance by the Planning Authority in their grant of permission is welcome as it would exacerbate flooding and visibility issues and would lead to the loss of on-street parking.
- The proposed development should retain the side space to reflect the surrounding streetscape. Images are submitted to demonstrate the retention of side space elsewhere within the streetscape.
- Granting of the proposed development represents an inconsistent approach by the Planning Authority in light of previous decisions relating to similar development (WEB1952/23).
- Terracing of the existing dwelling will alter the existing streetscape which has been considered by the Planning Authority to be a negative impact in relation to previous such development at no.10 Merlyn Road (3696/16).
- It is not agreed that the site can accommodate a new dwelling without appearing cramped or overdeveloped.
- Section 16.2.2.4 of the former Development Plan states that the Planning Authority will seek to ensure that no characteristic boundary walls are lost or insensitively altered.
- The Planning Authority is incorrect in stating that there are no objections to the proposed garden rooms or to the increase in height of the boundary wall at the rear and side of the dwelling.
- The proposed development has an impact on the scale and character of the existing dwellings and would affect the amenities of neighbouring properties by way of overshadowing, overbearing and overlooking.
- The proposed development would be visually obtrusive.
- Floor to ceiling windows and Juliet balconies above ground floor level were discouraged at pre-app stage. The proposed development includes floor to ceiling windows that would overlook neighbouring properties.
- The Planning Authority decision has not responded to the concerns raised in relation to the design of the new dwelling.

- The proposed development is not setback from the building line or set down from the ridgeline to allow the integrity of the original design of no.18 to remain.
- The planning history of the area indicates that no 2 storey dwellings have been granted permission on Merlyn Road.
- Unclear as to why the Planning Authority is departing from the design policies outlined in Appendix 18 of the Development Plan.
- The proposed full-length window along the gable wall at 1<sup>st</sup> floor level should be reduced or removed as it will overlook the neighbouring property at no.22 Merlyn Road.
- Suggested amendments include setting back the front building line approximately 2m, reduce the size of the hall/landing 1<sup>st</sup> floor window, incorporate a hipped roof or flat roof construction at 1<sup>st</sup> floor level.

## 6.2. Applicant Response

6.2.1. I note that the applicant submitted a response to the grounds of appeal in the form of an observation. The applicant's response to the grounds of appeal is thus summarised as follows:

- The proposed infill dwelling is justified based on the ongoing housing crisis.
- The gable ridge feature to the front of the proposed development mirrors what is a characteristic architectural feature along Merlyn Road.
- The fenestration rhythm is repeated across both dwellings for symmetry and balance.
- The materiality and colour of the external finishes of the new dwelling mimic that of the original dwelling.
- New materials are introduced at rear ground floor and dormer extension levels in the form of a deep red aluminium cladding which is sympathetic to the existing red brick.
- The principle of the proposed development is supported by Chapter 5 and Section 15.13.3 of the Development Plan.

- The proposed development complies with the objectives of the Development Plan relating to plot ratios, floor area, daylighting, privacy, parking and access, overlooking, overshadowing, scale, materiality and design.
- Infill housing within the existing built-up area is supported within national policy documents such as the National Planning Policy Framework, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. This is reflected in Section 15.5.5 and Objective QHSN04 of the Development Plan.
- Precedent examples of approvals by the Planning Authority for similar developments in the wider area demonstrate a well-established acceptance of infill housing (Ref. 5503/07, 3942/18, WEB1074/15, WEB1122/20).
- Condition 5 of the grant of permission issued by the Planning Authority addresses concerns raised by the appellants relating to drainage disposal.
- 2 no. soakaways will be provided onsite and will discharge to the public sewers within the boundary of the site.
- Setting back of the front building line of the new infill dwelling would dilute the architectural harmony of the street.
- The appellant's suggestion of setting back the front building line of the infill dwelling would be contrary to the design principles for infill dwellings set out in the Development Plan which seeks to maintain the front and side building lines, where appropriate.
- The proposed 1<sup>st</sup> floor landing window includes a timber fin privacy screen which was incorporated in order to avoid any overlooking of neighbouring properties. The applicant commits to consulting with the appellants on this matter to ensure adequate privacy is achieved.
- The proposed development would have no negative impact on the privacy of neighbouring dwellings and would not be overbearing or overshadowing.
- The proposed side entrance to the infill dwelling provides for adequate security, access to the courtyard area and aligns with the adjacent wall heights.



### **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.

### **6.4. Observations**

6.4.1. None received.

## **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 report/s 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 Proposed Development
- Impact on Residential Amenity
- Design & Layout
- Access
- Other Matters

### **7.2. Principle of Proposed Development**

7.2.1. I note that the Planning Authority mistakenly identified the zoning of the proposed development to be Z2: Residential Neighbourhoods (Conservation Areas). Having reviewed the Planning Authority zoning maps, I can confirm that the site of the proposed development lies within Z1: Sustainable Residential Neighbourhoods. This zoning allows for residential development, in principle, subject to the protection of residential amenities.

7.2.2. Regarding the principle of the proposed development, the provisions of the National Planning Framework (National Strategic Outcome 1 & National Policy Objective 3A)

and the Development Plan (Policy QHSN6) encourage more compact growth, particularly in accessible areas and on infill sites. Given that the proposed development represents infill development proximate to planned (BusConnects Belfield/Blackrock to City Centre ABP-313509-22) and existing high frequency public transport, I consider that the proposed development would represent compact growth. Additionally, the site of the proposed development is located in a low-density suburban estate with generous rear gardens. This provides for potential infill development opportunities, such as the subject proposal. In this respect, I note the existing infill development at no.20A to the east of the site (3<sup>rd</sup> party appellant's property) which sets a precedent for infill development in the area. Accordingly, I consider the principle of the proposed development to be acceptable.

### **7.3. Impact on Residential Amenity**

- 7.3.1. The 3<sup>rd</sup> party appellants have raised several concerns relating to the impact of the proposed development on their residential amenities, particularly in relation to the provisions of Appendix 18 of the Development Plan, as follows:

#### Overlooking:

- 7.3.2. The appellants have raised concerns with potential overlooking of the front of their properties from the 1<sup>st</sup> floor gable window along the eastern elevation and from the proposed fenestration to the rear, including the dormer windows at attic level. The appellants also contend that the proposed development would overlook the rear garden area of no.16 Merlyn Road to the west of the site. It is noted that, no objections to the proposed development have been received from the occupants of this dwelling.
- 7.3.3. I note that the proposed fenestration to the rear would face towards Merlyn Park to the south of the site which is naturally screened by mature trees located approximately 17m from the rear of the house. Significant separation distances, in excess of the 16m set out in SPPR 1 of the Compact Settlement Guidelines, would be achieved above ground floor level between the proposed development and the appellants' properties to the east. Existing trees and shrubbery within this separation distance provide for further screening from any overlooking that may occur, which I consider to be oblique in nature from this angle. I therefore agree with the Planning Authority that no direct overlooking of neighbouring properties to the east would

occur from the rear fenestration, including from the proposed dormers which would remain below the roof height of the dwelling. However, I consider the introduction of dormer windows to the rear would likely increase the level of overlooking of the rear amenity space of no.16, but this would largely be of an oblique nature due to the orientation of the dormer windows to the south. I do not consider the proposed floor to ceiling windows at ground floor level or the minor bump-out to the rear at 1<sup>st</sup> floor level likely to create any overlooking issues in this regard or in relation to the appellants' properties due to the separation distance and the orientation of the fenestration. I am therefore satisfied that the rear fenestration of the proposed development would not significantly overlook neighbouring properties and would comply with the provisions of Section 1.4 of Appendix 18 of the Development Plan relating to impacts of extensions on the privacy of neighbouring properties.

- 7.3.4. Regarding the 1<sup>st</sup> floor gable window along the eastern elevation of the proposed development, I note the full-length nature of this window and that it would be facing directly towards the front of nos. 22 and 24 Merlyn Road. However, this window is proposed to be fitted with aluminium fins, as shown in Drawing 0191.PL.222 (Proposed Elevations 3/4), which would prevent any direct overlooking of the appellants' properties. The applicant has reinforced this fact in their response to the grounds of appeal. Additionally, the window would not serve a habitable room and the separation distance to neighbouring properties would be in excess of 16m, as set out in SPPR 1 of the Compact Settlement Guidelines. Despite the appellants' contention that the proposed gable window would overlook the front of their properties which they note are utilised for private amenity purposes, I do not consider that direct overlooking would arise due to the use of aluminium fins and the separation distance. I am therefore satisfied that the proposed gable window would not have a negative impact on the amenity of neighbouring properties by way of overlooking.

Overshadowing:

- 7.3.5. In the absence of an overshadowing assessment, the 3<sup>rd</sup> party appellants have raised concerns about potential overshadowing of their properties as a result of the proposed development. Both the applicant and the Planning Authority conclude that the proposed development would not overshadow neighbouring properties. Given the similar height of the proposed development to the surrounding properties, its

orientation to the south and separation distance from the appellants' properties to the east, I do not consider it likely that the proposed development would significantly overshadow these properties. This is further supported by the buffer of the roadway between the proposed development and these properties. I also consider that the existing trees within and adjacent to the front of nos.22 and 24 Merlyn Road would already overshadow these properties and that the proposed development would not significantly increase any overshadowing of these properties. Similarly, I am of the view that the proposed development would not overshadow the neighbouring property at no.16 due to its orientation and similar height. This is supported by the fact that the majority of development above ground floor level is proposed along the eastern elevation at a remove from no.16. Having regard to the above, I do not consider that the proposed development would significantly overshadow neighbouring properties.

Overbearing:

- 7.3.6. Similarly to the overshadowing concerns, the appellants contend that the proposed development would be overbearing, whereas the applicant contends that it would not be overbearing. In respect of the contended overbearing concerns, I note that the height, scale and separation from neighbouring properties of the proposed development would be largely similar to the existing 2-storey residential dwellings in the vicinity. However, when viewed on the existing and proposed contiguous elevations it is evident that the proposed development would result in an increase in bulk and massing along the northern, eastern and southern elevations. This is largely due to the addition of the infill dwelling. The increase in massing and bulk along the southern elevation would be due to the various proposed extensions at ground, first floor and attic level. I consider that the increase along this elevation would largely be confined to the ground floor level where the single storey extensions to the rear extend approximately 6.7m in length and 6.8m and 5m in width respectively. I consider that the ground floor extensions would be largely screened by the boundary wall, thereby appropriately screening the increased massing and bulk at ground floor level along the southern and eastern elevations, in accordance with Section 1.2 and 1.7 of Appendix 18 of the Development Plan. I consider that the extensions to the rear at first floor and attic level would be minimal and contained within the eaves and roof levels respectively, thereby avoiding any

projection of significant bulk and massing along the southern elevation. This is supported by the separation distances to existing neighbouring dwellings above ground floor level, as stated in Section 7.3.3 above. Taking account of the above, the existing bulk and massing of and separation from surrounding properties, I consider the increase in bulk and massing along the southern and eastern elevations to be acceptable.

- 7.3.7. As noted above, I consider that there would be an increase in bulk and massing when viewed from the front along the northern elevation, with the replacement of the free-standing chimney and the 2-storey side extension with a 2-storey infill dwelling and a matching A profile roof to the front, creating a pitched gable end. Whilst I consider that the proposed development would appear bulkier from this viewpoint when compared to the existing development, I do not consider it to be out of character with the surrounding streetscape. I consider that this corner site can accommodate an increase in bulk and massing without overbearing neighbouring properties due to its similar height and scale and separation distance from existing dwellings.
- 7.3.8. Section 15.13.3 of the Development Plan states that side extensions should not be built up to the boundary of the site. I note that the proposed development involves the construction of the proposed infill dwelling up to the boundary along the eastern elevation. The Planning Authority did not consider this to be acceptable and notably imposed a condition requiring the setting back of the proposed development from the shared boundary with the public footpath along the eastern elevation (Condition 4 of the Planning Authority grant of planning permission refers). The appellants raised concerns with the construction of the proposed development along the shared boundary with no.20 Merlyn Road along the eastern elevation which they did not consent to. In the interests of consistency and in light of the appellants' objections, I consider it appropriate to setback the proposed development from the boundary along the full length of the eastern elevation. In my opinion, this would better align the proposed development with the provisions of Appendix 18 of the Development Plan whilst also respecting the appellants' rights to use of and ownership of their shared boundary. I do not consider that this would significantly compromise the internal layout of the proposed infill dwelling as there is sufficient scope to setback the proposed dwelling without compromising the residential amenities of future

occupants. I also consider that the setting back of the proposed development from the boundary on this elevation would help to alleviate the appellants' concerns surrounding the overbearing nature of the proposed development, which I do not consider to be significant in any case. In the event that the Board decides to grant planning permission, I consider it appropriate to attach a condition requiring the setting back of the proposed development from the full length of the eastern elevation.

Overdevelopment:

7.3.9. The appellants consider that the proposed development would represent overdevelopment of the site as it would change the overall aspect of the site from the streetscape and that it should be reduced in size. The Planning Authority consider that the proposed development can be accommodated on the site and that it would not constitute overdevelopment of the site. Upon analysis of the submitted axonometric views of the existing and proposed development, it is evident that the proposed development would increase the built footprint onsite. However, I consider that much of the additional built footprint would be either at ground floor level or to the rear of the property. Thus, much of the proposed development would not be readily visible from the streetscape. When viewed from the front (northern) elevation, I note that the proposed development would appear somewhat bulkier when compared to the existing development. However, I consider this to be acceptable as I agree with the Planning Authority that the A line roof profile of the proposed development would present more favourably than the existing flat roof profile of the 2-storey side extension. Notwithstanding this, I note that the increased bulk of the proposed development would create a pitched gable end along the eastern elevation which I do not consider acceptable and recommend conditioning a setback from this elevation in the event that the Board decides to grant planning permission, as discussed in Section 7.3.8 above. I consider that this would reduce the visual prominence of the proposed development. Subject to the aforementioned condition, I consider that the proposed development would not represent overdevelopment of the site.

7.3.10. I also note concerns raised by the appellants regarding the breaking of the front building line which they consider would lead to overdevelopment of the site. Having analysed the submitted drawings, I do not consider that the proposed development

would break the front building line. Rather, the proposed development would align with the front building line of the existing dwelling by matching the A line roof profile to the front. I therefore consider that the proposed development would not constitute overdevelopment of the site on this basis and would comply with Section 1.1 of Appendix 18 of the Development Plan.

Internal Residential Amenity:

- 7.3.11. Regarding the residential amenities of the future occupants of the proposed development, I am satisfied that the proposed development would provide for sufficient access to daylight and sunlight due to the extensive fenestration proposed and therefore would be consistent with Section 15.11.2 of the Development Plan. I note that the proposed condition relating to the setting back of the proposed development from the eastern elevation, as set out in Section 7.3.7 above, would lead to the loss of a rooflight within the entrance hall/corridor of the new infill dwelling. As a compensatory measure, and in order to provide sufficient access to daylight and sunlight within this part of the proposed development, I consider it appropriate to attach a condition requiring the provision of a high-level window to the side of the infill dwelling at ground floor level serving the entrance hall/corridor. In the event that the Board decides to grant planning permission, I consider it appropriate to attach the aforementioned condition.
- 7.3.12. Regarding the provision of private amenity space for future occupants, I note that the Planning Authority did not consider the quantum of private amenity space to be acceptable but that the quality of the private amenity space along with the proposed garden studios in the rear garden areas would enhance the private amenity space and therefore make it acceptable. Notwithstanding the Planning Authority's contentions, I consider that the proposed development provides for adequate private amenity space (50m<sup>2</sup>) as the quantum of private amenity space aligns with the requirements of SPPR 2 of the Compact Settlement Guidelines.
- 7.3.13. I have reviewed the submitted drawings against the standards set out in the Quality Housing for Sustainable Communities, Best Practice Guidelines. I consider the proposed development to be compliant with these standards and that a sufficient quality of residential accommodation would be provided in line with Policy QHSN37 of the Development Plan.

#### **7.4. Design & Layout**

- 7.4.1. I agree with the appellants that the design and layout of the proposed development would create a terracing effect due to the addition of the new infill dwelling (no.18A) which would enclose the existing dwelling (no.18), removing any side entrance to this property and creating a terraced effect along the northern elevation and an end of terrace effect along the eastern elevation. The appellants have raised significant concern with this terracing effect which they consider to constitute a negative visual impact. Previous decisions by the Planning Authority in relation to nos.10 and 42 Merlyn Road (3696/16 & WEB1952/23) are cited as examples where the Planning Authority considered the terracing effect to negatively impact the streetscape. However, I do not consider that the same site constraints apply to the proposed development as it is located on a corner site. This provides for a larger site area thereby mitigating any terracing impact that may be more visually disruptive if the site was bordered by semi-detached dwellings on both sides, which is not the case in the subject proposal. Thus, I concur with the Planning Authority in their assertion that the proposed development can be accommodated on this corner site without being detrimental to the streetscape.
- 7.4.2. As stated above, the appellants raised significant concern about the use of the shared boundary wall along the eastern elevation with no.20 Merlyn Road. The height of the existing boundary wall is contested by the appellants, and I note that the submitted drawings do not provide clarity on this matter as they show differing heights. Regardless of the existing height of the existing boundary wall, I note that it is proposed to be raised to a height of 3m. Considering that I am proposing to setback the proposed development from the eastern boundary, I do not consider it necessary for the shared boundary wall to be raised to 3m. Rather I consider it appropriate to raise the shared boundary wall with the public realm to align with the height of the shared boundary wall with no.20, up to the front building line. In my opinion, this would provide for visual consistency along this elevation without appearing overbearing and would serve to screen the proposed development to some extent. In the event that the Board decides to grant planning permission, I consider it appropriate to include a condition addressing this matter. Given that the proposed development would be setback from the eastern boundary of the site, I



consider that the appellants' concerns relating to the proposed development overhanging the boundary on this elevation would no longer apply.

- 7.4.3. Regarding the general design of the proposed development, I note that the extensions to the side and rear at ground floor and attic level are proposed to be finished with an aluminium clad reflecting their contemporary nature. I consider this to be acceptable and reflective of similar extensions to the rear at ground floor and attic level in the surrounding area. I consider the external finishes of the remaining elements of the proposed development to be reflective of the original dwelling. The proposed development would therefore contribute positively to its surroundings, as set out in Section 15.5.2 of the Development Plan.
- 7.4.4. I note that the appellants raised concerns about the form and layout of the dormer extensions to the rear. The appellants consider that the dormers would appear dominant due to their lack of separation and closeness to the roof height, and that the proposed development would be perceived as a 3-storey development as a result. They contend that the proposed dormer extensions should be reduced or omitted. The Planning Authority agreed with the appellants on the matter of the lack of separation between the dormer extension and subsequently conditioned a minimum gap of 0.5m between the dormer extensions (Condition 4 of the Planning Authority grant of planning permission refers). Having considered the concerns raised by the appellants and reviewed the submitted drawings, I agree that the lack of separation between the proposed dormer extensions to the rear creates a potentially dominant element in the design. Thus, in the event that the Board decides to grant planning permission, I consider it appropriate to include the Planning Authority's condition relating to the separation of the dormer extensions. Regarding the form and layout of the proposed dormer extensions, I consider their positioning below the roofline and recession from the eaves line to be acceptable. In this respect, I consider that similar rear dormer extensions exist in the surrounding area thereby demonstrating the acceptability of the form and layout of the proposed dormer extensions, subject to conditions. Thus, I consider the proposed dormer extensions to be sympathetic to the roof profile of the proposed development, as required under Section 5 of Appendix 18 of the Development Plan. I note the appellants contentions that the proposed attic level extensions were considered to

be unacceptable at pre-planning stage. However, the Board are not bound by feedback provided at pre-planning stage.

- 7.4.5. Regarding the roof profile of the proposed development, I note that it would be altered to some extent by the proposed development. As noted by the Planning Authority, the resultant roof profile would not be a common feature within the streetscape. However, I note that the streetscape includes a variety of roof profiles. The appellants contend that the proposed roof profile would not align with that of surrounding properties and that the A roof to the front would move the front building line forward. As stated above, I do not consider that the proposed development would move the front building line as it aligns with the existing A roof to the front. I consider this to be a positive element of the proposed roof profile due to its alignment with the existing roof profile to the front. Notwithstanding this, the appellants contend that the hipped roof element should be more prominently placed within the roof profile. However, I am satisfied with the proposed roof profile as it appropriately aligns with the existing A roof to the front and thus retains an element of consistency in the roof profile. Thus, I do not agree with the appellants' contentions that the hipped element of the roof profile should predominate.
- 7.4.6. I note that the appellants objected to the inclusion of garden studios to the rear of the proposed development as the garden studio within the boundary of no.18A would rely on the shared boundary wall with no.20 as a supporting wall. Given that I am recommending the setting back of the proposed development from this shared boundary wall, I consider that this issue would be appropriately addressed. I note that the extent of the garden studio to the rear of no.18A is generous, in comparison to the extent of the garden studio in the corresponding rear garden area of no.18. Given this, and the fact that the garden studio would not be integral to the proposed development, I consider that a reduction in size of the garden studio to the rear of no.18A would be acceptable and would not significantly impact the residential amenities of future occupants. In fact, I consider that it would positively impact the residential amenities of future occupants as it would provide for an increase in the provision of private amenity space. In the event that the Board decides to grant planning permission, I consider it appropriate to include a condition requiring the setting back of the garden studio to the rear of no.18A from the shared boundary

wall. I am satisfied with the general design and form of the proposed garden studios, and I consider their positioning and extent to be acceptable, subject to conditions.

- 7.4.7. Having regard to the above, I consider that, subject to conditions, the proposed development would be in accordance with Section 15.13.3 of the Development Plan relating to infill and side garden development.

## **7.5. Access**

- 7.5.1. I note that the applicant proposes to use and widen the existing vehicular entrance for the proposed dwelling (18A) and proposes a new vehicular entrance for no.18 adjacent to the boundary with no.16 Merlyn Road. The Planning Authority's Transport Planning Section did not consider this to be acceptable due to the loss of on-street car parking space arising and the likely damage to the roots of the tree directly adjacent to the site. Thus, the widening of the existing vehicular entrance and the proposed new vehicular entrance were omitted by the Planning Authority by way of condition. The appellants supported the conclusion of the Transport Planning Section in this regard.
- 7.5.2. Upon undertaking my site visit, I observed pay and display on-street car parking directly adjacent to the front boundary of the site. I agree with the Planning Authority that the proposed new vehicular entrance would lead to the loss of an on-street car parking space. Section 4.1 of Appendix 5 of the Development Plan states that there would be a presumption against the loss of on-street parking to facilitate a singular residential vehicular entrance in a residential area where there is demand for or reliance on on-street parking. However, I did not observe a strong demand for on-street parking during my site visit and this is confirmed by Google Street view images which demonstrate the under-utilisation of on-street parking in this area over time. I am therefore satisfied with the proposed vehicular entrance on this basis, and I do not agree with the Planning Authority's Transport Planning Section on this matter.
- 7.5.3. Notwithstanding the above, I have reservations about the potential impact of the new vehicular entrance and the widening of the existing vehicular entrance on the roots of the mature tree to the front of the site. In this regard, I note that Section 4.3.2 of Appendix 5 of the Development Plan states that proposed vehicular entrances should not interfere with street trees. The existing vehicular entrance is located in close proximity to the mature street tree, and I observed subsistence in the footpath

adjacent to the entrance on my site visit, potentially indicating that the roots of the mature street tree are already disturbed. I also note that the location of the mature street tree has not been indicated on the submitted drawings. I am therefore not satisfied that the proposed development has demonstrated that it would not interfere with the mature street tree and would therefore be contrary to Section 15.6.9 of the Development Plan and Section 4.3.2 of Appendix 5 of the Development Plan, along with the Dublin City Tree Strategy.

- 7.5.4. I also note that the Planning Authority's Transport Planning Section referenced non-compliance with standards due to the proximity of the entrance to a junction and conflict with double yellow lines. However, this was not included in the Transport Planning Section's reasons for omitting the vehicular entrance aspect of the proposed development. Given the substantive reason for omission of the proposed vehicular entrance above and that the junction consists of a hammerhead junction feeding into a cul de sac at the end of the estate road, I do not consider it necessary to assess the proposed vehicular entrance against these issues.
- 7.5.5. In light of my recommendation that the vehicular entrance aspect of the proposed development should be omitted, I consider that a pedestrian entrance should be provided for the existing dwelling (no.18) and that the existing entrance should be confined to the new dwelling (18A). I consider that the pedestrian entrance would provide for access to the existing dwelling and that ample on-street parking would cater for any further parking demands arising from the proposed development. This aligns with the provisions of SPPR 3 of the Compact Settlement Guidelines which seeks to substantially reduce or eliminate car parking in such accessible areas. In the event that the Board decides to grant planning permission, I consider it appropriate to attach a condition amending the access to the proposed development as above.
- 7.5.6. Regarding the proposed timber framed side entrance along the eastern elevation of the proposed development fronting onto the public footpath, I note that the appellants queried the relevance of this side entrance. The applicant has clarified that the proposed side entrance would provide for security and access to an enclosed concrete yard. Notwithstanding the applicant's clarification, it is still not clear to me what function the proposed side entrance would serve as it would not provide access to the proposed dwelling and would introduce an access onto a

public footpath. This appears to be unnecessary. Given my recommendation to setback the proposed dwelling from the boundary of the site, I consider it appropriate to relocate the side entrance to the front of the proposed dwelling. This would allow for side access to the rear garden and to the proposed dwelling from within the confines of the site whilst providing a setback from the boundary of the site. In the event that the Board decides to grant planning permission, I consider it appropriate to attach a condition relocating the proposed side entrance as described above.

## **7.6. Other Matters**

### Drainage/Flooding:

- 7.6.1. I note that the 3<sup>rd</sup> party appellants raised concerns relating to flooding from the public drainage system to the front of the site that has previously occurred and has impacted neighbouring dwellings. The appellants contend that the proposed development would exacerbate this flooding issue as it would introduce further wastewater drainage into a drainage network that cannot accommodate it. Thus, the appellants contend that the proposed development should not be permitted until such time as the flooding issue is corrected. The applicant states that the proposed development would drain surface water into 2 no. soakaways located within the rear garden areas which would discharge to the public sewer (see Drawing 0191.PL.216). The Planning Authority's Drainage Section have not raised any concerns with the proposed development, subject to conditions. I note that Uisce Éireann/Irish Water have not provided input on the capacity of the drainage network. Thus, in the event that the Board decides to grant planning permission, I consider it appropriate to include a condition requiring liaison with Uisce Éireann/Irish Water prior to the commencement of development. I consider the use of soakaways within the boundaries of the site to be a positive element of the proposed development as they would slow the rate of discharge to the public sewer. In conclusion, I consider the drainage regime of the proposed development to be acceptable, subject to conditions.

### Precedent Cases:

- 7.6.2. In justifying the proposed development, I note that the applicant has referenced several precedent examples of similar developments in the surrounding area. The precedent cases are assessed as follows:

- Ref. 5503/07 (ABP Ref. PL29S.226966) – 21 Ailesbury Drive, Ballsbridge, Dublin 4: This development involved the demolition of an existing dwelling and its replacement with 2 no. dwellings of comparable size to the proposed development. The Board granted this development in 2007 and conditioned a setback from the side boundary.
- WEB1074/15 – 7 Hope Street, Dublin 4: This development relates to a dormer extension to the rear of an existing 2 storey dwelling and was granted in 2015.
- Ref. 3942/18 – Glanmhuire, 15 Airfield Park, Dublin 4: This development was granted in 2018 for the demolition of the existing dwelling and the construction of 2 no. detached 3 storey 5 bedroom dwellings.
- WEB1122/20 – 16 Londonbridge Road, Dublin 4: This development, granted in 2020, relates to a dormer extension to the rear and a side extension to the existing return. The final grant included a condition recessing the dormer extension a minimum of 500mm from the eaves.

7.6.3. Having reviewed the above precedent cases, I consider that they support the general principle of the proposed development. However, each case must be assessed on its merits, therefore, I do not consider the above precedent cases to be of significance to the outcome of this assessment.

7.6.4. I also note that the appellants referred to and relied heavily on a previously permitted development for extensions to the side and rear of no.42 Merlyn Road (WEB1952/23). Whilst the assessment of this development may be of greater relevance due to the recency of the decision, the development was not for an infill dwelling on a corner site and therefore does not, in my opinion, carry significant weight in the context of setting a precedent for the proposed development. Notwithstanding this, I accept that the assessment of this development bears some relevance due to the similar dormer, rear and side extension. However, as stated above, each case must be assessed on its merits.

#### Demolition:

7.6.5. The Planning Application form details the proposed floor area of buildings to be demolished to be 64.6m<sup>2</sup>. This constitutes the existing 2 storey flat roof extension to the side of the dwelling. I consider the demolition of this structure to facilitate the

proposed development to be acceptable as the structure is not of architectural merit and the design of the proposed development would improve the presentation of the building within the streetscape. In the event that the Board decides to grant planning permission, I consider it appropriate to require a demolition plan by way of condition.

Property Value:

- 7.6.6. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, 635m from the proposed development.
- 8.1.3. The proposed development is located within a residential area and comprises the demolition of an existing extension, construction of a dwelling and extension and all associated site works.
- 8.1.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development.
  - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

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

## 9.0 Recommendation

I recommend that planning permission be GRANTED for the proposed development for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the design, scale, orientation and siting of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not negatively impact on the residential amenities of neighbouring properties or the future occupants of the development and would align with the prevailing character and setting of the surrounding area and would be in accordance with the Dublin City Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Quality Housing for Sustainable Communities, Best Practice Guidelines (2007). The proposed development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 11<sup>th</sup> day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:



- a) No part of the proposed development shall be built directly onto the eastern boundary of the site and shall not form the boundary wall on this elevation.
- b) A high-level window shall be provided at ground floor level along the eastern elevation serving the entrance hall/corridor.
- c) The height of the shared boundary wall with the public realm along the eastern elevation shall be raised to match the height of the shared boundary wall with no.20 Merlyn Road up to and including the point of the front building line of the permitted dwelling.
- d) The proposed rear dormers shall be built separately from one another retaining a minimum gap of 0.5m between them so they are clearly viewed as two separate dormers.
- e) The proposed vehicular entrance and widening of an existing vehicular entrance shall be omitted, and a separate pedestrian access shall be provided to no.18 Merlyn Road with an inward opening gate.
- f) The proposed side entrance shall be relocated to the front of no.18A Merlyn Road to provide for a side access within the confines of the site.

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

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

3. 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.

4. 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.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these

times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

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. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

8. 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

4<sup>th</sup> March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319439-24		
<b>Proposed Development Summary</b>	Demolition of extension, construction of extensions. Construction of dwelling with all associated site works		
<b>Development Address</b>	18 Merlyn Road, Dublin 4		
<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>	Tick if relevant. No further action required	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</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>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<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 0.06ha/5ha.	Preliminary examination required (Form 2)

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

**Inspector: Conor Crowther      Date: 4<sup>th</sup> March 2025**

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319439-24</b>
<b>Proposed Development Summary</b>	Demolition of extension, construction of extensions. Construction of dwelling with all associated site works
<b>Development Address</b>	18 Merlyn Road, Dublin 4
<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></p> <p>(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 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.</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</p>	<p>The development is situated in a suburban area on an infill brownfield site located within an existing housing 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>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		
<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.
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
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)