



An
Bord
Pleanála

Inspector's Report ABP-319835-24

Development	Demolition of dwelling, construction of dwelling, modification of vehicular entrance and all associated site works.
Location	No. 19 Merville Avenue, Stillorgan, Co. Dublin, A94 WP78.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D23A/0819.
Applicant(s)	Orla Meade.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant(s)	Orla Meade.
Observer(s)	1. S & K. Walsh. 2. John Sweeney & Linda Tormey. 3. Eugene & Edel O'Connor.
Date of Site Inspection	9 th day of August, 2024.
Inspector	Patricia M. Young

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1.0 Site Location and Description

- 1.1. No. 19 Merville Avenue, the appeal site has a stated site area of 0.047ha and it is located c209m from Merville Avenue's junction with Merville Road and c332m to the west of the N11 corridor, as the bird would fly, in the south Dublin suburb of Stillorgan.
- 1.2. The site contains detached and later extended dwelling house that was constructed in 1955. This dwelling is setback from the eastern side of Merville Avenue by a front garden area that also accommodates off-street parking. The rear garden of No. 19 backs onto Glenalbyn Tennis Club. The original rear elevation has been extended at attic level by way of a rear dormer extension and at ground floor level by a single storey addition that extends the width of the dwelling as well as there is a further single storey extension projecting eastwards in proximity of the boundary with No. 21 Merville Avenue. This projection is adjoined by a single storey outbuilding attached to its eastern elevation.
- 1.3. The site is adjoined on its southern side by a similar in architectural design and palette of materials dormer style c1950s dwelling which is similarly setback from the eastern side of Merville Avenue (Note: No. 17 Merville Avenue). It would appear that part of the southernmost elevation of the host dwelling contains a single storey flat roofed structure that bounds the side boundary with No. 17 Merville Avenue.
- 1.4. To the north No. 19 Merville Avenue is adjoined by a gable fronted similar in architectural design and palette of materials 1950s dwelling which is similarly setback from the eastern side of Merville Avenue (No. 21 Merville Avenue). This adjoining property appears to have been later extended by way of a dormer extension on the southern sloping roof and also contains a part side and rear single storey extension.
- 1.5. The Merville Avenue has a streetscape scene character that is informed by its c1950s residential building stock.

2.0 Proposed Development

- 2.1. Planning permission is sought for:
 - Demolition of the existing 176.1m² detached dormer bungalow, garage to side and extensions to rear.

- Construction of a 250.9m² detached single and two-storey, four bedroomed dwelling house with dormer windows to attic accommodation over single storey element.
- Modification of the existing vehicular entrance to the site.
- All associated landscaping, drainage, and site development works.

2.2. On the 9th day of April, 2024, the applicant submitted their further information response. It included ground, first floor and roof plan drawings, an amended vehicle entrance and further Building Condition Report. This report seeks to set out the applicant's justification for the demolition of the existing dwelling at No. 19 Merville Avenue.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **refuse** permission for the following stated reason:

"1. *It is considered that the Applicant has not provided an adequately robust justification for the demolition of the existing dwelling at the subject site to facilitate the construction of a replacement dwelling. The subject dwelling does not appear to be fundamentally uninhabitable and it is considered that appropriate ameliorative, repair, and extension works (subject to planning permission, as applicable) would result in the existing dwelling providing an improved level of habitability and energy efficiency. It is considered that the proposed development is not compliant with Policy Objective CA6 and the requirements of Section 12.3.9 of the County Development Plan 2022-2028, where retrofit is prioritised and it is also stated that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable. The development, if granted permission, would set an undesirable and negative precedent for similar demolition of habitable dwellings in their entirety in the local area and the wider County, and would not be in accordance with the proper planning and sustainable development of the area.*"

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report** is the basis of the Planning Authority's decision. It notes:

- The structural issues could be remedied with appropriate ameliorative measures.
- They carried out an assessment of the interior and observed it was in a habitable condition and currently let out to tenants.
- The accompanying documentation makes no reference to the dwelling being unsafe for human habitation or fundamentally unsound.
- This development does not accord with Section 12.3.9 of the Development Plan.
- A poor BER assessment alone is not sufficient justification for the demolition of this dwelling.
- The revised driveway layout retaining the existing entrance and providing one-third of the front garden area as grass or landscaped area is acceptable.
- Recommends refusal of permission.

The **initial Planning Officers** report concluded with a request for further information as follows:

- | | |
|-------------|---|
| Item No. 1: | Justification for the Demolition of the Existing Dwelling sought. |
| Item No. 2: | Clarification on the BER disparity. |
| Item No. 3: | Revised design of the driveway sought. |

3.2.2. Other Technical Reports

Environmental Enforcement Report: No objection, subject to safeguards.

Transportation: No objection, subject to safeguards.

Drainage: No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

- 3.4.1. During the course of the Planning Authority's determination of this application they received 3 No. Third Party Observations. I consider that the substantive planning issues raised correlate with those raised by Third Parties to this appeal (See: Section 6 below).

4.0 Planning History

4.1. Site

- 4.1.1. None.

4.2. Setting

- 4.2.1. **No. 11 Merville Avenue (Note: c48m to the south east of the site and also fronting onto the eastern side of Merville Avenue).**

ABP - PL06D228265 (P.A. Ref No. D07A/1708): On appeal to the Board permission was granted subject to conditions for the demolition of an existing detached garage and erection of two four-bedroom detached dormer bungalows in the side garden. The overall height of the proposed dormer bungalow development would be the same as that of the existing bungalow (Note: 7.3 metres). Decision date: 24/09/2008.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The applicable plan is the Dún Laoghaire Rathdown County Development Plan, 2022-2028, under which the site is located on lands zoned Objective 'A'. The stated land use zoning objective for such lands is: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"* and residential development is deemed to be permissible.
- 5.1.2. Chapter 3 includes:
- Section 3.4.1.1 - Policy Objective CA5: Energy Performance in Buildings
 - Section 3.4.1.2 - Policy Objective CA6: Retrofit and Reuse of Buildings.

- Section 3.4.1.3 Policy Objective CA7: Construction Materials.
- 3.4.1.4 Policy Objective CA8: Sustainability in Adaptable Design.

5.1.3. Section 4.3.1 of the Development Plan states that: *“the Council will encourage the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition.”*

5.1.4. Section 4.3.1.2 - Policy Objective PHP19: Existing Housing Stock - Adaptation.

5.1.5. Chapter 12 of the Development Plan sets out Development Management Standards. It includes Section 12.3.9 of the Development Plan which deals with the matter of demolition and replacement dwellings.

5.2. Regional

5.2.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO's). Of relevance is the following objectives:

- RPO 7.40: *“Local authorities shall include policies in statutory land use plans to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro fitting of energy efficiency measures in the existing building stock and energy efficiency in traditional buildings. All new buildings within the Region will be required to achieve the Nearly Zero-Energy Buildings (NZEB) standard in line with the Energy Performance of Buildings Directive (EPBD).”*
- RPO 7.41: *“Support and promote structural materials in the construction industry that have low to zero embodied energy & CO2 emissions.”*

5.3. National

- Project Ireland 2040 - National Planning Framework (NPF).
- Climate Action Plan, 2024.

5.4. Natural Heritage Designations

- 5.4.1. None within the zone of influence. The nearest Natura 2000 Sites are South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which are at their nearest point are c2.4km to the north east of the site.

5.5. EIA Screening

- 5.5.1. See Appendix 1 – EIA Pre-Screening Form attached. Having regard to the nature, scale and extent of the development sought under this application, the site location within an established built-up suburban area of Dublin City and is served by public infrastructure, the nature of the receiving environment, the existing pattern of residential 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. 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 appeal can be summarised as follows:
- The Board is sought to overturn the decision of the Planning Authority.
 - Tenants occupy the existing dwelling house.
 - The proposed development is a modest in scale and is in keeping with its context.
 - No residential and/or visual amenities would arise on properties in the vicinity.
 - The existing dwelling is in an extremely poor condition, has a layout that does not work through to a poor environmental performance.
 - The proposed dwelling would achieve a A2 BER rating and would provide a modern family home.
 - The revised driveway and increased landscaped area were deemed acceptable.

- Merville Avenue contains a variety of architectural styles.
- Any deep retrofit would require significant levels of demolition due to the defects of the structure.
- There is precedent for this type of development where the applicant did not have to confirm that the existing dwelling was not habitable.

6.2. Planning Authority Response

- 6.2.1. The Board is referred to their Planning Officer's report and considers that the grounds of appeal do not raise any new matters which would justify a change in decision.

6.3. Observations

- 6.3.1. The Board received Third Party Observations from:

- S & K. Walsh.
- John Sweeney & Linda Tormey.
- Eugene & Edel O'Connor.

For the avoidance of repetition, I propose to summarise their submissions as follows:

Planning Authority Decision

- The refusal of permission is supported.

Validity of the Application

The applicant is not the owner of the property.

Design

- Proposed dwelling is visually incongruous and obtrusive in its design, massing, and height.
- The replacement dwelling is out of character with its streetscape scene.

Residential Amenity Impact

- This development would give rise to serious injury of the established residential amenities of properties in its vicinity, by way of overshadowing, visual overbearance, reduced privacy and nuisances during demolition as well as construction.

Demolition

- The BER provided with this application significantly contradicts that given for the property when for sale and the poor BER provided is self-serving for this proposal.
- Demolition of a viable dwelling contravenes the Development Plan.
- The first structural report does not confirm that the house cannot be upgraded.
- Other similar dwellings have been upgraded in the streetscape.
- The premise around demolition is based on achieving a higher energy rating.
- The appellant has not provided a critically examined and evidence-based investigation of the buildings capacity to undergo a deep retrofit.
- There are vast numbers of dwellings nationwide that undergoing deep retrofits and achieve better ratings than that projected in the documents provided.
- This property is in habitable use.

Precedent

- The precedent cases provided are not comparable to the site.

Drainage

- There is excessive hard surfacing proposed. This adds to surface water run-off concerns.
- The existing foul and surface drainage traverses the rear of the host dwelling, and this foul sewer also feeds No.s 15 & 17 Merville Avenue. This waste line must be safeguarded.

Civil

- There is no agreement for any changes to shared boundaries and structures.
- There is no agreement for any interference with the private foul drainage pipe.

Access

- The relocation of the entrance serving this property has the potential to adversely impact upon the root zone of a mature Birch tree on the public grass verge.

Other Matters Arising

- The proposed development could adversely impact upon the structural integrity of properties and structures on either side of it, as well as services such as gas connections.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the main issues in this appeal case are those arising from the Planning Authority's reasons for refusal of permission for a development that requires the demolition of an existing c1950s dwelling house in order for the construction of a new dwelling house together with modifications to the vehicular entrance and all associated site works. In addition to this, I consider that there are also a number of other secondary issues arising that include procedural, residential and visual amenity concerns raised by the Third-Party Observers which warrant examination. I therefore propose to deal with this appeal case under the following broad headings:

- Procedural
- Civil Matters
- Demolition and Replacement of Existing Dwelling
- Residential Amenity Impact
- Visual Amenity Impact
- Other Matters Arising
- Appropriate Assessment

7.1.2. Before I commence my assessment, it is incumbent to first note that given the residential zoning of the site and its setting, the general principle of a residential development is deemed to be acceptable subject to safeguards under the Objective 'A' land use zoning of the site and its setting as provided for under the Development Plan.

7.1.3. I also consider that the proposed development as revised by the applicant's further information submitted to the Planning Authority on the 9th day of April, 2024, gives rise

to a more qualitative outcome in terms of the proposed development sought were it to be permitted.

- 7.1.4. On this point I consider that the revised roadside boundary treatment which repositions the proposed modified in width entrance from a more central position back to where as revised it corresponds with the existing vehicle access location on the southernmost side of the roadside boundary together with the increased area of the front setback between the front building line of the proposed dwelling and the roadside boundary to the west gives rise to a number of positive improvements. Including it provides more lateral separation distance between the wider vehicle entrance and the existing birch mature tree that is present on the roadside verge to the north. As such the modifications associated with the increased width of the existing vehicle entrance at this now revised location are less likely to have any adverse impact on the root zone of this tree.
- 7.1.5. Additionally, it would also give rise to less interference with the adjoining pedestrian footpath which forms part of the public domain.
- 7.1.6. Further the increased soft landscaping area gives rise to more deep soil for surface water penetration and the soft landscaping adds to urban greening as well as in general biodiversity within such a suburban setting. The planting also visually buffers the proposed dwelling and its associated off-street car parking area when viewed from the public realm of the adjoining stretch of Merville Avenue. Moreover, landscaping also absorbs surface water that percolates into the ground which is a positive in such a setting where there are significant areas of non-permeable surfaces.
- 7.1.7. In addition to this the applicant provides further details to justify the demolition of the existing dwelling house as opposed to carrying out a deep retrofitting of it to demonstrate compliance with the requirements of the Development Plan, in particular Section 12.3.9. They also provided needed additional clarity as to how such a difference in BER rating could arise between June of 2022 where the existing dwelling had a given rating of BER of B3 to the time the subject application was lodged with the Planning Authority (Note: 21st of December, 2023) where it was given BER of F rating.

7.1.8. On this basis my assessment below is based on the modest in nature, scale and extent revisions to the proposed development as lodged by the applicant on the 9th day of April, 2024.

7.2. Civil / Procedural

7.2.1. The Third-Party Observers raise concerns that this application is invalid as they contend that the stated applicant, who is also the appellant in this case, is not the owner of No. 19 Merville Avenue, but rather she is the daughter of the owner. On this matter I note that the Planning Authority did not raise any issues at validation stage regarding whether or not Orla Meade was the owner of the subject property, or not. The planning application form indicates under Question 7 that she is the owner of the subject property. This is also indicated in the public notices and other information submitted as part of this planning application.

7.2.2. Having reviewed the details before me, including those provided by the Third Parties, I have no evidence to support that the applicant in this case provided factually incorrect information on No.19 Merville Avenues in terms of ownership at the time this application was made and on this basis the planning application is invalid. The application was fully validated by the Planning Authority and deemed to be generally in accordance with the requirements of the regulations.

7.2.3. The Third-Party Observers also raise concerns that in order to facilitate the proposed development, that interference would arise to party boundaries for which no consent has been obtained or demonstrated to have been obtained by the applicant.

7.2.4. It is also raised as a concern, that there is an absence of legal entitlement, to interfere with a private foul sewer pipe that is also purported to run through the rear of the appeal site including buildings thereon.

7.2.5. In relation to these matters I note that the documentation provided with this application indicate that it is proposed to provide a gravity foul drainage system within the development in accordance with the relevant requirements. It also indicates that the foul and surface water drainage provision for the new dwelling will be separated and connected to an existing public drain on Merville Avenue in a manner that would accord with required best practice. I also note that they provide an extract from an Irish Water Map in relation to infrastructure on Merville Avenue in the immediate vicinity of the site. However, the details in relation to the existing piped services on the site and

whether there are runs upon which other properties are dependent on in order to connect to foul drainage on Merville Avenue this is not clear in the drawings provided or in terms of the proposed development how this private shared piece of essential servicing infrastructure will be impacted by the proposed development through to clarity that the applicant has the necessary consents for modifications, diversions and the like to it.

- 7.2.6. In considering the above matters, the Board in my view should have regard to section 34(13) of the Planning and Development Act 2000 (as amended) which states ‘*a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development*’. This subsection makes it clear that the grant of permission does not relieve the applicant of the necessity of obtaining other permits or licences which statutes or regulations or common law may necessitate.
- 7.2.7. This approach in my view correlates with the Planning Authority’s Drainage division considerations on this matter. In this regard, they advise that the applicant is required to acquire any rights or permission necessary to interfere with it. Including any relocation, modification, change of its alignment/diversion, any increased discharge into it, any new buildings over it and the like given that this private infrastructure is not in their exclusive ownership or control.
- 7.2.8. Given the absence of clarity on this matter I recommend that the Board should it be minded to grant permission impose a condition seeking that the applicant agree the drainage details with the Planning Authority prior to commencement of any development. Such a condition would also ensure that matters raised as concerns by Third Parties in relation to appropriate surface water drainage within the perimeters of the site, excessive hard landscaping through to any drainage works that could be prejudicial to public health are satisfactorily dealt with to ensure accordance with best required practices. Through to I recommend that an advisory note setting out Section 34(13) of the PDA, 2000, as amended, is included as a precaution.
- 7.2.9. On the matter of encroachment and structural integrity of adjoining properties, it is my opinion that any instances of encroachment, oversailing, damage to, or interference with any Third-Party property attributable to the proposed development would be a civil matter for resolution between the parties concerned. It is also not uncommon for works like the development proposed to be carried out in an established serviced

suburban setting that would include gas connectivity to properties. Ordinarily the onus is on the developer to ensure they have the necessary consents to carry out works through to it is standard practice to seek a Demolition and Construction Management Plan to be agreed prior to the commencement of any works on site. Whilst such a document is provided with this application a detailed finalised plan that would meet the Planning Authority's requirements for the same would be required as part of any grant of permission for the proposed development sought under this application. Alongside a development that has been revised since this plan was prepared and may require other details the Planning Authority deem appropriate for such a development having regards to the site's context. I again also refer to the provision of the advisory note setting out Section 34(13) of the PDA, 2000, as amended.

7.2.10. I also note the concerns raised by Third Party's in their submissions that the issues raised in their observations to the Planning Authority were not fully considered when determining this application. On this particular concern I note that the appeal before the Board is considered "*de novo*". That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

7.2.11. I do not propose to comment further on the civil and procedural matters raised by the Third Parties in their observation submissions to the Board nor do I propose to comment on other concerns raised that fall outside the bounds of being a planning issue.

7.3. Demolition and Replacement of Existing Dwelling

7.3.1. The concerns raised by the Planning Authority in relation to the demolition and replacement of the existing dwelling at No. 19 Merville Avenue, in my view, is the substantive issue of concern in relation to this appeal case.

7.3.2. As set out under Section 2.1 of this report above, the Planning Authority on foot of having considered the applicants further information response, refused planning permission for the proposed development on the basis that it was not satisfied that the

applicant had demonstrated a robust justification for the demolition of the existing dwelling. They also contend that this dwelling was not fundamentally uninhabitable nor were they satisfied that appropriate ameliorative repair and extension works (subject to planning permission, as applicable) would not result in improved habitability and energy efficiency. For these reasons, it considered that the proposed development was not consistent with Policy Objective CA6 and the requirements of Section 12.3.9 of the Development Plan, under which retrofit is prioritised. The reason for refusal also indicated that the Planning Authority may only permit such developments where the existing dwelling is uninhabitable and, if granted, it would give rise to an undesirable precedent for similar demolition of habitable dwellings in the local area as well as the wider County. The Planning Authority's given reason for refusal concludes that the proposed development would not therefore accord with the proper planning and sustainable development of the area.

- 7.3.3. The Third Parties seek that the Board uphold the Planning Authority's. Similarly to the Planning Authority they consider that there is no substantive justification for the demolition of this existing dwelling and that a more climate resilient as well as consistent with planning provisions approach would be for its deep retrofit and reconfiguration. Moreover, they contend that the replacement dwelling would be out of character with its streetscape scene as well as would give rise to undue residential amenities for properties in its immediate vicinity. The matters of visual and residential amenity impact I propose to deal with separately in Sections 7.4 and 7.5 below.
- 7.3.4. The Appellant on the other hand consider that the existing building is not one of any architectural or other merit to warrant its retention and though having the appearance of being in good order as well as having extensive works carried out to it since it was originally constructed including 'somewhat haphazard and are poorly constructed' is described structurally substandard in places. A number of issues are also identified in the documents provided by them. The issues are described as including that the building suffers from rising damp; poor insulation; lack of strengthening for the loading of the attic level and poorly constructed dormers; issues with lack of insulation; the structurally unsound rear additions; windows at end of their life; poor internal layouts; poor quality construction materials; through to various parts of the dwelling are not compliant with Building Regulations.

- 7.3.5. They contend that the existing dwelling at No. 19 Merville Avenue has gone beyond viable and sustainable repair with the potential to conduct a deep retrofit limited and would require demolition of significant portions of the existing structure.
- 7.3.6. At best, a practical refit with limited demolition would in their view achieve a BER rating of D1. With this achieved by using a heat pump, with a modern cylinder and with issues of adding insulation due to the poor ventilation as well as the manner of construction has the potential to give rise to condensation and mould in cold bridges. The practicality of retaining the remaining built fabric with the needed demolition of rear extensions in order to achieve a modern family home of good energy efficiency they contend is questionable. Whereas the immediate impact from demolition and building materials as part of the replacement dwelling with its significant increased energy efficiency mitigates the demolition of the existing dwelling and its later additions. On this point they contend that the replacement dwelling would achieve a A2 BER rating and would be CO₂ positive in 6 years. Additionally, the replacement house would have a net positive saving in CO₂ of 340,791 kg of CO₂ over 30 years.
- 7.3.7. I consider that the existing dwelling at No. 19 Merville Avenue though being an attractive 1950s dwelling that is legible from the public domain as a bungalow and harmonies with other of the same time building stock in its streetscape scene, is not afforded any specific protection. Nor does it form part of a streetscape scene that has been afforded any specific protection due to the attributes of its collection of buildings and spaces. Further, the streetscape scene it forms part of though containing many 1950s dwellings is not uniform or highly coherent in their built forms which I observe vary from single, dormer to two storeys with this including mainly detached but also within No. 19 Merville Avenues setting there are two storey semi-detached examples. As well as this location includes later modern additions, alterations as well as additional dwelling units. As such I do not accept the argument that No. 19 Merville Avenue the loss of this dwelling could be considered to have the potential to diminish significantly the overall visual amenity of the area, subject to safeguards.
- 7.3.8. The Development Plan, in a manner that accords with regional and national planning provisions as well as guidance, encourages under Section 4.3.1 the retention and deep retrofit of structurally sound, habitable dwellings in good condition as opposed to demolition.

- 7.3.9. This approach is reiterated under Section 3.4.1.2 - Policy Objective CA6 of the Development Plan which states: *“it is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction”*.
- 7.3.10. In relation to Section 12.3.9 of the Development Plan it states that: *“the Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant”*. It also sets out that regard is to be had to Policy Objectives CA6 and PHP19. It further states: *“it is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF”*. Of further note Section 12.3.9 of the Development Plan indicates that the Planning Authority will assess single replacement dwellings within an urban area on a case-by-case basis and may only permit such developments where the existing dwelling is uninhabitable.
- 7.3.11. Having inspected the site, it would appear that the house is in habitable use and the appellant states that this is the case with the property let to tenants.
- 7.3.12. The reports provided by the appellant as part of their justification for its demolition do not unequivocally set out that the existing dwelling is not beyond repair due to structural defects but that it at a point where it is unviable, would require significant demolition and other interventions to an overall envelope in terms of materials are not of sufficient quality through to include structurally inadequate, yet with the outcome of a deep retrofit not achieving in the short to long term the CO² saving through overall climate resilience and sustainability outcomes that the replacement dwelling would yield for its future occupants.
- 7.3.13. As such the information indicates that the appellants justification for the proposed demolition and replacement is based several factors. I consider that there is also potential for the demolition of the existing dwelling to reuse some of the existing materials as recycled content on site through to sale to salvage yards. This would offset some of the embodied carbon from the materials that arise during the demolition phase in a manner that would accord with local through to national planning provisions

and guidance on such matters. Further, though minor the maintenance of the southern existing pillar for the modified in width vehicle entrance given that it is consistent with roadside boundaries and features of dwellings within the vicinity of the site and the reinstatement of a matching pillar as opposed to two new brick capped piers would accord with such an approach but also yield a more sympathetic roadside boundary with the surrounding streetscape scene.

7.3.14. On the matter of the dwelling being in habitable use I consider that Section 12.3.9 clearly sets out that the Planning Authority in their assessment of single replacement dwellings on a case-by case basis may only permit such developments where the existing dwelling is uninhabitable. I consider the interpretation of the word 'may' as used in the context of Section 12.3.9 means that it is something that is not solely required and while preferable subject to the provision of a strong justification it is not an absolute obligation on an applicant that seeks the demolition of an existing dwelling as part of facilitating the construction of a new dwelling.

7.3.15. I further note that Section 3.4.1.1 - Policy Objective CA5 of the Development Plan that deals with the matter of energy performance in buildings states: *"it is a Policy Objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing and new buildings, including retro fitting of energy efficiency measures in the existing building stock"*. I consider that the replacement dwelling overcomes the issues that arise not only from the internal layout of the existing building, the haphazard arrangement of its rear and at roof level later extensions that sought to provide additional habitable space for occupants of the existing dwelling at No. 19 Merville Avenue. It is also consistent with Section 3.4.1.4 Policy Objective CA8 of the Development Plan which deals with the matter of sustainability in adaptable design. It states that: *"it is a Policy Objective to promote sustainable approaches to the improvement of standards for habitable accommodation, by allowing dwellings to be flexible, accessible and adaptable in their spatial layout and design."*

7.3.16. The extent of demolition required to improve internal layouts through to remove structurally unsound elements as well as addressing non-compliances with Building Regulations to achieve a two-storey level of modern qualitative habitable spaces is substantial in this situation. From my knowledge on period buildings and their potential for energy efficiency improvements that ensured no condensation and mould issues

to them I do not doubt that a more considered and robust deep retrofit of the existing building coupled with replacement attic and rear extensions could achieve a BER rating outcome in excess of the contended practical retrofit BER D given by the applicants in the case. Notwithstanding the replacement dwelling from the perspective of climate resilient and sustainable development, particularly in the medium to long term achieves an improved outcome for future occupants of No. 19 Merville Avenue as opposed to one that sought to work around an existing building.

- 7.3.17. An approach that would as said require substantial demolition and loss of building fabric as part of any qualitative standard of substantive improved energy efficiency through to meet the spatial internal and external space requirements of the applicant.
- 7.3.18. I also consider that the existing dwelling is one that does not warrant retention on its own merit and/or its contribution to its streetscape scene and the proposed replacement dwelling is fully compatible with the surrounding pattern of development and would be legible as a new building layer that harmonises in a respectful manner with its streetscape scene, subject to the safeguard of agreeing its external palette of material finishes.
- 7.3.19. In relation to the variance with the BER of the property I am satisfied that this matter has been clarified by the applicant's further information response and the information provided with this appeal. Moreover, the BER and whether or not the dwelling is habitable are not set out as being deciding factors in their own right to base a determination on whether or not the demolition of an existing dwelling house and its replacement is acceptable.
- 7.3.20. Conclusion: On the basis of the information before me I am satisfied that on balance the proposed development is consistent with the Development Plan, including Policy Objective CA6 and Section 12.3.9, which requires applicants to provide justifiable rationale for the proposed demolition of the existing dwelling and its replacement with a new dwelling.

7.4. Residential Amenity Impacts

- 7.4.1. The most significant concerns raised by Third Party's relate to the impact of the proposed development on residential amenity, particularly in terms of potential overlooking; loss of privacy; visual overbearance, loss of daylight and sunlight; through

to nuisances that would arise during the demolition and construction phases of the proposed development, if permitted.

- 7.4.2. In relation to overlooking, I note that the subject property backs onto tennis pitches and the Kilmacud Crokes GAA Club that are accessed from Glenalbyn Road. Additionally, the existing dwelling at No. 19 Merville Avenue as well as the adjoining properties on either side of it contain first floor level unobscured glazed window openings that address their rear private amenity spaces. As such there is an established level of overlooking arising from the rear elevation first floor level windows of adjoining properties at this location due to these windows having oblique and angled views of adjoining and neighbouring rear private amenity space of properties in their immediate vicinity. In this context I do not consider that the replacement dwellings first-floor level window treatment/solid to void treatment, even if fitted with translucent glazing units, would give rise to any significant additional overlooking of properties in its vicinity or of the adjoining recreational amenity spaces and parking area located to the rear of No. 19 Merville Avenue.
- 7.4.3. Further in relation to additional overlooking arising from glazed openings on the side elevations of the proposed dwelling, I note that the existing dwelling contains transparent glazed openings on its ground and first floor level northwestern elevation.
- 7.4.4. I also observed that the adjoining property of No. 21 Merville Avenue contains ground and first floor level window openings on their southern elevation facing into the side of No. 19 Merville Avenue with a low boundary wall running alongside the side boundary of these two properties. These openings are predominantly fitted with transparent glazing. I therefore consider that there is established overlooking between the side elevations of both of these properties. The replacement dwelling contains less in area glazed openings which serve at ground floor level an en-suite and the side glazed units of the door that opens into a utility space. There is also a high-level window opening on the north west single storey link. At first floor level there is a modest sized window opening that serves an ensuite proposed ground level window. I consider that a condition restricting the glazing to opaque permanently fitted glass for the north western elevation would satisfactorily address concerns for overlooking towards this property.

- 7.4.5. In relation to the adjoining property to the south, No. 17 Merville Avenue, I note that the existing dwelling has a window opening and door facing towards the side elevation of this property.
- 7.4.6. I also observed that No. 17 Merville Avenue contained no side elevation windows facing into No. 19 Merville Avenue.
- 7.4.7. The replacement dwelling at its southern side reduces in its scale to a dormer which contains no windows on its south-easternmost elevation facing into No. 17 Merville Avenue. The main glazed elements addressing No. 17 Merville Avenue arise from the single storey rear projection that is positioned towards the northern boundary with glazing on its southern elevation. The existing context though in a more modest form contains a projecting single storey extension with glazing also on its southern side. Though there is a single storey shed structure that visually buffers this existing situation. With I note this shed structure to be removed as part of the proposed development. There is a more robust rear boundary treatment between the rear garden of these properties. The level of overlooking that would arise in my view would not be of such undue adverse significance to warrant any mitigation measures to the design of the proposed dwelling or its ancillary layout.
- 7.4.8. In terms of visual overbearance, this is raised as a concern by Third Parties. On this matter I consider that while the proposed replacement dwelling, if permitted and implemented, would give rise to a change of context for properties in its immediate vicinity, in particular for No.s 17 and 21 Merville Avenue. With the main changes being the increased height of the proposed replacement dwelling which has a given maximum height of 8.305m when compared to the lower maximum 6.02m ridge height of the existing property. Also, the additional mass, scale and volume of the replacement dwelling is reflected in the increased floor area from 176.1m² to 250.9m² and the replacement dwelling whilst seeking to harmonise with c1950s building stock and their external palette of materials notwithstanding has a more contemporary architectural resolution. That in comparison to the existing dwelling on site which is highly symmetrical single storey in its appearance as observed from Merville Avenue. Whereas the proposed replacement dwelling in terms of its address of Merville Avenue would consist of a more asymmetrical built form that includes a two-storey gable fronted feature element that includes a projecting single storey bay window on its northernmost side together with two dormer windows on its dormer style southern

portion. Additionally, I note that like the more later built insertions at the junction of Merville Avenue and Allen Park Road the palette of materials whilst including render and brick also includes a darker coloured roof whereas neighbouring properties at this stretch of Merville Road have more terracotta roofing coloration. The latter is one of the characteristic exterior finishes that predominates buildings within the immediate setting.

- 7.4.9. I note that the design and layout of the proposed dwelling would be coherent with the front building line and have a similar rear building line when compared to the pattern of development in this area. Maintaining harmony with the existing dwelling and its setting is in my view one of the design resolutions measures to help settle the proposed replacement building with its setting. The two-storey height and built form is not inconsistent with the wider streetscape scene but would graduate in its additional height when compared to the properties on either side of it as well as directly opposite the wide carriageway of Merville Avenue.
- 7.4.10. Overall, I do not accept that the replacement building could be considered as having the potential to seriously injure residential amenity of properties in its vicinity by way of its visual overbearance.
- 7.4.11. In terms of daylight, sunlight, and overshadowing impacts on properties in the vicinity I consider that there is an established degree of overshadowing arising from the pattern of development that characterises the eastern side of Merville Avenue and a level of overshadowing is to be expected in a built-up suburban area. This fact I note can be seen in the shadow analysis provided with the application.
- 7.4.12. In this case despite the additional height, mass, scale and volume of the proposed replacement dwelling it is my opinion that having regard to the site context; the positioning and overall design of the replacement dwelling; the relationship it would have relative to other properties in its vicinity; the pattern of development at this location which I note includes wide plots with no buildings in proximity to their eastern boundaries; together with the orientation of the site that the level of diminishment of arising from the modest reductions of daylight/sunlight penetration through to the modest additional overshadowing that would arise to properties in the immediate vicinity of the site would not be of such magnitude that it could be considered to be

significantly detrimental or exceptional in such a suburban location to warrant refusal and/or changes to the proposed replacement dwellings overall design and layout.

7.4.13. Finally, concerns are also raised by Third Parties on the matter of nuisances that would arise during the demolition and construction phases of the proposed development that would in turn adversely impact upon their residential amenities. Should the Board be minded to grant permission for the development sought under this application and if implemented during these phases the works required to facilitate it would inevitably result in noise, dust, vibrations, building debris, and so forth. There is also potential for obstruction of traffic movements to arise along Merville Avenue during deliveries. Additionally, as previously mentioned any interference with the private drain running through the site would require measures to deal with any impacts that could arise to servicing other properties dependent upon it through to ensuring no prejudicial to public health impact arises. Altogether the demolition and construction phases would be of temporary duration, and it would be incumbent upon the developer for these works 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, and the Planning Authority has an enforcement remit should any non-compliances arise.

7.4.14. I also note that I have no information before me to believe that the proposed development if permitted and implemented would result in any tangible devaluation of property in its vicinity.

7.4.15. In terms of residential amenity for future occupiers, I am satisfied that the level of amenity being afforded to future occupants would be satisfactory and that it accords and/or exceeds with local through to national planning provisions and standards.

7.4.16. Conclusion: The site is zoned with the objective of providing residential development and improve residential amenity while protecting the existing residential amenities. I consider that the site has the capacity to absorb the proposed development without any undue detrimental amenity impact on the residential amenities of the area.

7.5. Visual Amenity Impact

7.5.1. As previously set out in my assessment above I consider that the existing dwelling at No. 19 Merville Avenue is of no particular architectural or other merit that would warrant its retention. Nor is there any specific protection afforded to its streetscape

scene through to it does not reinforce a highly coherent and uniform in character streetscape scene which would be detrimentally impacted in terms of its visual amenities if demolished.

- 7.5.2. Moreover, there is variety within the building forms that comprise its streetscape scene and as such there is capacity to absorb a replacement dwelling subject to safeguards.
- 7.5.3. With this capacity aided by the later additions present within the wider streetscape scene that the site forms part of. Including the more recent additions at No. 11 Merville Avenue where I note that the Board permitted under ABP Ref. No. PL06D.228265 (P.A. D07A/1708) the demolition of an existing garage and the construction of two modern in architectural style, detailing and muted palette of materials dwellings in its side garden (Note: Decision date: 24.09.2008).
- 7.5.4. This development however relates to a more unique site situation given that No. 11 Merville Avenue contained a significant roadside boundary of c75m, and a more sizeable overall site and the demolition related to ancillary to residential structure. Considerable time has also passed since the Board determined ABP Ref. No. PL06D.228265 with local through to national planning provisions and guidance having significantly evolved, including but not limited to what is a substantive concern arising from the proposed development planning provisions that seek to achieve climate resilient development. Through to in part recognises that the number of buildings being knocked down must be reduced on the evidence basis that demolition and rebuilding can contribute adversely to climate change and less climate resilient development outcomes.
- 7.5.5. Further within the appeal submission, reference is made to a number of examples that relate to cases whereby the Board has permitted the demolition of existing dwellings and their replacement with more contemporary as well as climate resilient dwellings on residentially zoned land, where such developments were not considered to be 'incongruous' with their setting, including their streetscape setting.
- 7.5.6. These examples are significantly remote from the site and gave rise to their own unique considerations against relevant local through to national planning policy provisions and guidance.
- 7.5.7. Further, it is my consideration that the subject appeal should be considered on its own merits and on a site-specific basis, having regard to current local through to national

policy provisions and guidance alongside any other deemed to be relevant planning considerations.

- 7.5.8. In this case I consider that the design of the replacement dwelling includes more contemporary take on built features, detailing and materials that are present in the existing building stock of Merville Avenue and Allen Park Road. This includes the use of brick, the provision of a part dormer and part two storey element to the principal façade. The palette of materials is also restricted with the brick elements and use of render echoing the predominant building envelope materials present in the streetscape scene. Whilst I accept that the proposed replacement dwelling would give rise to a change to its visual setting, I am satisfied it would not give rise to any serious visual amenity injury, subject to safeguards.

7.6. **Other Matters Arising**

- 7.6.1. **Electric Charging:** Section 12.4.11 of the Development Plan on the matter of electrically operated vehicles seeks to encourage the use of electric vehicles. It indicates that developments shall provide at minimum EV charging points and infrastructure which in relation to new dwellings with in-curtilage car parking the installation of appropriate infrastructure to enable installation at a later stage of a recharging point for EVs. The proposed replacement dwelling is indicated to be served by in-curtilage car parking provision yet there are no provisions made in the design and layout of the proposed replacement dwelling for EV charging. Given the requirement of Section 12.4.11 should the Board be minded to grant permission this matter should be dealt with by way of an appropriately worded condition.
- 7.6.2. **Contributions:** Under the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2023-2028 the proposed 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. Also, the Dún Laoghaire-Rathdown County Council Development Supplementary Development Contribution Scheme Extension of the Luas Line B1 – Sandford to Cherrywood, and the site's location within the red hatched 1km zone where this development is not exempt from the requirement of this development contribution with replacement dwellings levied at 20% of the charge for a one-off dwelling.

8.0 AA Screening

- 8.1. I have considered the appeal in relation to the development sought under this application in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.1.1. The nearest Natura 2000 Sites are South Dublin Bay SAC (Site Code: 000210) and the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which are at their nearest point are c2.4km to the north east of the site.
- 8.2. The development sought under this application in summary relates to the demolition of an existing dwelling house, construction of a new dwelling, modifications to roadside boundary together with all associated site works and services, at No. 19 Merville Avenue, in suburban south Dublin, within the administrative boundaries of Dún Laoghaire Rathdown County Council.
- 8.3. No nature conservation concerns were raised in the planning appeal or by the Planning Authority during the course of their determination of this planning application.
- 8.4. Having considered the nature, scale and location of the project sought, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect to any Natura 2000 Site. The basis for this conclusion is as follows:
- The nature, scale, and extent of the proposed development.
 - The brownfield nature of the site and its location within an established as well as serviced suburban area of south Dublin, where there is no capacity issue in terms of these public services to accommodate any additional demands of the replacement dwelling alongside improved to current standards surface water drainage provisions would be provided.
 - The separation distance from the site to the nearest Natura 2000 sites and the lack of any connections to them as well as any other Natura 2000 sites at further distance.
 - The nature of the intervening lands between the site and the nearest Natura 2000 sites.
 - The screening assessment conducted by the Planning Authority and their conclusions.

- 8.5. Conclusion: I consider that the development sought under this application would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 Site or Sites and appropriate assessment is therefore not required in this case.

9.0 Recommendation

- 9.1. Having regard to:

- (a) The provisions of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, including but not limited to Section 12.3.9.
- (b) The size of the overall site and the condition of the existing dwelling thereon.
- (c) The lack of protection afforded to the existing dwelling, its streetscape scene through to the variety of residential built forms that characterise its setting which has the capacity to absorb a sensitive to site and setting replacement dwelling.
- (d) The design, layout, nature, scale, mass, building line and orientation of the replacement dwelling proposed.
- (e) The climate resilient and sustainable development outcome of the replacement dwelling when compared to the existing dwelling, the need for extensive demolition and alterations to it to achieve an energy efficient climate resilient modern family home.

it is considered that subject to compliance with the conditions set out below, the proposed development seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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, as amended by the further

plans and particulars received by the planning authority on the 9th day of April, 2034, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The glazing to all bathroom, en-suite windows, and glazed openings on the north-west and south east side elevations with the exception of the high-level single storey clerestory window on the single storey rear link shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.
 - (b) The modified in width vehicle entrance shall maintain its existing southern side pillar and the new pillar on the northern side shall match in height, detailing and materials this pillar.
 - (c) An electric charging point shall be provided at an accessible location to the off-street car parking to the front of the proposed replacement dwelling. Details to be submitted to and agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity as well as in the interest of sustainable transportation in compliance with Section 12.4.11 of the Dún Laoghaire Rathdown County Development Plan, 2022-2028.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water which shall also provide for appropriate Sustainable

Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interests of public health.

6. Prior to the commencement of development, the developer shall agree in writing with the planning authority's Transportation Plannings Division requirements in relation to the proposed works.

Reason: In the interest of traffic safety.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

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

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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.

11. The developer shall pay to the planning authority a financial contribution in respect of 'Extension of the Luas Line B1 – Sandford to Cherrywood' 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.

Advisory Note:

It is advised that Section 34(13) of 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'.

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

2nd day of October, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319835-24		
Proposed Development Summary	Demolition of dwelling, construction of dwelling, modification of vehicular entrance and all associated site works.		
Development Address	No. 19 Merville Avenue, Stillorgan, Co. Dublin, A94 WP78.		
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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		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	✓	Class 10(b)(i) of Part 2: threshold 500 dwelling units (iv) urban development 10ha site / Class 14 of Part 2 (demolition)	Development includes demolition of an existing dwelling

			and the construction of a replacement dwelling on a 0.0047ha site.	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 2nd day of October, 2024.