



An
Bord
Pleanála

Inspector's Report ABP-319729-24

Development	PROTECTED STRUCTURE: Roof extension to accommodate music room/student living space and all associated works.
Location	No. 38 Fenian Street, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3345/24
Applicant(s)	Royal Irish Academy of Music
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Philip O'Reilly
Observer(s)	None
Date of Site Inspection	25 th October 2024
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The site with a stated area of 75 sq.m. contains a narrow mid-terrace four storey over basement building located on the northern side of Fenian Street. The ground floor contains a carriage arch which provides access to Harcourt Row, a narrow cul de sac to the rear. The building has a gable fronted roof. Buildings on adjoining sites to the west of the appeal site are higher and wider in proportion and buildings to the immediate east have an eaves height similar to that of the appeal site. Planning permission was granted under 4085/22 for student accommodation and construction is currently in progress.

2.0 Proposed Development

- 2.1. Permission is sought for an extension measuring 19 sq.m. at roof level, which is set back 4.6 metres from the front façade, to be used as a Music Room/Living space for the students of the permitted student residence currently under construction under planning ref. 4085/22. The existing triangular gable fronting Fenian Street is proposed to be retained and cleaned and repointed and the rear roof pile, stated as non-original, proposed to be removed to facilitate the development. A new internal stairs is proposed at third floor to access the proposed roof extension.
- 2.2. The planning application was accompanied by a Historic Appraisal Report prepared by a Grade II Conservation Architect.

3.0 Planning Authority Decision

3.1. Decision

By order dated 01st May 2024, Dublin City Council issued notification of the decision to grant planning permission subject to 11 conditions. Condition 4 refers to requirements of the Conservation Section including submission of details relating to the extent of structural works to support the new structure, and details in relation to proposed glazing and internal stairs. Condition 10 requires compliance with the terms and conditions of the permission for the original development, which was issued under Reg. Ref. 4085/22.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision to grant permission and can be summarised as follows:

- The Conservation Division consider that the proposal would not significantly injure the special character of No. 38 Fenian Street, or the Georgian Conservation Areas within which it is located.
- The applicant has addressed the reasons for refusal in the previous application by omitting the roof terrace, increasing the set back and locating the proposed roof level extension to the rear roof only.
- It is considered that the proposed extension would be visible above the Protected Structure, however the retention of the front portion of the roof would screen the proposed extension from the street.
- The proposal would not significantly injure the special character of No. 38 Fenian Street, or the Georgian Conservation Areas within which it is located and would enhance the functionality of the building for student accommodation for the Royal College of Music.

3.2.2. Other Technical Reports

Drainage Division: No objection.

Conservation Section: The report can be summarised as follows:

- The applicant has revised the proposal from the previously refused proposal. It is now proposed to contain the proposed extension to the rear pile of the structure, retaining the street-fronting roof profile.
- It is accepted that the proposed extension would have visibility above the Protected Structure, however the scale of the built environment around the subject structure would limit its impact and the proposal would not significantly injure the special character of No. 38 Fenian Street, or the Georgian Conservation Areas within which it is located. The retention of the front pile of the roof would also screen the proposed extension from the street.

- The submitted AHIA provides evidence that the entire roof structure dates to the latter half of the twentieth-century and does not contain any original/early fabric. The removal of the existing roof structure to the rear pile and lower section of the rear pitch of the front pile will therefore not result in the loss of significant fabric and will not significantly compromise the special interest of the structure.

3.3. Prescribed Bodies

TII: If not exempt a Section 49 Luas Line Levy should be applied.

3.4. Third Party Observations

- 3.4.1. One third party observation was received objecting to the proposed development. The grounds of objection are similar to those raised in the appeal.

4.0 Planning History

Appeal Site:

4085/22: Planning permission granted for a change of use from office to Student Accommodation comprising 6 no. ensuite bedrooms. The proposal included a roof extension (4th floor). Condition No. 2 of that permission required the omission of a proposed 4th floor roof extension for the stated reason to protect the fabric, character and integrity of the protected structure.

5077/22 / ABP-315550-23 Permission refused by Dublin City Council for part removal of non-original roof structure and provision of 4th floor set back extension of 27 sq. m. and associated roof terrace of 11 sq. m. Following a first party appeal permission was refused by An Bord Pleanála for the following reason:

The proposed development of a fourth floor involving removal of the existing roof structure and creation of additional floorspace and associated roof terrace would contravene Policy BHA2 and Policy BH11 of the Dublin City Development Plan 2022-2028 and Sections 7.8.1 and 7.8.2 of the Architectural Heritage Protection Guidelines for Planning Authorities (2012). The proposed works would injure the special architectural character of this

Protected Structure and would seriously injure the visual amenities of the streetscape and area generally which is zoned as a Georgian Conservation Area in the Development Plan. The proposed development would thereby be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Local Planning Policy is set out in the Dublin City Development Plan 2022-2028. The site is zoned Z8 Georgian Conservation Area with the objective 'To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.'

Regarding development within this zone, the 2022-2028 Development Plan states 'Lands zoned Z8 incorporate the main conservation areas in the city, primarily the Georgian squares and streets. The aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged.'

- 5.1.2. Chapter 11 of the Development Plan concerns Built Heritage and Archaeology. Policy BHA2 seeks to protect structures included on the RPS from any works that would negatively impact their special character and appearance and ensure that any extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials. Policy BHA9 requires that development within or affecting a Conservation Area (including Z8 zoned lands) 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. Enhancement opportunities may include contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area. Policy BHA11 concerns the rehabilitation and reuse of existing older buildings, with suitable adaption encouraged in preference to demolition and redevelopment and

encourages the retention and/or reinstatement of original fabric of historic buildings such as windows, doors and roof coverings.

- 5.1.3. Section 15.15.2.2 outlines development standards for Conservation Areas including Z8 zoned lands. Relevant considerations include that all proposals in conservation areas shall respect the existing setting and character of the surrounding area; be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context; protect the amenities of the surrounding properties and spaces; provide for an assessment of the visual impact of the development in the surrounding context; ensure materials and finishes are in keeping with the existing built environment, and positively contribute to the existing streetscape.

5.2. Other Relevant Guidelines:

- 5.2.1. Architectural Heritage Protection Guidelines for Planning Authorities.

Chapter 6 relates to Development Control. Section 6.8.2 states that if planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure. Chapter 7 relates to Conservation Principles noting in Section 7.8.1 that alterations and additions to a structure can themselves be an irreplaceable part of a unique history and that different periods of alteration can inform the social and architectural history of the built heritage. Section 7.8.2 states that in order to appreciate the integrity of a structure, it is important to respect the contribution of different stages of its historical development.

5.3. Natural Heritage Designations

- 5.3.1. None in the immediate vicinity of the site.

5.4. EIA Screening

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One no. third party appeal has been received from Philip O'Reilly. The grounds of appeal can be summarised as follows:
- The proposal is not materially different to proposals previously omitted by condition and refused by the planning authority and An Bord Pleanala. The conservation officer did not support the proposed development in the previous proposals. It is unclear why the conservation officer's opinion has changed in relation to the current proposal and the loss of building fabric.
 - An Bord Pleanala decided in February 2024 that such a proposal would be in contravention of policy BHA2 and Policy BH11 of the Dublin City Development Plan and Sections 7.8.1 and 7.8.2 of the Architectural Heritage Protection Guidelines.
 - Previous alterations to the building maintained its setting and character. The current proposal is inappropriate for the building and the Z8 zoning.
 - In permitting the development the planning authority is ignoring the Z8 zoning objective and is failing to adhere to the development plan.
 - The proposal fails to comply with Section 7.2.1 of the Architectural Heritage Protection Guidelines which refers to maintaining a use that will involve the least disruption to the character of a historic building.
 - More than half of the traditional roof profile will be removed and replaced with a square box clad in zinc with a flat roof in comparison to the traditional ridge

roof of buildings in the area and would tower over the protected structure. The use of a glass wall will be at odds with surrounding historic structures.

- The proposal would be clearly visible from Fenian Street and Merrion Street with no regard to the character of the 275 year old building on the appeal site or the character of surrounding buildings.
- Evidence remains of corner chimney breasts which is proof the building is from the 18th century.
- Planning permission for a similar proposal at Parliament Street were refused under planning permission 4260/23.

6.2. Applicant Response

The response of the first party can be summarised as follows:

- The proposal is as modest in size and scale as is feasible and will be a lightweight timber-frame to reduce structural impact and can be reversible in line with good conservation practice.
- The proposal is set-back behind the brick gable and the front pile of the roof and so there are no negative visual impacts on the streetscape and the profile of the front gable remains unaffected.
- The proposal will replace tar-based sarking felt and asbestos cement tiles installed in the 1960's.
- The RIAM is an important national cultural asset which contributes to the artistic and cultural life of the city.

6.3. Planning Authority Response

A response received requests that the decision of the planning authority be upheld and that if permission is granted conditions be attached requiring a section 48 development contribution and a section 49 Luas X City development contribution.

7.0 Assessment

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

- Principle of Development
- Conservation Issues
- Precedent
- Other Matters

7.2. Principle of Development

7.2.1. The proposed development consists of an extension to a protected structure to provide for a recreational area to serve the permitted student accommodation on the site. Student accommodation is open for consideration on land zoned Z8. I consider an extension to existing student accommodation is acceptable in principle subject to other relevant considerations, including the impact of the proposed development of the character of the existing building, which is a protected structure as well as the Z8 conservation area.

7.3. Conservation Issues

7.3.1. The substantive grounds of appeal raised by the appellant relate to the impact of the proposed development on the protected structure and that similar proposals were previously refused and omitted by condition. The appellant contends that the proposed development is not sensitively designed and is inappropriate for the site and context.

7.3.2. No. 38 Fenian Street is included on the Record of Protected Structure, RPS no. 8743 and described therein as a house and has been included in the National Inventory of Architectural Heritage and assigned Regional significance (NIAH Ref. 50100308). The NIAH appraisal of the building notes that the original appearance has been altered by the apparent refacing of the principal elevation and the addition of a gabled parapet and notes that despite changes to the original architectural

composition the building forms part of the historic character of Fenian Street, while the changes to the façade reflect evolving architectural fashions.

- 7.3.3. The proposal seeks permission to remove part of the existing roof structure and construct an extension at roof level on the rear roof profile with a floor area of 19 sq.m, a width of 5.195 m, a depth of 4.65 m and a set-back of 4.6 m from the existing brick gable on the front elevation. The proposed flat roof of the extension is sloped with a maximum height on the front elevation of 1.94m above the existing roof ridge. The top of the extension will be below the height of the parapet on the adjoining building to the west at 37 Fenian Street and will be 2.05 m above the ridge of the adjoining building to the east at 39-40 Fenian Street. The proposed front elevation of the extension will comprise glazing and zinc and the remaining elevations are to be clad in zinc with standing seams. The works proposed will retain the existing front roof profile and replace the existing cement roof tiles with natural slate. The brick gable to the front will be retained, cleaned and repointed.
- 7.3.4. A Historic Appraisal Report submitted with the planning application and prepared by Joe Lawrence, RIAI Accredited Grade II Conservation Architect notes that the current roof is non-original and was rebuilt in the 1960's using modern planed timber rafters with a modern bitumen sarking felt and cement roof tiles and that the roof structure cannot be described to be of historic or significant value. The report states that the original chimney has been demolished with no evidence of the chimney within or outside the current roof structure. The report concludes that the extension is designed to be not visible from street level, being set back 4.6m from the existing brick gable which along with the retention of the existing gable and front roof profile minimises the visibility of the intervention.
- 7.3.5. The proposed extension has been modified from that omitted by condition under planning reference 4085/22 and refused permission under planning reference 5077/22 (ABP-315550-23). The previous proposals initially sought to remove both the front and rear piles of the main roof whereas the revised proposal now proposes to retain the front roof pile and locate the extension to the rear. Modifications from previous proposals also include the reduction in the proposed floor area, increased setback from the front elevation and the omission of a terrace on the front elevation.

- 7.3.6. In reference ABP-315550-23 the Board refused permission for the proposed extension for reasons relating to the impact on the special architectural character of the Protected Structure and on the visual amenities of the streetscape and the Georgian Conservation Area. The Board Direction noted that the establishment of a new fourth level of development through the removal of the existing roof structure would impact adversely on this Protected Structure.
- 7.3.7. Policy BHA2 of the Development Plan requires works to Protected Structures to be carried out sensitively to the special character of the structure and to conserve and enhance their curtilage and setting. The Architectural Heritage Protection Guidelines state in Chapter 6 that principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure. Section 18.6 of the guidelines refers to the introduction of new elements, stating that the planning authority should not seek to discourage contemporary and innovative designs, providing these are of sufficiently high quality and do not detract from the character of the historic fabric.
- 7.3.8. In assessing the planning application, the Planning Officer considered that whilst the proposed extension would be visible above the Protected Structure, the retention of the front pile of the roof would screen the proposed extension from the street. The local authority's Conservation Officer noted in their report that the Heritage Impact Assessment submitted with the planning application provides evidence that the entire roof structure dates to the latter half of the twentieth century and that there is no evidence of the historic chimney within the timber roof structure. The Conservation Officer report states that the proposal will not result in an unacceptable loss of significant fabric and will not significantly injure the special character of No. 38 Fenian Street, or the Georgian Conservation Areas within which it is located.
- 7.3.9. Having regard to the modifications proposed I consider the proposal has been reduced in scale and impact from that previously proposed and refused permission by the planning authority and An Bord Pleanála. The proposal provides for a contemporary design and materials and is of modest height and scale. I consider the proposed development, located on the rear section of the roof and setback from the main front façade, along with the retention of the existing raised triangular gable and

front roof profile which would partly screen the proposed extension, would not result in a detrimental impact on the character and setting of the protected structure.

- 7.3.10. I consider that the proposal would not unduly impact on the character of the streetscape along this section of Fenian Street and the surrounding area. Whilst the appeal site is located within a terrace, the surrounding area is characterised by a mix of building styles, scale, massing and height. From Fenian Street the extension would have limited visibility because of the height of the buildings and the proposed set back design. I consider the extension would be most visible from Harcourt Row to the rear of the appeal site which is a short cul de sac providing service access to the appeal site and buildings in the vicinity. Noting the design and scale of the extension and the limited views from this short and narrow cul de sac, as well as the scale of buildings surrounding the appeal site, I do not consider the proposal would significantly injure the special character of the existing building or of those on adjoining sites. Having regard to the above I am satisfied that the proposed extension would not detract from the character or setting of no. 38 Fenian Street or of adjoining properties and would be in accordance with the Z8 zoning objective and Policies BHA2 and BHA9 of the development plan.
- 7.3.11. The NIAH appraisal of the building notes that the changes that have occurred to the façade of no. 38 Fenian Street reflect evolving architectural fashions. In this regard I note the findings of the Historic Appraisal Report in relation to the roof materials to be removed which are identified as non-original roof materials dating from the 1960's. I am satisfied that the materials to be removed do not form part of the original fabric and the works would not result in the significant loss of the historic fabric of the building or earlier alterations of interest. As such I am satisfied that the proposal is in accordance with Section 7.2 and Section 7.8 of the Architectural Heritage Protection Guidelines for Planning Authorities and Policy BHA11 of the Development Plan.
- 7.3.12. Having regard to the foregoing I am satisfied that the proposed extension will integrate in terms of design, scale and contemporary finishes, would not seriously injure the visual amenities of the area or the character of this Z8 conservation area and as such would comply with the requirements of the Development Plan in Section 15.15.2.2, Policies BHA2, BHA9 and BHA11 and the Z8 Zoning Objective and would

comply with the requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, and is therefore acceptable.

- 7.3.13. The planning authority included a condition relating to the submission of details in relation to conservation requirements for agreement prior to commencement of development to confirm the extent of structural works required to support the new structure and details in relation to proposed glazing and the proposed new stairs. If the Board decides to grant permission I consider it appropriate to attach conditions as per the planning authority in this regard.

7.4. Precedent

- 7.4.1. In relation to the third party's concerns that similar proposals at Parliament Street were refused under planning permission 4260/23, I consider the scale and context of the proposed development is not the same as that referenced and I consider each application should be considered on its merits. Having regard to the findings of my assessment above I am satisfied that the proposal will not result in an unacceptable precedent.

7.5. Other Matters

- 7.5.1. The Planning Authority attached a condition that the development shall comply with the parent permission. I do not consider this condition relevant as the development description does not relate to an amendment to the existing permission.

8.0 AA Screening

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

The subject site is located approx. 2.5 km from the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and the South Dublin Bay SAC (000210).

The proposed development comprises a rooftop extension to an existing building. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

The reason for this conclusion is as follows:

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

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

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022 – 2028, including the Z8 Georgian Conservation Area zoning, to the nature, form, scale and design of the proposed extension, and to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not detract from the architectural heritage of the area, and would comply with Policies BHA2, BHA9 and BHA11 of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
- (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement.

Details to be accompanied by drawings of an appropriate scale in respect of the following architectural conservation details:

- (i) Confirmation of the extent of structural works required at third floor level to support the new structure. A methodology, cross-referenced to drawings as required, for the structural interventions shall be provided.
- (ii) 1:20 drawings of the proposed glazing to the south elevation of the extension. The proposed glazing bars shall be as slender as possible.
- (iii) 1:20 drawing of the proposed stairs from the third floor to the extension. The proposed new stairs shall be complimentary to the historic stairs.

Reason: In the interest of the protection of architectural heritage.

3. Prior to the commencement of development the applicant/developer shall submit for the written agreement of the planning authority confirmation that:
 - (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage.

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

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

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

Reason: To prevent flooding and in the interests of sustainable drainage

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity

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

Reason: In the interest of public safety and amenity.

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

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

9. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bernadette Quinn
Planning Inspector

11th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319729-24		
Proposed Development Summary	PROTECTED STRUCTURE: Roof extension to accommodate music room/student living space and all associated works.		
Development Address	No. 38 Fenian Street, Dublin 2		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 10 (b)(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10	Proceed to Q.4

		hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319729-24	
Proposed Development Summary	PROTECTED STRUCTURE: Roof extension to accommodate music room/student living space and all associated works.	
Development Address	No. 38 Fenian Street, Dublin 2	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for an additional floor above the existing building in an existing urban area is not considered exceptional in the context of the existing urban environment.</p> <p>The development would be connected to existing public wastewater and waste services.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development seeks permission for an extension with a proposed floor area of 19 sq.m. to an existing building on a site area measuring 75 sq.m which is not considered exceptional in the context of the existing urban environment.</p>	<p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically</p>	<p>No, South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210) are located approximately 2.5</p>	<p>No</p>

<p>sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>kilometres east of the site. The Grand Canal proposed NHA is approx. 800m south of the appeal site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

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

(only where Schedule 7A information or EIAR required)