



An
Bord
Pleanála

Inspector's Report

ABP-319645-24

Development	PROTECTED STRUCTURE: Demolition of extensions, construction of extension and modifications to dwelling, together with all associated site works.
Location	No. 80 Park Avenue, Sandymount, Dublin 4, D04 V3Y7.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4579/23.
Applicant(s)	Carol English & John McKay.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant(s)	Philip O'Reilly.
Observer(s)	None.
Date of Site Inspection	10 th October, 2024.
Inspector	Patricia M. Young

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.4. Prescribed Bodies	9
3.5. Third Party Observations	9
4.0 Planning History	9
5.0 Policy Context	10
5.1. Local	10
5.3. Natural Heritage Designations	13
5.4. EIA Screening	13
6.0 The Appeal	14
6.1. Grounds of Appeal	14
6.2. Applicant Response	15
6.3. Planning Authority Response	16
6.4. Observations	16
6.5. Further Responses	17
7.0 Assessment	18
8.0 AA Screening	41
9.0 Recommendation	42
10.0 Reasons and Considerations	42
11.0 Conditions	43
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. No. 80 Park Avenue, the appeal site, is an irregular triangular shaped appeal site with a given area of 1,789m². It occupies a corner location with frontage on its western side onto Park Avenue and on its southern side Sydney Parade Avenue, in the south Dublin city suburb of Sandymount, Dublin 4.
- 1.2. It contains a late Victorian period semi-detached dwelling house whose principal façade addresses the eastern side of Park Avenue. It dates to circa 1880s and it as well as its once matching semi-detached pair (No. 78 Park Avenue) are included as Protected Structure's in Dublin's City Council's Record of Protected Structure (RPS Ref. No. 6294) that forms part of the Dublin City Development Plan, 2022-2028. The principal façade and corner façade addressing Sydney Parade Avenue is finished in mainly red brick that is laid in Flemish bond pattern with black brick detailing which is carried through to its chimney stacks over. Whereas its original rear return which is subservient in its height and built form includes a render finish to its eastern and northern facades.
- 1.3. The westerly most section of its staggered principal façade contains a ground floor level canted bay window on its northern side. The principal access to this property via granite stone steps that terminate at a recessed arched front door entrance that is flanked by Corinthian columns. To the immediate south of which this façade steps back in an easterly direction but containing the same detailing as well as another ground floor level canted bay window that addresses Sydney Parade Avenue. To the immediate east of which is a circa 1980s single storey conservatory and to the further east as well as wrapping around part of the original rear return is a circa 1980s part single and part two storey extension which includes an attached garage. This opens onto and addresses the rear garden area that has an irregular triangular shape and narrows in its width to where it terminates alongside the western side front boundary of No. 12 and 14 Sydney Parade Avenue, which are a similar in style late Victorian semi-detached pair, both designated Protected Structures.
- 1.4. This site and its immediate setting can be described as having a mature Victorian period residential character. The site is situated c200m to the north east of Sydney Parade Dart Station.

2.0 Proposed Development

2.1. Planning permission sought for the following works to No. 80 Park Avenue, a Protected Structure:

- Demolition of a non-original conservatory (15m²) to the side and a non-original part single-storey (34.7m²), part two-storey (64m²) extension to the rear and side and a non-original brick wall with arched doorway to the side.
- Construction of a part single-storey/part two-storey extension (320m²) to the rear and side containing 3 no. rooflights and photovoltaic roof panels and construction of a new meter box enclosure to the front garden.
- Modifications to the existing house at ground floor level to include:
 - Adjustment of opening in rear wall of the main house to new extension, modification of openings in rear wall of rear return to new extension.
 - Removal of internal walls of rear return, removal of north-west side wall of rear return to new extension including removal of non-original windows and doors to this side wall.
 - Widening of openings in south-east side wall of rear return to new extension including removal of modern casement window to this side wall.
 - Dropping of ground level in rear return.
 - Enlargement of opening and double doors between the main reception rooms.
 - Insertion of internal window opening into front reception room.
 - At first floor level to include removal of modern window and modification of opening in rear wall of rear return to new extension.
 - Reconfiguration of partition walls in rear return.
 - Reinstatement of original window to existing Bedroom 5.
 - Removal of modern window to existing wardrobe.
 - Removal of modern partition walls in main house to existing wardrobe.
 - Partial removal of wall between existing Bedroom 1 and existing bathroom.

- Insertion of new partition and new doorway into existing bedroom 2 and modification to doorways.
- Modification of doorway to Bedroom 3.
- Repair & re-pointing works to brick facades.
- Localised minor repair & restoration works to roofs and rendered facades.
- Replacement of pvc rainwater goods with cast iron.
- Refurbishment of original windows to include reglazing with acoustic slim double glazing, removal of modern paint to columns at front door.
- Repair & restoration works to granite steps, cills and plinth and associated site and drainage works.

- All associated site works and services.

2.2. The accompanying planning application form indicates that 262.2m² floor area would be retained within the site; 113.7m² would be the total area demolished; and, the total new and retained would be 582.2m². It also indicates the proposed development would give rise to a plot ratio of 0.33 and 23% site coverage. This application is accompanied by:

- Cover Letter
- Design Report
- Architectural Impact Statement
- Photomontages

2.3. On the 27th day of March, 2024, the applicant submitted their further information response to the Planning Authority. This consisted of revised proposals for the proposed extension and alterations within the Protected Structure. The changes result in a modest reduction in floor area by 4m² at ground floor level and 14m² at first floor level (Note: new and retained floor area of 564m²); reduction in interventions to the surviving Victorian built fabric, in particular it omits the demolition of the central spine wall between the Master Bedroom and Master En-suite at first floor level with a 1.6m door opening proposed in its place to provide internal linear connection between the two rooms; omission of the replacement of existing glass throughout the original house

with slim double glazing; omission of mezzanine overhanging element; modest revised footprints; and revised external treatments.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 23rd day April, 2024, Dublin City Council **granted** permission for the proposed development as revised by the applicant's further information submission dated 27th day of March, 2024, subject to 11 no. mainly standard conditions. Of note are the following conditions:

Condition No. 3: Requires external finishes to harmonise with the existing dwelling.

Condition No. 4 reads: "The applicant shall comply with the following conditions from the Conservation Officer:

- (i) *A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.*
- (ii) *The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development: a) Elevation drawings, floor plans and reflective ceiling plans to show the extent of proposed conservation repairs to be carried out. b) Revised ground floor plan that reduces the amount of demolition of structural fabric of the wall between the north side elevation of the return and proposed orangery. c) Revised first floor plan omitting en-suite bathroom to current Bedroom 2 (front room to south).*
- (iii) *The applicant shall submit samples of raking, historically accurate repointing, render, masonry cleaning, paint removal from stone columns, stone repairs to granite steps for the written approval of the Planning Authority.*

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

Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at 80 Park Avenue, Sandymount, Dublin 4 and to ensure that the proposed works are carried out in accordance with best conservation practice”.

Condition No. 5(c): Requires a Flood Risk Assessment.

Condition No. 6: Requires a Bat Survey.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer’s report** (22.04.2024) is the basis of the Planning Authority’s decision. They considered that the applicant’s response to the further information response had satisfactorily addressed their further information request. They further considered that the applicant had satisfactorily demonstrated the level of demolition sought in relation to later structures was justified and now reduced to what was originally proposed. They considered that the proposed extension to be of a high architectural quality in terms of its appearance and useable internal space. They noted the comments made by the Conservation Officer and their report concludes with a recommendation to grant permission subject to conditions.

The **initial Planning Officer's report** (22.11.2023) concludes with a request for further information. This request is summarised as follows:

- Item No. 1: Raises concerns in relation to the demolition of the existing extension and the lack of sympathy of the replacement extension with the host Protected Structure. A revised design sought.
- Item 2: (a) Revised ground floor level sought, in particular omission of the double leaf door between the front room and living room.
- (b) Omission of central spine wall between Bedroom 1 to the front and bathroom to the rear as well as the omission of en-suite bedroom serving Bedroom 2 sought.
- (c) Updated window survey sought.

This further information request seeks that the applicant liaise with the Council's Conservation Section.

3.3. Other Technical Reports

- 3.3.1. The **Conservation Officer's final report** (12.04.2024) concludes with a recommendation to grant permission subject to a bespoke recommended condition. It considered that the applicant had fully responded to the additional information request and considered the revised design as well as the omissions generally acceptable, subject to a revised first floor plan be provided omitting the en-suite bathroom to the current bedroom located to the front room to south of first floor level.

The **Conservation Officer's initial report** (22.11.2023) concludes with a request for further information seeking the following revisions to the proposed development:

- Redesign extension to provide for the retention, modification, upgrading, and deep fabric retrofit of the existing redbrick extension.
- Revised ground floor plan omitting the widening of the double leaf door between the front living room and rear drawing room as well as omission of the en-suite bathroom from front Bedroom 2.
- Revised first floor room to omit the demolition of the central spine all between Bedroom 1 to the front and bathroom to the rear as well as omission of the en-suite bathroom from front of Bedroom 2.

- An updated window survey, including photographic record through to evidence of historic glass throughout the building and confirmation what would be retained.
- Revised site drawings showing retention of permeability to cope with rainfall whilst accommodating the amended landscaping.

3.3.2. The **Drainage Division** report (12.10.2023), raised no objection to the proposed development, subject to standard safeguards including: *“the developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2022-2028 Strategic Flood Risk Assessment, is carried out for the proposed development”*.

3.4. Prescribed Bodies

3.4.1. **Department of Housing Local Government and Heritage** in their submission to the Planning Authority sought the preparation of a bat survey by way of condition.

3.5. Third Party Observations

3.5.1. The Third-Party Appellant in this appeal case submitted an observation to the Planning Authority during the course of its determination. I consider that the substantive concerns raised in this submission correlate with those raised by them in their appeal submission to the Board (See: Section 6 below).

4.0 Planning History

4.1. Site – Recent & Relevant

4.1.1. None.

4.2. Setting

- **No. 81 Park Avenue, a Protected Structure (on the opposite side of Park Avenue)**

ABP-304060-19 (P.A. Ref. No. 4061/18):

On appeal to the Board permission was **granted** for alterations and refurbishment of the exterior and interior of dwelling, construction of extension. Additionally, permission was **refused** for the proposed basement element for the following stated reason:

“Having regard to the inclusion of the existing and neighbouring dwellings in the Record of Protected Structures for Dublin City, to its location within an area zoned Z2 Residential Neighbourhoods (Conservation Areas) and within Flood Zone Site 8 in the Strategic Flood Risk Assessment, and to Policy SI13 of the Dublin City Development Plan, 2016-2022, which seeks to discourage any significant underground or basement development or excavations below ground level of, or adjacent to residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures and states that development of all basements or any above ground buildings for residential use below the estimated flood levels for flood zone areas ‘Zone A’ or ‘Zone B’ will not be permitted, it is considered that the proposed basement would materially contravene the Dublin City Development Plan, 2016-2022 and would be prejudicial to public health and would set an undesirable precedent for similar development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area”.

Date: 16/07/2019.

5.0 Policy Context

5.1. Local

- 5.1.1. The appeal site is zoned ‘Z2’ Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan, 2022-2028. The given objective for ‘Z2’ lands is: ‘to protect and / or improve the amenities of residential conservation areas’.
- 5.1.2. Section 14.7.2 of the Development Plan states that: “residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale”; “the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected”; and, “the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area”. Additionally, it states that: “the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.”

- 5.1.3. The host property, the adjoining properties to the north and east are designated Protected Structures under the accompanying Record of Protected Structures (RPS). As well as are several period buildings within its visual streetscape scenes of Park Avenue and Sydney Parade Avenue. Section 11.5 of the Development Plan sets out the policies and objectives for Protected Structures and Section 11.5.1 defines them as: *“any structure or specified part of a structure, which is included in the RPS. Unless otherwise stated, it includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features specified as being in the attendant grounds including boundary treatments.”* It also sets out that all external and internal works to: *“protected structures shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011)”* and it further refers to said Guidelines for additional guidance.
- 5.1.4. Policy BHA2 of the Development Plan sets out that development will conserve and enhance protected structures from any works that would negatively impact their special character and appearance.
- 5.1.5. Section 11.5.3 of the Development Plan provides guidance on Conservation Areas with Policy BHA8 stating: *“there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit”* and Policy BHA 9 seeking to protect their special interest and character. This Development Plan policy also states that: *“development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.”*
- 5.1.6. Chapter 3 of the Development Plan deals with the matter of Climate Change and includes the following policies:
- CA6: *“To promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible”.*

CA7: Supports: *“high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retrofitting of appropriate energy efficiency measures in the existing building stock”.*

CA8: Requires: *“low carbon development in the city”.*

5.1.7. Chapter 15 of the Development Plan sets out the development management standards.

- Section 15.7.1 deals with the matter of re-use of existing buildings and indicates that *“applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the ‘embodied carbon’ of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures”.*
- Section 15.11 in relation to house development sets out that guidance and standards relating to ancillary residential accommodation including residential extensions is provided under Appendix 18.
- Section 15.15.2.3 stating that: *“works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage”.*

5.1.8. Appendix 18 of the Development Plan provides guidance and standards for ancillary residential accommodation:

- Section 1.1: General Design Principles
- Section 1.2: Extensions to Rear
- Section 1.3: Extension to Side
- Section 1.4: Privacy and Amenity
- Section 1.5: Separation Distances

- Section 1.6: Daylight and Sunlight
- Section 1.7: Appearance and Materials

5.2. Other

- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011.
- Places for People – the National Policy on Architecture, 2022.
- Climate Action Plan, 2024.
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, 2009.
- Circular PL 2/2014.

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 sites are:

- Special Area of Conservation: South Dublin Bay (Site Code: 000210) and Special Protection Areas: South Dublin Bay and River Tolka Estuary (Site Code: 004024) which are located circa 285m to the east.

5.4. EIA Screening

5.4.1. See Appendix 1 – EIA Pre-Screening Form attached.

5.4.2. Having regard to the modest nature, scale and extent of the development proposed, the site's location outside of any sensitive location specified in article 109(4) of the Planning and Development Regulations 2001 (as amended) and consisting of a brownfield site that is located within an established built-up suburban area to the south Dublin city which is served by an existing connections to public infrastructure, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development.

- 5.4.3. Conclusion: The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this Third-Party appeal can be summarised as follows:

Planning Authority's Decision

- The Board is sought to overturn the decision of the Planning Authority.

Precedents

- Reference is made to what are considered as positive as well as negative alteration and additions to Victorian period properties in the vicinity of the site.

Built Heritage

- Despite the revisions made by the applicant in their further information response the proposed development is not compatible with its host dwelling and, if permitted would seriously detract from the characteristics of the host dwelling and its setting.
- The modern material finishes are not respectful of the host dwelling, in particular concern is raised in relation to the use of Corten Steel Cladding.
- The proposed extension would as a result of its size overwhelm the host dwelling.
- This proposal includes too many unnecessary alterations to the host dwelling.
- The Conservation Officer's concerns have not been fully addressed.

Compliance with Development Plan Provisions

- The modern design does not accord with the land use zoning objectives for 'Z2' zoned land.

Visual Amenity

- The provision of an extension of this design, size through to finishes where there are no similar comparable built forms to it would not be acceptable in this conservation zoned area.

Other Matters

- The appeal site is located in a high-risk flood area.

6.2. Applicant Response

6.2.1. The First Party's response can be summarised as follows:

Procedural

- The nature of this appeal is vexatious and/or has been submitted with the intention to delay the proposed project.
- The appellant would not be impacted by the proposed development given that they do not live in its vicinity.
- Concern is raised in relation to the validity of the appellants submissions made to the Planning Authority and the Board.
- The Board is requested to dismiss this appeal under the provisions of Section 138 of the Planning & Development Act, 2000, as amended.

Planning Authority Decision

- The Board is sought to uphold the Planning Authority's decision.

Amendments made to the Application as Lodged

- The appellant ignores the amendments made to the proposed development.

Built Heritage

- In making this planning application as well as revisions they have engaged experts in built heritage and architectural design to ensure that the proposed development accorded with local through to national planning provisions for Protected Structures and that the proposed development would not give rise to any undue adverse built heritage and amenity impact on its site as well as setting.
- The existing extension detracts from the host building, does not integrate with its internal spaces and is of a poor construction.
- The existing hedgerows and trees would result in the proposed extension having limited impact on its setting. Where it is visible it would be read as a new building layer that is subservient to the host dwelling.

- Corten steel cladding is a well-used finish in cultural settings. It would be respectful to this Protected Structure as well as its Residential Conservation Area setting.
- The Conservations Officer's were satisfied with their further information response.
- The Planning Authority were satisfied with their revised design and the justification for the reduced demolition that would arise.

Flood Risk

- The Planning Authority's Drainage Department was satisfied that the proposed development was acceptable subject to safeguards.
- The Development Plan was subject to a Strategic Flood Risk Assessment which informed zoned lands.
- There are no historic incidences of flooding on this site and there are comprehensive flood defences in the pipeline for the Sandymount Area which will provide long-term sustainable mitigation and avoidance of flood risk for this area.

Other

- The proposed development as revised would result in 120.3m² additional floor area to the ground floor level and this would be in addition to its existing 221.9m² floor area. It also clarifies that at first floor level it would result in an additional 57m² to the existing 165m² floor area.
- This submission is accompanied by a number of additional documents the content of which I have noted.

6.3. Planning Authority Response

6.3.1. The response from the Planning Authority can be summarised as follows:

- The Board is sought to uphold its decision.
- If permission is granted it is requested that a Section 48 development contribution condition be imposed.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. The Appellants further response includes the following comments:

Procedural

- Planning and development matters impact the entire city.
- Sandymount is not exclusively a private domain but has a significant public component.
- The reasons as to why they lodged their appeal is set out in the appeal submission.
- Their submission to the Planning Authority and the Board were accepted as valid.

Existing Extension

- It is not beyond the realms of modern technology to safely remove asbestos slates and PVC windows and therefore reuse the existing extension.

Visual Amenity

- The hedges and trees are not permanent screening.

Flood Risk

- The upgrades to the local surface drainage system have not alleviated the issue of flooding in this area and there are incremental rises in sea water inundation due to rising sea levels.

Other

- This submission is accompanied by a number of additional documents the content of which I have noted. I consider that the purpose of these documents is to reinforce the key issues raised by the appellant in their appeal submission to the Board.

7.0 Assessment

7.1. Introduction

7.1.1. I am satisfied that the key issues in this appeal case can be dealt with under the following broad headings:

- Procedural
- Principle of Proposed Development
- Built Heritage & Visual Amenity Impact
- Flooding
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. For clarity, my assessment below is based on the proposed development as revised by the applicant's further information response received by the Planning Authority on the 27th day of March, 2024. This is on the basis that I consider that the revised design submitted presents a more sympathetic design resolution outcome in terms of the overall demolition, alterations and extensions to No. 80 Park Avenue, which is a designated Protected Structure, that dates to the late Victorian period with its main built form surviving as a highly intact building in terms of its exteriors and interiors despite the later alterations and additions made to it.

7.1.4. On this point I am also cognisant that this Protected Structure forms part of a once highly uniform and coherent in design, built form, building to space relationship, external palette of materials matching pair with No. 78 Park Avenue that together form part of larger late Victorian laid residential suburban development that has survived highly intact and harmonious in terms of it surviving high quality late Victorian architecture, building to space relationship through to palette of materials. With this setting's built, visual and residential sensitivity to change recognised by way of the designation of most of its surviving buildings as Protected Structures through to its zoning as a Residential Conservation Area ('Z2') under the Dublin City Development Plan, 2022-2028.

7.1.5. This sensitivity is added to by the fact that the appeal site occupies a corner position where it has frontage on its western boundary to Park Avenue and on its southern

boundary to Sydney Parade Avenue. With the orientation of buildings fronting onto the public domain of these two streets having a different orientation and alignment. On this point I note that No. 80 Park Avenue like its adjoining and neighbouring Park Avenue properties has a north south alignment. Whereas the Sydney Parade Avenue adjoining and neighbouring properties have an angular west to east alignment with a southerly inclination. This appears to be a more trafficked route in terms of pedestrian, cyclists and vehicles given it provides connection to Sydney Parade Dart Station to the south west and to the north east the Sandymount Beach as well as 131 Regional Road that includes a number of Dublin Bus Stops.

- 7.1.6. Against this context I consider that not only is the interior and exterior of No. 80 Park Avenue highly sensitive to change but also how it presents and contributes to the visual amenity of Park Avenue and Sydney Park streetscape scenes, particularly towards the north easternmost corner of the site where views into the site are more open due to the presence of the vehicle entrance and the angular south west alignment of the Sydney Park Avenue roadside boundary.
- 7.1.7. In this context the revised design in a manner that accords with local through to national planning policy provisions and guidance as discussed in more detail in the main assessment below has reduced the quantum of built fabric that would be lost from both the main Victorian interior and exterior building envelope of No. 80 Park Avenue. It also reduces the loss of built fabric from the 1980s extension and integrated these where practical into the proposed contemporary side and rear extension proposed. Additionally, the revisions include a more significant degree of reversibility to the internal interventions to the surviving period-built fabric through to include more light weight juxtapositions between the exterior of the late Victorian structure and the resulting extension with the Corten Steel cladding being of hue that would be respectful but in a contemporary way with the main redbrick hues of the key elevations of the host dwelling.
- 7.1.8. Further, the further information response also sets out the justification for the level of demolition proposed. Which as said is significantly reduced from the proposed development as lodged particularly in terms of the surviving original built fabric Protected Structure but also it now significantly reduces the demolition from the brick clad side and rear circa 1980s extension. This results in the proposed development providing more adequate information to assess the question of whether it aligns with

relevant local planning provisions including those relating to Protected Structures, Residential Conservation Area, Section 15.7.1 and Policy CA6.

7.1.9. In relation to other matters that fall outside of the broad headings set out above I concur with the Planning Authority that the proposed development as revised would not give rise to any undue residential amenity impact on properties in its vicinity by way of overlooking, visual overbearance through to overshadowing. On this point I consider that this established suburban period setting includes an established level of overlooking and overshadowing between the properties it contains. This I consider arises from the design and layout of buildings, structures as well as spaces that characterises it. There is also a pattern of later rear part single and part two storey additions to the rear of properties in its immediate vicinity including No. 78 Park Avenue, its once matching pair. I also consider that the main impact that would arise to the amenities of this area would arise during the demolition and construction phase. During these phases, the works would inevitably result in noise, dust, building debris, potential for construction related traffic on the adjoining public road and so forth. Notwithstanding, such nuisances would be of a temporary nature, and would be required to be carried out in compliance with standard codes of practice. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission.

7.1.10. Furthermore, I concur with the Planning Authority that matters such as drainage, management of demolition and construction phases, waste during these phases of works, through to financial contributions are matters that can be appropriately dealt with by way of standard conditions.

7.1.11. These sundry matters are not raised as substantive concerns by the Appellant in this appeal case nor has the First Party in their response to the grounds of appeal raised any objection to any of the conditions attached to the Planning Authority's notification to grant permission.

7.2. Procedural

7.2.1. The First Party in their response to the grounds of appeal seek that the Board dismiss this appeal case on the basis that it has been lodged by a Third Party who would not be directly impacted by the proposed development; that the appeal itself is vexatious in its nature and/or has been lodged to delay the making of a decision on this

application. With the implication in this case being that it has delayed a project that was deemed to be satisfactory on foot of a further information response by the Planning Authority subject to safeguards from commencing. They also raise concern further procedural validity concerns through to the concern that the Appellant in this case has been party to several other appeal cases in past. For these reasons they seek that the Board under the provisions set out under Section 138 of the Planning & Development Act, 2000, as amended, dismiss this appeal and allow the Planning Authority's grant of permission to proceed.

7.2.2. The Appellant in their further response received by the Board rejects that there is any basis to warrant the dismissal of what they contend is their appeal validly made appeal submission on foot of a validly made Third Party Observation to the Planning Authority containing planning concerns relating to the proposed development sought and as revised.

7.2.3. Having reviewed the Third-Party appeal submission in detail I recommend that the Board should not dismiss this appeal case under Section 138 of the said Act, given that the appeal submission sets out a number of what are substantive planning related concerns in relation to the proposed development. In my considered opinion the primary concerns raised by the Appellant can be summarised as:

- The proposed developments potential to give rise to adverse built heritage impact, particularly in terms of the host dwelling which is a designated Protected Structure but also as part of its Residential Conservation Area ('Z2') setting.
- The cumulative adverse impact of inappropriate extensions to period properties in this Residential Conservation Area setting.
- There is insufficient justification provided for the demolition of the later circa 1980s extension and it is considered that this extension is more compatible with the host dwelling. It is therefore contended that a more appropriate approach would be its deep retrofitting as opposed to demolition.
- The contemporary design, its built form, its size through to use of materials is considered to be an inappropriate addition to the host dwelling and it's built as well as visually sensitive to change setting.
- The proposed development is in a flood risk location.

- The existing natural features are not permanent nor sufficient to limit views of the proposed extension as appreciated from the public domain.

7.2.4. In relation to the other validity concerns raised by the First Party I note that the Planning Authority did not raise any validation issues in relation to the appellants Third Party Observation during and considered that it satisfied the statutory requirements. This was similarly the conclusion of the Board in the validation of their lodged appeal.

7.2.5. While I understand the frustration for any Applicant to have a notification for a grant of permission for a planning application appealed to the Board, nonetheless, having regards to the above considerations I do not find that there is substantive basis for the Board to dismiss this Third-Party appeal under the provisions of Section 138 of the said Act in this case.

7.2.6. Accordingly, I consider it appropriate that this appeal case before the Board be assessed on an entirely *de novo* basis and conclude a decision on the appropriateness of this development having regards to the proper planning and sustainable development of the area as provided for under relevant local through to national planning policy provisions as well as guidance.

7.2.7. Conclusion:

Having regards to the above I am satisfied that this appeal case does not warrant dismissal under the powers conferred to the Board under Section 138 of the said Act and that they can confine their determination of this appeal case to the broad headings set out above and as discussed in more detail below.

7.3. Principle of Proposed Development

7.3.1. The proposed development as set out under Section 2 of this report above relates to No. 80 Park Avenue, a designated Protected Structure, that forms part of a once a highly uniform late Victorian period semi-detached pair that occupies a corner position on the junction of Park Avenue and Sydney Parade Avenue with its surrounding setting being subject to the land use zoning objective 'Z2' under the Dublin City Development Plan, 2022-2028, as well as containing several protected structures that includes as said its once matching pair of No. 78 Park Avenue but also is adjoined by the semi-detached pair of No.12 and 14 Sydney Parade Avenue on its easternmost boundary.

- 7.3.2. The stated objective for 'Z2' zoned land is: "*to protect and/or improve the amenities of residential conservation areas*" and in relation to Protected Structures Policy BHA2 of the said Development Plan. This policy seeks to ensure that developments will conserve and enhance Protected Structures as well their curtilage.
- 7.3.3. While I accept that the principle of residential development is deemed to be generally acceptable on lands zoned 'Z2', notwithstanding it is subject to safeguards. With this including but not limited to demonstrating compliance with relevant policy provisions standards and guidance. Particularly those which deal with such built heritage, visual through to residential amenity matters in what is a highly sensitive to change set and setting.
- 7.3.4. As already discussed above I am satisfied that the proposed design, layout, orientation through to relationship to adjoining and neighbouring properties is such that it would not give rise to any undue impacts in terms of overlooking, overshadowing through to visual overbearance, subject to standard safeguards. The matter of visual overbearance is considered in more detail in terms of the impact of the proposed development on the Protected Structure and its setting in the assessment below.
- 7.3.5. This assessment essentially concludes that the loss of the conservatory is acceptable as it is not a building layer of any significant architectural quality or otherwise that would warrant its protection. Also, more of the part single and part two storey 1980s extension has now been incorporated into the resulting extension which is a welcome outcome of the revised design. Further the resulting extensions design is a subservient in height built form despite giving rise to a new and retained floor area of 564m² can be absorbed on this site and its setting despite its built heritage through to visual sensitivities.
- 7.3.6. The other matters arising from the proposed development I propose to examine in the following sections of my assessment below.
- 7.3.7. Conclusion:
- I am satisfied that the general principle of the proposed development is acceptable subject to safeguards.

7.4. Built Heritage Impact & Visual Amenity Impact

- 7.4.1. I consider that the Appellants principal concern relates to the proposed development, impact on the host Protected Structure and its Residential Conservation Area setting. They contend that the proposed development would give rise to serious injury to both and for these reasons it would be contrary to the proper planning and sustainable development of the area as well as would give rise to an undesirable precedent.
- 7.4.2. Section 11.5.1 of the Development Plan requires that all works to Protected Structures shall be carried out to the highest standards and that they shall accord with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011) as well as the additional guidance for works to such historic structures as set out in the Department of Housing, Local Government and Heritage Advice Series. The local planning provisions set out in the said Development Plan in my considered opinion align with the guidance set out in these documents.
- 7.4.3. In relation to the proposed development, I firstly note that it would appear that No. 80 Park Avenue in its current form contains a conservatory and a part single and two storey extension. They both date to the mid-1980s and according to the information provided the part single and part two storey does not internally connect to the main late Victorian period structure and is essentially a separate residential structure. It is unclear that it has functioned as a separate dwelling unit since its construction to present times, however, this I consider is not a substantive concern as this proposal seeks for No. 80 Park Avenue as altered and extended to function as one 5-bedroom dwelling unit. On this point I also note that the Development Plan in a manner that accords with the Architectural Heritage Protection Guidance sets out that the historic use of the structure is part of its special interest and often the best use for a building will be that for which it was built.
- 7.4.4. The proposal which as revised still includes the demolition of the single storey conservatory but less demolition to the surviving late Victorian host dwelling and the part single and part two storey extension.
- 7.4.5. In relation to the demolition of the conservatory element while I recognise that it is generally accepted that conservation can be recognised as a good environmental choice as the reuse of buildings rather than their demolition contributes to

sustainability through retaining the embodied energy of buildings and reducing demolition waste. This element of the existing building is not original to it and is not a high-quality architectural addition that would warrant protection on its own merits. As a structure it is also not one that contains significant qualitative building components through to it would be difficult to tie in with the overall more contemporary architectural response that is proposed under this application and if maintained as is would not in my view result in a successful transition building layers on this site in terms of the late Victorian semi-detached dwelling which is in its own right a high quality example of its type in this location through to more contemporary high quality of its time architecture which is proposed for the resulting additions.

- 7.4.6. On this basis I concur with the Planning Authority and its Conservation Officer that the demolition of the conservatory element as part of the revised proposal which includes as said provides a more meaningful retention of other 1980s building fabric integrated into the ground floor level of the resulting extension through to substantially less loss of surviving built fabric from the host dwelling a Protected Structure. Together with the justification provided for the now more reduced demolition approach alongside improved climate resilient and energy performance build accords with local through to national planning provisions on built heritage through to climate resilient matters.
- 7.4.7. In relation to the remainder of the alterations and additions sought I note that Policy BHA2 of the Development Plan seeks to ensure that all works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation. In relation to the proposed development as lodged and as revised the accompanying documentation included that design resolution had input from professional experts in architectural conservation and were accompanied by Heritage Impact Assessments.
- 7.4.8. On this point I note that Section 7.4 and 7.5 of the Architectural Heritage Protection Guidelines advises that before formulating proposals for Protected Structures that they should research its historical development though to understand thoroughly the present condition of the structure. In this regard it is advised that this should be done by a specialised expert in building conservation.
- 7.4.9. Moreover, prior to the submission of the further information response the applicants design team had consultation with the Planning Authority's Planning as well as

conservation Division. The end result was significant changes were made to the proposal both in terms of the level of intervention and loss of original built fabric from the Protected Structure but also significantly less demolition was now proposed to the part single and part two storey extension through to a more sympathetic external subservient expression to the additional proposed 120.3m² floor area to ground floor level and 57m² to first floor level sought to this Protected Structure.

- 7.4.10. On this point it is of particular note that in terms of the interior of this Protected Structure the revised scheme includes the omission of openings between the front and rear ground floor rooms, the omission of the opening between the entrance hall and front room, omission of the demolition of the central spine wall with instead a new opening proposed providing internal linkage through to the omission of replacement of original historical glazing with this glazing maintained *in situ*.
- 7.4.11. I also note to the Board that the proposed development includes welcome interior, and exterior conservation works to the surviving historic fabric and features of this Victorian period semi-detached dwelling. For example, it includes: the raking out of the brick pointing and its replacement with an appropriate lime-based mortar; localised repairs of the brick facades; repairs of the rear elevations period render finish; localised repairs and conservation of internal decorative plasterwork; localised repairs to the period slate roof over; repairs and repointing of the granite stone entrance steps and plinth course of the principal facade; the reinstatement of cast iron rainwater goods through to the removal of modern paint to the Corinthian columns on either side of the entrance porch of the principal façade. The proposed works will also not impact on key internal features including the entrance hall, stairs, reception rooms which have survived to the present day largely as originally designed and laid out with high quality crafted materials.
- 7.4.12. These proposed works I consider are consistent with Section 7.10 and Section 7.12 of the Architectural Heritage Protection Guidelines which advocates that repairs should maintain the visual integrity and intactness of this Protected Structure. They also include where practical and possible to do so reversibility to minimise the potential for adverse impact on this period buildings surviving fabric. I note that this is also the case with for example the new partitions to the interior of the Protected Structure sought as part of this proposal.

- 7.4.13. I note that Policy BHA2 of the Development Plan seeks to ensure that any modification or alteration affecting a Protected Structure is sensitively designed; that the form as well as structural integrity of the Protected Structure is retained in any redevelopment and that development respects the historic fabric as well as the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials. I consider that the revised proposal largely achieves this alongside minimises the loss of original built fabric in integrating the resulting ground and first floor level additions as well as including reversibility where possible. As well as at these points light weight connectivity of new building layers provides a simple easily distinguishable juxtaposition between it and the surviving external envelope of this late Victorian dwelling. This aligns with Policy BHA2 and the provisions of Section 11.5.1 of the Development Plan. It also aligns with Section 7.7 of the Architectural Heritage Protection Guidelines which promotes minimum intervention, and I note the outcome of this proposed development is to seek improved residential amenities for occupants of this dwelling it also seeks that the works to the fabric of the building allow it to perform in its enhanced function.
- 7.4.14. In terms of the overall interventions to this Protected Structure I consider that while I concur with the Planning Authority's Conservation Officer that the en-suite to Bedroom 2 is not essential given that on the first-floor level the Master Bedroom would be served by an en-suite and that there is also a family bathroom on this floor. In this regard their recommendation to omit the en-suite to Bedroom 2 would further minimise the loss of surviving built fabric from the interior space of this dwelling. Subject to this omission and the other recommended safeguards set out by the Planning Authority's Conservation Officer in the event of a grant of permission I consider that the proposed alterations to this surviving late Victorian semi-detached Protected Structure accords with local through to national planning provisions and guidance.
- 7.4.15. In relation to the cumulative demolition of the non-original conservatory as well as the part demolition of the 1980s side and rear extension to this Protected Structure, as revised, I am cognisant that local through to national planning provisions and guidance on the matter of demolition there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Protected Structure or indeed a Residential Conservation Area except in exceptional circumstances where such loss would also contribute to a significant public benefit. On this point I note that

Policy BHA10 of the Development Plan states: *“there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit”*. In such exceptional circumstances, the onus is on the applicant to make the case for the level of demolition sought. As already discussed in the assessment above the level of demolition has been significantly reduced as part of the revised scheme the accompanying documentation indicate that circa 60% of the walls of the ground floor level of the part single and part two storey extension are now proposed. It is also indicated that only a small percentage of the original fabric of the main dwelling would be lost or interfered with. It further notes that where possible elements and fabric from the non-original extensions would be reused where possible. Moreover, it sets out that some of the material such as the asbestos fibre roof tiles is neither appropriate nor safe to retain as part of the proposed development through to the use of PVC windows is not appropriate in this period architecturally sensitivity built context.

7.4.16. I concur with the Planning Authority that the revised proposal accords with Policy CA6 and Section 15.7.1 of the Development Plan which in a consistent manner seek to support the retrofitting as well as reuse of existing buildings rather than their demolition and reconstruction where possible. The design approach which also includes additional insulation and other measures to improve the overall energy performance of the building and reuse of materials salvaged from the demolition works. This approach is consistent with Policy CA7 of the Development Plan which I note supports energy conservation and efficiency in existing buildings in line with the Government’s ‘Housing for All’ retrofit targets for 2030.

7.4.17. Additionally, the part single and part two storey 1980s extension like the previously discussed conservatory are not exemplar architectural design responses that is of their time or that are fully respectful of the period intrinsic attributes and character of this particular Protected Structure and its setting. Particularly given that the part single and part two storey structure is visually the most prominent building element visible from the public domain given the tall natural boundaries, the presence of a mature coniferous tree on its Sydney Parade Avenue boundaries as well as other mature trees located to the easternmost portion of the site and along the boundary with adjoining No. 12 Sydney Parade Avenue. With their being localised views into the rear of the

site from Sydney Parade Avenue arising from the vehicle entrance and its flanking walls.

- 7.4.18. I am not satisfied that it has been demonstrated by the Appellant in this case that the retention through to deep retrofitting of the existing conservatory and the attached 1980s extension would be warranted as part of safeguarding the cumulative historic interest of this particular building. The loss of side conservatory and the partial loss of the existing rear part single and part two storey extension provides an opportunity for a more qualitative architectural response to the occupants of this Protected Structure aspirations for more contemporary additional habitable floor area.
- 7.4.19. Both local through to national planning provisions require that in this built heritage sensitive context that any replacement extension should not be of a lesser quality or interest than the existing one. Nor should the replacement extension give rise to any undue adverse effect on the character of the Protected Structure or area. I further note that as discussed previously in this assessment that whilst there is a presumption in favour of residential developments on 'Z2' zoned lands, including Development Plan is generally supportive of extensions to existing dwellings subject to safeguards, I also note that Section 6.8.1 of the Architectural Heritage Protection Guidelines indicates that: *"it will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living"*.
- 7.4.20. Of further note Section 6.8.3 of the Architectural Heritage Protection Guidelines indicate that new additions should not appear to belong to the historic fabric of Protected Structures. It also states that: *"the architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable"*; that: *"careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure"*; and, that: *"extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time"*.
- 7.4.21. The design as lodged, and the design as amended does not seek to imitate the Victorian style through to detailing and external palette of materials that characterise No. 80 Park Avenue and other period buildings within its setting. Instead, I consider that it seeks to be legible as a distinguishable contemporary subservient in building

height new building layer that is set back from the principal façade as well as wraps around the staggered surviving more subservient particularly on its eastern and northern rear return. Further, the overall architectural design resolution of the part single and mainly two storey extension which would result has a maximum given height of 7.39m above ground level and reduces to circa 4.28m in part of its single storey elements. I consider that these heights together with the overall massing and volume of the proposed resulting extension would be subservient to the host period dwelling which has a given ridge height of c12.04m and eaves height of 10.02m in the case of its principal façade which fronts onto Park Avenue as well as its staggered main façade that fronts Sydney Parade Avenue. With the large expanses of glazing further reducing the solidity of the resulting part single and part two storey extension whose height does not exceed that of the adjoining rear addition to No. 78 Park Avenue or the pattern of extensions in its setting.

- 7.4.22. I do however consider it necessary to note that relative to the original rear return the proposed 7.39m parapet height of the two-storey element of the extension appears match or be slightly proud of it. Despite this similarity I note that where the proposed two-storey extension adjoins the rear return its 7.39m height component is setback from this return by a light weight lower in height glazed link. This link would provide connection between the retained and new internal first floor level spaces proposed.
- 7.4.23. Additionally at other points the two-storey extension is setback and apart from the main staggered in building line southern elevation which contains an attractive canted bay window. Additionally, the overall treatment of the main side elevation carries through the elevational detailing, treatments, materials through to solid to void detailing of the principal façade.
- 7.4.24. I consider that the proposed development as revised does not seek to obscure this also of importance elevation of this Protected Structure by any new additions but like the front façade restoration works are proposed to it in a manner that accords with best practices and guidance for buildings of architectural merit for which local through to national planning provisions and guidance seek to protect.
- 7.4.25. I also note that in terms of setback the single storey side element that would project south beyond the original Sydney Parade Avenue building line would be positioned c26m back from the Park Avenue roadside boundary. With this frontage being as said

the principal façade of No. 80 Park Avenue. At a further setback is the two-storey element which also similarly projects beyond the original Sydney Parade Avenue building line would be setback circa 30m back from the Park Avenue roadside boundary.

- 7.4.26. In relation to the resulting side extension though having a similar location as the existing conservatory which would be demolished and incorporating 60% of the ground floor of the adjoining circa 1980s extension this development proposes to wrap the part single and part two storey extension around the less ornately detailed and finished subservient original rear return. Whilst still allowing for this rear return's key features including its eaves height, window openings and its more decoratively finished southern upper floor level to be legible from both the curtilage of the subject Protected Structure. But also, in part to be still similarly legible from the residential conservation area public domain setting as is its existing situation.
- 7.4.27. The use of a contemporary architectural resolution for the proposed developments resulting side and rear extension is in my view consistent with Policy BHA9 of the Development Plan. This policy includes as one of its recommended enhancement opportunities the use of: "*contemporary architecture of exceptional design quality*" which harmonise with their Conservation Area setting. This approach is also consistent with the Architectural Heritage Protection Guidelines which indicates that Planning Authority's should not seek to discourage the use of contemporary and innovative design solutions, providing these are of sufficiently high quality and do not detract from the character of the historic building and the character of the area.
- 7.4.28. As part of the contemporary design approach the revisions submitted with the applicant's further information response includes an amended external palette of materials. This includes Corten steel cladding and the use of brick on what would be an angular in its stepped in height, volume and shape, part single and part two storey extension. This cladding would also be broken up by large carefully placed glazed voids that further reduces the heaviness of the proposed extension. With glazing also having the properties of reflectiveness of their surroundings. When viewed from Sydney Parade Avenue I consider that the proposed contemporary extension would harmonise but also add interest where there would be localised views of it from Sydney Parade Avenue. I also consider that this would be similarly the case including the context should the natural features along the roadside boundaries through to if the

large coniferous tree be reduced in height or lost. In such circumstances I consider that the resulting extension as visible from both Park Avenue and Sydney Parade Avenue streetscape scenes despite their strong late Victorian character would not be visually incongruous but would instead be visible as appropriate new of their time sympathetic contemporary building layer.

- 7.4.29. While I note the appellants concerns in relation to the revised palette of materials proposed I concur with the Planning Authority and their Conservation Officer that they are respectful and sympathetic to the built and visual sensitivities of their setting. I also consider that the palette of materials as revised are durable materials requiring little maintenance and in time, they would develop a rich patina that would sit comfortably with that of the host Protected Structure.
- 7.4.30. Further, having examined the planning history relating to extensions in this suburban setting contemporary extensions with more legible of their time external palettes of materials have been permitted to other period properties. This I consider has been the case with the extensions to the rear of adjoining and neighbouring properties to the north of the subject site that address Park Avenue. It is also the case with the development permitted by the Board on foot of an appeal at No. 81 Park Avenue, also a designated Protected Structure, which is located directly opposite the subject site's Park Avenue road frontage (Note: ABP-304060-19 (P.A. Ref. No. 4061/18)).
- 7.4.31. Additionally, I consider that the mature natural planting that is present on this site and in the vicinity of it will also aid the assimilation of the proposed extension when viewed from the curtilage of the adjoining and neighbouring Protected Structures through to the public domain of its residential conservation area setting.
- 7.4.32. Subject to safeguards I consider that the resulting extension will result in improved future amenities for occupants of this period dwelling. This would be achieved by the revised development that would give rise to internal connection between the host dwelling and the additional habitable floor area on this 1,789m² site. The design is one that has included measures to ensure no undue residential amenity impact on properties in its immediate setting. This is in part achieved by the careful placement of first floor level glazing, the setback of the main two storey element from the boundary with No. 78 Park Avenue, through to the two-storey element of the proposed

extension would be setback circa 26m from the side boundary shared with No. 12 Sydney Parade Avenue.

7.4.33. Conclusion:

Having regards to the above, I am satisfied that the revised design through to its amended palette of external materials would result in high quality replacement extension to this sensitive to change designated Protected Structure and its Residential Conservation Area setting that includes several Protected Structures in its immediate vicinity in a manner that accords with the proper planning and sustainable development of the area, subject to safeguards.

7.5. Flooding

- 7.5.1. The appellant in this appeal case raises concerns regarding the proposed development in a location that they contend is one of flood risk. The First Party contend that the proposed development as lodged and as revised would not give rise to any additional flood risk. They also note that proposed development incorporates as part of its design appropriate Sustainable Urban Drainage measures and do not object to the preparation of a Flood Risk Assessment by way of condition.
- 7.5.2. I note that the Planning Authority's Planning Officers report did not raise flood risk as an issue in this case. Of further note the Planning Authority's Drainage Division raised no objection to the proposed development subject to a number of safeguards which included the preparation of an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Development Plan's Strategic Flood Risk Assessment is carried out for the proposed development. This requirement was recommended as a condition to be imposed on any grant of permission. Their recommendation included other recommended more standard in nature safeguards including incorporating Sustainable Drainage Systems in the management of surface water.
- 7.5.3. I also note the proposed development included no basement level; the new ground floor level would give rise to an additional 120.3m² floor area at ground floor level; the finished ground floor level matches and in part has higher internal ground floor levels in comparison to the existing circa 1980s additions; alongside the resulting ground floor extension for the most part is raised circa 0.3m above the adjoining ground levels with the proposed design including management of surface water on site including the

provision of a new soakaway, the use of green roof over the extension through to the use of permeable paving and access solutions.

- 7.5.4. In relation to the planning history of the immediate site setting I note that the Board in their determination of an appeal case regarding proposed alterations and additions for No. 81 Park Avenue, a Protected Structure, in their split decision refused permission for the basement component. I note that the Board considered this appeal under the previous Development Plan and in its given reasons for omitting this component of the proposed development considered that the site formed part of 'Z2' zoned land and was located within 'Flood Zone Site 8' in the Strategic Flood Risk Assessment. In this regard it noted that Policy SI13 of the Development Plan seeks to discourage any significant underground or basement development or excavations below ground level of, or adjacent to residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures. It further noted that this policy states that development of all basements or any above ground buildings for residential use below the estimated flood levels for flood zone areas 'Zone A' or 'Zone B' will not be permitted. For these reasons the Board considered that the proposed development would be contrary to these local policy provisions. The remainder of the part single and part two storey extension was permitted subject to standard conditions.
- 7.5.5. The Strategic Flood Risk Assessment (SFRA) that was carried out as part of the preparation of the Dublin City Development Plan, 2022-2028, indicates that the site is located in Flood 'Zone A' with the coastline to the east of it as well as to the north and south indicated as being defended. In relation to Flood Zone 'A' lands the SFRA identifies these lands as having a high probability of flooding. It also states that its Flood Zones: *"are based on an undefended scenario and do not take into account the presence of flood protection structures such as flood walls or embankments"*. The basis for this approach is explained as follows: *"to allow for the fact that there is a residual risk of flooding behind the defences due to overtopping or breach and that there may be no guarantee that the defences will be maintained in perpetuity"*.
- 7.5.6. It further identifies climate change as one of the biggest potential risks over the lifetime of the defences and clarifies that the Flood Zones do not take the impact of climate change into account directly. It states however that: *"although an indication of the scale of likely changes is gained from a comparison of the extents of Flood Zone A and B, with Flood Zone B being an indication of the future extent of Flood Zone A"*.

- 7.5.7. It also notes that the CFRAM Study (Note: Catchment Flood Risk Assessment and Management) and FRMP (Note: Flood Risk Management Plans) included climate change flood extents for two scenarios, the Medium Range Future Scenario (MRFS) and the High End Future Scenario (HEFS).
- 7.5.8. Section 4.5 of the SFRA in relation to potential development within 'Flood Zone A' it classifies it as either 'minor' (typically extensions and changes of use) or 'major' new development. It also indicates that development within this zone will be limited to minor development in a manner that accords with Section 5.28 of the Planning System and Flood Risk Management Guidelines.
- 7.5.9. It further sets out under Section 4.5.1 of the SFRA that certain types of development are 'minor works' and, therefore, exempt from the Justification Test. Such development is listed as including extensions to existing developments.
- 7.5.10. I consider that the proposed development falls into 'minor works' category of proposed developments. In this regard, it would result in only a minor increase in the footprint of buildings within the curtilage of No. 80 Park Avenue alongside proposes additional more robust surface water drainage management on site than is currently in place.
- 7.5.11. Thus, if permitted and implemented it would not increase flood risks on site or on its surroundings. Further, I consider that the measures proposed would result in the development on this site putting less pressure on public drainage infrastructure and on existing flood management infrastructure due to them being designed to best current practices and standards.
- 7.5.12. Moreover, the proposed development would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.
- 7.5.13. It is also the case that the existing building on this site as well as the proposed extension that would result from the proposed development sought under this application, if permitted, would maintain its raised ground floor finished internal levels.
- 7.5.14. I note that part of the design of this late Victorian property and building in its surrounding suburban setting. This raised finished ground floor level has been incorporated into the design of the proposed development sought under this application and the provision of higher raised ground levels would arguably result in a less qualitative functional through to visual connection between the two distinctly

different resulting building layers. It would also as a result of the sites corner location and the level of harmony that exists between the surviving highly intact streetscape scenes of Park Avenue and Sydney Parade Avenue a less subservient contemporary building layer as the height of the two-storey element would potentially have to be amended upwards to accommodate the raised finished floor levels. This in turn could result in the two storey and single storey element obscuring more of the original late Victorian building as appreciated in its curtilage and setting. With it being of particular concern any additional two storey height that exceeds the eaves level of its key first floor level features through to any changes that would arise to provide linkage between the existing ground and first floor level of the host dwelling with the resulting ground and first floor level of the resulting extension sought under this application. The latter concern could potentially also give rise to further loss of original built fabric.

- 7.5.15. I also note that the revised design does not include bedroom spaces at ground floor level with these all of the five bedrooms within this dwelling unit provided within the retained and new first floor levels.
- 7.5.16. Section 4.10 of the SFRA sets out that for any development proposal in an area at moderate or high risk of flooding that is considered acceptable in principle that a site-specific FRA must demonstrate that appropriate mitigation measures can be put in place and that residual risks can be manage. In my view the Planning Authority's Drainage Division were satisfied that this could be provided by way of condition and as said the First Party do not object to preparation as well as submission of the same. This document would provide assurance that appropriate mitigation measures would be put in place and that residual risks would be managed to acceptable levels through to clarifying what flood-resistant construction measures would be incorporated into the build.
- 7.5.17. I consider that the SFRA aligns with the guidance set out in the Flood Risk Guidelines for Planning Authority's which in relation to developments like that proposed under this application similarly classifies extensions to existing dwellings in 'Flood Zone A' and 'Flood Zone B' lands as 'minor developments' (Note: Section 5.28). It also states that they are: *"unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances"* and that: *"since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-*

risk areas and the Justification Test will not apply". It recommends however that a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities.

7.5.18. This I note has not been provided but as discussed, the Planning Authority did not consider this to be a significant issue in this case given the nature, extent and scale of development sought and as said recommended this matter to be dealt with by way of condition.

7.5.19. It is also of relevance that the Development Plan under Policy SI16 on the matter of Site-Specific Flood Risk Assessment requires that 'minor development' like extensions to houses in 'Flood Zone A' be assessed in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and Technical Appendices (2009), as revised by Circular PL 2/2014 and any future amendments, with specific reference to Section 5.28. It indicates that this will include an assessment of the impact of climate change and appropriate mitigation, and that policy seeks that such developments shall not increase the risk of flooding to the development or to third party lands as well as ensures that the risk to the development is managed.

7.5.20. Further under Section 9.5.4 on the matter of surface water management and Sustainable Drainage Systems (SuDS) it sets out a requirement for the implementation of Sustainable Drainage Systems (SuDS) and encourages nature-based solutions to managing surface water which utilise and mimic natural processes from the environment in order to reduce the volume of water run-off and improve water quality. In this regard it indicates that adopting sustainable drainage solutions and a softer engineered approach to managing water on site, as part of strategic green infrastructure or landscaping plans for example, can deliver many societal, environmental, biodiversity, amenity and climate action benefits and opportunities for healthy placemaking.

7.5.21. Having regard to the above I consider that the proposed development accords with these Development Plan provisions in terms of its approaches to sustainable surface water drainage management and also their role in the management of flood risk in a manner that is consistent with the Flood Risk Management Guidelines.

7.5.22. My final comment is that I note to the Board that examination of the OPW historic flood information does not show that the site has been subject to flooding in recent history. It also confirms a low probability flood events have approximately a 1-in-a-1000 chance of occurring or being exceeded in any given year. This is also referred to as an Annual Exceedance Probability (AEP) of 0.1% Tidal AEP Event. Additionally, examination of the GSI groundwater vulnerability mapping indicates that the risk of flooding due to groundwater ingress is low.

7.5.23. Conclusion:

Should the Board be minded to grant permission for the proposed development I recommend that it include by way of an appropriately worded condition the submission for agreement with the Planning Authority a Flood Risk Assessment. This I consider an appropriate precautionary measure for this minor in nature and extent development at this location. I also consider that other drainage recommendations of the Planning Authority's Drainage Division as set out under Condition 5 of the Planning Authority's notification to grant permission would be an appropriate bespoke drainage condition to impose in the interest of proper planning and sustainable development.

7.6. **Other Matters Arising**

7.6.1. **Bat Survey:** All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also).

I note that the demolition relates mainly to circa 1980s extensions and doesn't include the felling or removal of natural features. Notwithstanding, the Department of Housing, Local Government and Heritage requested the Planning Authority to impose as a precaution a requirement for the preparation of a bat survey by way condition as part of any grant of permission. The Planning Authority as part of their grant of permission included this requirement under Condition No. 6.

Should the Board be minded to grant permission it may also consider it appropriate to impose such a condition with such a survey having the potential to include measures that would mitigate any adverse impact on any bat species through to providing clarity as to whether or not a Derogation Licence in accordance with Regulations 54(2) of the European Communities (birds and Natural Habitats) Regulations, 2011, is required.

- 7.6.2. **Asbestos:** The further information response indicates the presence of asbestos in the roof structure over the part single and part two storey extension circa 1980s rear extension. There is no supporting evidence to verify that this is the case or details as to how it this hazardous material would be dealt with as part of the demolition works, associated waste management, decontamination through to safety procedures during the demolition phase of the proposed development.

I am cognisant that Section 7.8.1 of the Development Management Guidelines indicates that regard should be had to the DEHLG Circular Letter WPR 7-06 and Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects. These documents provide guidance on how proposals with significant construction and demolition waste management issues relevant to planning should be considered in an integrated manner.

It is unfortunate that part of the demolition works would relate to the removal and disposal of asbestos which is Category 1 carcinogen, nonetheless it is incumbent that the proposed development, if permitted, appropriately deals with this material in a manner that accords with best practice as no level of exposure to asbestos is safe and there is no treatment currently available to aid a person to recover from its life shortening as well as life limiting consequences.

While I am cognisant that there are other legislative codes that deal specifically with asbestos and that compliance with such codes largely falls outside of the remit of the Board, notwithstanding, should the Board be minded to grant permission for the proposed development sought under this application it may first wish to seek clarification on the presence of asbestos on site and what measures are to be taken in the interests of public health for its safe removal or include a condition that appropriately deals with this matter for written agreement with the Planning Authority prior to the commencement of any works on site.

Conclusion: Should the Board be minded to grant permission I recommend that it includes a condition to deal with this concern.

- 7.6.3. **Section 34(13) – New Issue:** There is no objection to the proposed development from Third Parties residing in the vicinity of the appeal site. I note however that part of the single storey extension proposed would immediately adjoin what appears to be boundary shared with No. 78 Park Avenue. There is no clarity on the matter of whether

or not the adjoining single storey element of concern would give rise to any interference and/or oversailing of this boundary. There is no documentation on file to suggest that the owners of No. 78 Park Avenue would consent to either scenario if they arose. Therefore, as a precaution I recommend that the Board as part of any grant of permission include an advisory note setting out the provisions of Section 34(13) of the Planning and Development Act, 2000, as amended. It states that: *‘a person shall not be entitled solely by reason of a permission under this section to carry out any development’* and, in turn, any grant of permission for the subject proposal would not in itself confer any right over private property that falls outside of the legal interest of the owners of No. 80 Park Avenue for which this application relates. I note that the Planning Authority as part of their notification to grant permission included a similarly worded advisory note.

7.7. Precedence: I note the concerns raised by the Appellant on the matter of precedence in relation to alterations and extensions to similar sensitive to change period properties in this residential conservation area setting. As mentioned above this is an angular corner site and whilst forming part of a sensitive to change setting has an existing of limited architectural resolution circa 1980s alterations and additions. There is an opportunity to provide a higher quality architectural solution for additional habitable area for occupants of this period dwelling on what is not an insubstantial site area and, in a setting, where high quality contemporary architecturally designed new building layer that is appropriately designed to be sympathetic and respectful of the Protected Structure as well as its streetscape setting can be positively assimilated as well as add interest. I also note that neither the Local Authority nor An Bord Pleanála are bound by precedent decisions, and each application/appeal is assessed on their own individual merits against relevant local through to national planning policy provisions and guidance.

7.8. Development Contributions: I refer to the Dublin City Council Development Contribution Scheme. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 AA Screening

- 8.1. I have considered the proposed development which includes demolition extensions, renovations and alterations to an existing late Victorian period semi-detached existing building in light of the requirements of Section 177U of the Planning & Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent any Natura 2000 sites designated Special Areas of Conservation (SAC) or Special Protection Areas (SPA). The closest Natura 2000 sites are South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which are located circa 285m to the east.
- 8.3. The proposed development is located in a mature serviced suburban area of south Dublin city and as said the site is a brownfield site with the proposed development consisting of demolition, extensions, renovation and alterations of the existing building thereon. It also includes ancillary works in the vicinity of the resulting extension including new paved areas through to the provision of a new soakaway on site.
- 8.4. No significant nature conservation concerns were raised as part of this appeal case and including by the Planning Authority in their determination of this planning application.
- 8.5. Having considered the nature, scale, extent and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any Natura 2000 Site.
- 8.6. The reason for this conclusion is the nature of the development and its location in a suburban area of Dublin city, served by mains drainage, the surface water drainage measures incorporated into the design, the limited additional footprint of buildings that would arise, the distance to any Natura 2000 sites, and the suburban nature of intervening habitats as well as the absence of ecological pathways to any Natura 2000 site including sites that are located at a further distance to those identified above.
- 8.7. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any Natura 2000 site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and

therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

- 9.1. I recommend a **grant** of planning permission, for the proposed development as revised by the applicant's further information response submitted to the Planning Authority on the 27th day of March, 2024, for the reasons and considerations set out below and subject to the conditions set out thereunder. I note that Condition No.s 3, 4, 5 and 6 below are bespoke conditions which are imposed in the interests of proper planning and sustainable development of the area.

10.0 Reasons and Considerations

Having regard to the Protected Structure designation of No. 80 Park Avenue (RPS Reg. No. 6294), the subject site, which forms part of a once matching late Victorian semi-detached pair with the adjoining property of No. 78 Park Avenue which is also a designated Protected Structure. Alongside, the site forming part of the setting of several Protected Structures as well as forming part of a 'Z2 – Residential Conservation Area' under the Dublin City Development Plan, 2022-2028. The land use objective of which is to protect and/or improve the amenities of such residential conservation areas. Additionally, the said Development Plan under Policy BHA2 seeks to ensure that development will conserve and enhance Protected Structures from any works that would negatively impact their special character and appearance through to seeks to ensure that the form and structural integrity of such structures, their curtilage and their setting is not adversely impacted from inappropriate development. It is considered that subject to compliance with the conditions set out below, that the proposed development would not materially or adversely affect the character and setting of the host Protected Structure, Protected Structures in its vicinity or would it seriously injure the character and amenities of the Residential Conservation Area it forms part of. Also, having regards to the site location on 'Flood Zone A' lands under the said Development Plans accompanying Strategic Flood Risk

Assessment (SFRA), the nature of the development sought being consistent with the meaning given to minor development under Section 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities, (2009) and the said Development Plans Strategic Flood Risk Assessment, it is considered that no Justification Test is required and that the proposed development would not give rise to a heightened risk of flooding either on the subject site or on other lands in its vicinity and in turn the proposed development would not be prejudicial to public health. It is considered that all other matters relating to the proposed development can be dealt with by the use of appropriate standard conditions as set out below and that subject to compliance with the same the proposed development would not seriously injure the amenities of the area or property in the vicinity, and it would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of the protection of architectural heritage, the visual amenity and to ensure an appropriate high standard of development.

3. The applicant shall comply with the following conditions of the Planning Authority's Conservation Officer:
- (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.
 - (ii) The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:
 - a) Elevation drawings, floor plans and reflective ceiling plans to show the extent of proposed conservation repairs to be carried out.
 - b) Revised ground floor plan that reduces the amount of demolition of structural fabric of the wall between the north side elevation of the return and proposed orangery.
 - c) Revised first floor plan omitting en-suite bathroom to current Bedroom 2 (front room to south).
 - (iii) The applicant shall submit samples of raking, historically accurate repointing, render, masonry cleaning, paint removal from stone columns, stone repairs to granite steps for the written approval of the Planning Authority.
 - (iv) The proposed development shall be carried out in accordance with the following:
 - a) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
 - b) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.

- c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the amenity, setting and curtilage of the Protected Structure at 80 Park Avenue, Sandymount, Dublin 4 and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 4. Prior to the commencement of any development on site the developer shall submit to, and agree in writing with the Planning Authority, an asbestos survey and plan in relation to the safe management of its removal from site in a manner that accords with best practice. This survey should also identify, if any, any other hazardous materials removal from site as a precaution.

Reason: In the interest of public health.

- 5. The applicant shall comply with the following conditions from the Planning Authority's Drainage Division:
 - (a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
 - (b) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of these shall be agreed in writing prior to commencement of construction.
 - (c) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan, 2022-2028, Strategic Flood Risk Assessment, is carried out for the proposed development.

(d) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary.

Reason: in the interest of proper planning and sustainable development.

6. The applicant shall comply with the following condition from the Department of Housing, Local Government and Heritage:

(a) A bat survey should be conducted by a suitably qualified bat ecologist and according to Best Practice guidelines, prior to commencement of any roof works. If any potential bat roosts are identified, the Developer must apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.

This survey shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of proper planning and sustainable development.

7. Site development and building works shall be carried out between the hours of: Mondays to Fridays - 7.00am to 6.00pm Saturday - 8.00 a.m. to 2.00pm 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.

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health, safety and environmental protection.

9. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

Advisory Note:

The Developer is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that 'a person shall not be entitled solely by reason of a

permission under this section to carry out any development' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

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.

Patricia M. Young
Planning Inspector - 30th day of November, 2024.

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319645-24		
Proposed Development Summary	PROTECTED STRUCTURE: Demolition of extensions, construction of extension and modifications to dwelling, together with all associated site works.		
Development Address	No. 80 Park Avenue, Sandymount, Dublin 4, D04 V3Y7.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	✓	Note: Alts & Adds to Existing Dwelling.	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	Note: Alts & Adds to Existing Dwelling.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		N/A	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: 30th day of November, 2024.