



An
Bord
Pleanála

Inspector's Report

ABP-319901-24

Development	Demolition of extension and boundary wall, construction of extension and all associated works.
Location	22 Saint Aidan's Park Avenue, Marino, Dublin 3, D03 FK80
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1321/24
Applicant(s)	Gary & Kartin Phelan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Helen O'Reilly
Observer(s)	None
Date of Site Inspection	6 th December 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 22 saint Aidan's Park Avenue, Marion, Dublin 3. The site comprises an existing two storey semi-detached hipped roofed dwelling with a single storey extension to the rear. The site has a stated site area of 217 sqm (0.0217 hectares).

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of existing 15.5 sqm single storey sunroom/ w.c. rear extension;
 - Demolition/ Removal of existing 1.5-metre-high boundary wall in the middle of back garden;
 - Construction of a part two storey flat roof/ part single storey lean to/ 37 sqm rear extension comprising a kitchen/ living room extension on the ground floor and a new additional bedroom (bedroom no. 4) at first floor level. The overall height of the extension is shown to measure 5.81 metres to parapet level.

3.0 Planning Authority Decision

3.1. Decision

- The Local Authority issued a Notification of Decision to GRANT permission for the proposed development on 15th May 2024 subject to 6 no. Conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered the demolition of the existing extension to be acceptable and it is unlikely to negatively impact the character of the existing dwelling or that of the adjoining property. The Local Authority Planner considered that given the scale of the proposed extension and the location and scale of the existing extension at no. 24 Saint Aidan's Park Avenue, the proposed development would not appear overbearing in relation

to adjoining property. The Local Authority Planner also considered that the proposed development would unduly overshadow adjoining property or unduly impact the residential amenity of adjoining property. The extent of private open space remaining as a result of the proposed development was deemed to be acceptable by the Local Authority Planner. Finally, the Local Authority Planner considered the proposed extension would be unlikely to negatively impact adjoining residential amenity by reason of overlooking, appearing overbearing or by overshadowing. The scale and character of the proposal was considered to be unlikely to negatively impact upon the character of the streetscape or the character of the dwelling and was therefore considered by the Local Authority Planner to be acceptable.

3.2.2. Other Technical Reports

- The **Drainage Department** raise no objection to the proposed development subject to 6 no. conditions.

3.3. Prescribed Bodies

- Irish Water: No comments received.

3.4. Third Party Observations

- 1 no. Third Party Observation/ Submission was received from the following:
 - Helen O'Reilly
- The main issues raised are covered in the Grounds of Appeal.

4.0 Planning History

4.1. Planning History

- No recent planning history on the subject site.

5.0 Policy Context

5.1. Development Plan

5.1.1. Under the provisions of the Dublin City Development Plan policy the site is in an area zoned Z2 Residential Neighbourhoods (Conservation Areas). The relevant zoning objective is *'to protect and/ or improve the amenities of residential conservation areas.'*

5.1.2. Chapter 11 relates to Built Heritage and Archaeology and includes the following relevant Sections, Policies and Objectives.

- Section 11.5 relates to Built Heritage and Archaeological Policies and Objectives:

Policies:

- BHA1: Record of Protected Structures, BHA2: Development of Protected Structures, BHA3: Loss of Protected Structures, BHA4: Ministerial Recommendations, BHA5: Demolition of Regionally Rated Building on NIAH, BHA6: Buildings on Historic Maps,
- BHA7: Architectural Conservation Areas, BHA8: Demolition in an Architectural Conservation Area.
- BHA9: Conservation Areas,

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps.

Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*

3. *Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
5. *The repair and retention of shop and pub fronts of architectural interest.*
6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
7. *The return of buildings to residential use.*

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

- BHA10: Demolition in a Conservation Area,

5.1.3. Section 11.5.2 relates to Architectural Conservation Areas. Marino is listed as one of a total of 16 no. Priority ACA projects which will be considered for designation over the plan period.

5.1.4. Section 11.5.3 relates to Built Heritage Assets of the City and includes the following Guidance in relation to Z2 and Z8 Zonings and Red-Hatched Conservation Areas:

- *The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application.*
- *Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and*

the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas.

- *As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.*

5.1.5. Chapter 14 relates to Land Use Zoning and provides the following Guidance for in Section 14.7.2 for Residential Neighbourhoods (Conservation Areas) – Zone Z2:

- *‘Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. Volume 4 of this plan contains the Record of Protected Structures.*
- *The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.’*

5.1.6. ‘Residential’ is defined as a ‘Permissible Use’ on lands zoned Z2.

5.1.7. Chapter 15 of the Plan relates to Development Standards.

- Section 15.9.18 Overlooking and Overbearance
 - *‘Overbearance’ in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home. In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.*
 - *Overlooking may be overcome by a variety of design tools, such as:*
 - *Building configurations (bulk and massing).*
 - *Elevational design / window placement.*
 - *Using oblique windows.*

5.1.8. Appendix 18 of the Plan relates to Ancillary Residential Accommodation and includes the following relevant Sections:

- Section 1.0: Residential Extensions
 - 1.1 General Design Principles,
 - 1.2 Extensions to Rear
 - *Ground floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining. The extension should match or complement the main house.*
 - *First floor rear extensions will be considered on their merits, noting that they can have potential for negative impacts on the amenities of adjacent properties, and will only be permitted where the planning authority is satisfied that there will be no significant negative impacts on surrounding residential or visual amenities. In determining applications for first floor extensions the following factors will be considered:*
 - *Overshadowing, overbearing, and overlooking - along with proximity, height, and length along mutual boundaries*

- *Remaining rear private open space, its orientation and usability*
- *Degree of set-back from mutual side boundaries*
- *External finishes and design, which shall generally be in harmony with existing*
- 1.4 Privacy and Amenity,
 - *Extensions should not result in any significant loss of privacy to the residents of adjoining properties. Generally, windows overlooking adjoining properties (such as in a side wall) should be avoided. Where essential, the size of such windows should be kept as small as possible, and consideration should be given to the use of high-level windows and/ or the use of obscure glazing where the window serves a bathroom or landing. Bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.*
 - *There will be a general presumption against the development of rear balconies and roof terraces. However, in inner urban areas, where there are limited opportunities for ground floor amenity provision, innovative design solutions for private amenity space will be considered on a case-by-case basis where it can be demonstrated that provision of same would not have a significant adverse impact on the residential amenities of adjacent properties.*
 - *It is important to make sure that any extension does not unacceptably affect the amenities of neighbouring properties. This includes privacy, outlook, daylight and sunlight. It is advisable to discuss proposals with neighbours prior to submitting a planning application.*
- 1.5 Separation Distances,
- 1.6 Daylight and Sunlight,

- *Large single or two-storey rear extensions to semi-detached or terraced dwellings can, if they project too far from the main rear elevation, result in a loss of daylight to neighbouring houses. Furthermore, depending on orientation, such extensions can have a serious impact on the amount of sunlight received by adjoining properties. On the other hand, it is also recognised that the city is an urban context, and some degree of overshadowing is inevitable and unavoidable. Consideration should be given to the proportion of extensions, height and design of roofs as well as taking account of the position of windows including rooms they serve to adjacent or adjoining dwellings.*

- 1.7 Appearance and Materials

5.2. Natural Heritage Designations

5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Bull Island SPA (Site Code 004006), c. 3.32 kilometres to the East;
- North Dublin Bay SAC (Site Code: 000206), c. 5.9 kilometres to the Southeast;
- South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), c. 833 metres to the Southeast.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area and outside of any protected site or heritage designation, the nature of the receiving environment, the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment

can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The Grounds of Appeal can be summarised as follows:

Requirements for Development within Conservation Areas

- The Marino Area is identified as an Architectural Conservation Area in the Dublin City Development Plan, 2022 to 2028. The subject application and all supporting documentation should have referred to this.
- The Appellant quotes Policy BHA7 – Architectural Conservation Areas, BHA8 – Demolition in an Architectural Conservation Area, BHA9 – Conservation Areas and Appendix 18 – Residential Extensions (Sections 1.2: Extensions to Rear, Section 1.4: Privacy and Amenity, Section 1.5: Separation Distances, Section 1.6: Daylight and Sunlight & Section 1.7: Appearance and Materials) and considers that the Local Authority should have required the Applicant to
 - i) demonstrate that the proposed development would not negatively impact on the character of the Conservation Area
 - ii) that this assessment should have been carried out before any grant of permission was issued/ considered
 - iii) no comment/s appear to have been received from the Conservation Officer as part of the assessment of this Application.

Scale and Bulk of the proposed development and Impact on Neighbouring Properties

- The proposal will have an overbearing impact on the Appellants property due to its proposed Scale and Bulk.

- The proposals will have an overbearing impact in terms of a loss of privacy to the rear amenity space of the Appellants dwelling.
- The Local Authority has not considered the relevant Development Plan Policy when approving the subject proposal. The policy states that an overbearing impact may be addressed by relocation or reduction in building bulk and height.
- The Appellant quotes the definitions for Overbearance and Overlooking presented in Section 15.9.18 of the Development Plan.

Loss of Light to Adjacent Property and Overshadowing

- The Application documentations lack a comprehensive analysis of potential shadow casting impact of properties in the area including the Appellant's property. There is a concern the proposals will result in potential disruption to daylight and sunlight for the adjacent dwellings.
- The Board should ensure a thorough assessment of the shadow casting effects of the proposed development having regard to the placement and orientation of the proposed extension.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Residential Amenity
 - *Loss of Daylight*
 - *Overshadowing*
 - *Overlooking and Loss of Privacy*
 - *Overbearance*
 - *Conservation Area*

7.2. Residential Amenity

- *Loss of Daylight*

7.2.1. I note the guidance set out in Section 1.6 (Daylight and Sunlight) of Appendix 18 (Ancillary Residential Accommodation) of the Development Plan.

7.2.2. The subject appeal site is orientated on a general east/ west axis with the Appellants semidetached dwelling positioned to the immediate north. There is an existing part single storey/ part two storey extension to the rear of no. 24 to the north. The single storey extension of no. 24 extends beyond the rear elevation by c. 2.9 metres and includes a patio door and associated narrow side windows on its northwestern elevation. At first floor level there is a two-storey extension to the rear elevation which extends c.1.8 metres from the existing rear northwest elevation of no. 24 and is positioned c. 2.8 metres to the north of the rear party wall of the subject appeal site.

7.2.3. The proposed extension provides a maximum 5.8-metre-high wall to parapet level along the northern party boundary which is shown to project for a distance of 3.2 metres from the existing rear elevation of the subject appeal site property (no. 22). I note the proposed relationship between the 2 no. properties as shown on the

proposed rear elevation drawing no. 002. I further note, as shown in plan view on drawing no. 001, that both the ground and first floor extensions extend beyond the rear wall of the ground floor extension and associated patio door/ windows by c. 1.5 metres on the ground floor and c. 0.3 metres on the first floor.

- 7.2.4. Section 2.0 of the BRE 209 Guidelines, Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice (BR 209, 2022) (3rd Edition), relates to '*Light from Sky*' and includes the 45° principle for domestic extensions. As noted in the Guidelines, living rooms and kitchens need more light than bedrooms, and bedrooms should be analysed but are less important.
- 7.2.5. Having regard to this said 45° principle and the proposed relationship between the 2 no. properties, I am satisfied that the proposed development would not result in any significant increased loss of daylight to the rear ground floor patio door and associated side windows (2 no. either side of the patio door) of no. 24. I would however have a concern that the proposed development, as presented, will serve to significantly reduce the extent of daylight entering the adjacent upper first floor rear bedroom window of no. 24. Although the BRE 209 Guidelines acknowledge that bedrooms are less important than living rooms/ kitchens and need less light, it is my view that the design of the proposed extension at first floor level, which extends beyond the existing eaves of the dwelling by 1.3 metres, is overly dominant and excessive in terms of its impact on no. 24 and serves to result in an associated undue and excessive loss of daylight to the said bedroom window. I also note the proposed development would serve to result in 2 no. first floor extensions on either side of the appellant's bedroom window and that, as per recommendations provided in Section 2.2.18 of the BRE 209 Guidelines, there is potential for such an arrangement to result in a tunnelling effect.
- 7.2.6. I note the proposed development is not accompanied by either a Daylight or Overshadowing analysis. I also note the issue of a Loss of Daylight although referenced as a concern by the Third Party, is not expressly assessed by the Local Authority Planner.
- 7.2.7. In my opinion, there are alternative design solutions available which would serve to achieve a similar floor area to the current proposal without negatively impacting upon the established residential amenity for the adjacent dwelling to the north, no. 24, in

terms of a loss of daylight to the rear first floor bedroom window. One such revised design solution could, in my view, involve the relocation of the proposed first floor extension to the southern side of the property where generous separation distances are observed to the adjacent property further to the south, no. 20.

- *Overshadowing*

7.2.8. I note the configuration and orientation of no. 24 which is positioned to the immediate north of the subject appeal site. I further note, in particular, the orientation and location of the existing private amenity space to the rear of no. 24, which is positioned to the immediate north and northwest of the proposed two storey extension. I finally note the restricted size of same said amenity space behind the extended rear building line of no. 24 which is estimated to measure c. 17 sqm.

7.2.9. Although the development plan guidance recognises that some degree of Overshadowing may be inevitable and unavoidable, it is my opinion that the proposed development, as presented, will result in an undue impact on the rear private amenity space of the adjoining property in terms of Overshadowing and that the relocation of the proposed first floor extension to the southern side of the rear elevation will serve to suitably address this issue.

- *Overlooking and Loss of Privacy*

7.2.10. The proposed development includes a new additional first floor bedroom extension to the rear of the existing 3-bedroom dwelling. The new bedroom extension is positioned to the immediate west of the existing family bathroom and is shown to be accessed via the first-floor landing. The bathroom is currently served by an existing 1.0 metre high by 0.9-metre-wide window of obscure glazing. The proposals seek to introduce a new 1.45 metre wide by 1.1-metre-high clear glass window on the western gable of the extension to serve the new bedroom. The window is positioned 3.2 metres further west of the existing rear elevation of the subject dwelling and closer to the rear private amenity space of no. 24. The development plan guidance in respect of Privacy and Amenity, as set out in Section 1.4 of Appendix 18 of the plan states that '*bedrooms in general should not be lit by obscure glazed windows as a means to prevent undue overlooking of adjacent properties.*' The introduction of obscure glazing to the offending window is not considered to be appropriate as a means to address the issues of a loss of privacy and overlooking.

7.2.11. I am satisfied that the proposed development, as presented, will serve to result in a loss of privacy for the adjacent occupants of no. 24 by means of undue overlooking of the rear garden space of no. 24.

- *Overbearance*

7.2.12. I note the guidance and recommendations in relation to the issue of Overbearance as set out in Section 15.9.18 of the Development Plan. The proposed new first floor flat roof extension extends beyond the eaves of both properties by 1.3 metres to parapet level (5.81 metres in height). I note there is a similar first floor flat roof extension to the rear of the adjacent property to the south, no. 20 which does not extend to any significant degree beyond the existing eaves of that property. Similarly, the existing first floor extension to the rear of no. 24 is also more or less at eaves level. I am satisfied that the proposed development, as presented, results in a significant change to that of the established context to such a degree that it must be considered. I am further satisfied that the relocation of the first-floor extension to the southern side of the rear elevation will serve to ameliorate the overbearing nature of the proposed extension, particularly when viewed from the rear amenity space of no. 24.

7.2.13. In my opinion, the proposed development, as presented, will serve to result in an undue overbearing impact on the rear amenity space of the adjacent property, no. 24.

- *Conservation Area*

7.2.14. I note the Guidance for Conservation Areas, as set out in Section 11.5.3 of the Development Plan as well as Policy BHA9. I further note the appeal site is not located within an Architectural Conservation Area (ACA) but is instead located within a general Conservation Area. Having regard to the provisions of Policy BHA9 and owing to the concerns outlined above in terms of impacts on the established residential amenity of the adjacent property to the immediate north, no. 24, I am not satisfied that the proposed development, as presented, makes a positive contribution to the character and distinctiveness of the Conservation Area.

- *Conclusion*

7.2.15. I am satisfied that the proposed development, as presented, will serve to impact negatively upon the established residential amenity of the adjacent dwelling to the immediate north, no. 24 Saint Aidan's Park Avenue, in terms of undue loss of Daylight, Overshadowing, Overlooking and a Loss of Privacy. In this regard, the proposed development is considered to be Overbearing and not in accordance with the proper planning and sustainable development of the area.

7.2.16. While the proposed extension, as presented, is not considered to be acceptable and should be suitably reconsidered and redesigned as part of a revised planning application, there are elements of the current proposal which I consider to be acceptable. These include the proposed demolition of the existing single storey lean-to roof rear extension and the demolition of existing boundary wall in the middle of the back garden.

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.

8.2. The subject site is located in an urban area. South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), is the closest Natura 2000 site located c. 833 metres to the Southeast.

8.3. The proposed development comprises an extension to an existing dwelling.

8.4. No nature conservation concerns were raised in the planning appeal.

8.5. 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:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the AA Screening determination by the Planning Authority

- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend a split decision to

GRANT permission for the following elements of the proposal:

1. Demolition of existing single storey lean-to roof rear extension.
2. Demolition of existing boundary wall in the middle of back garden.

For the reasons and considerations marked (1) hereunder and the conditions set out below.

REFUSE permission for the following elements of the development in accordance with the reasons and conditions marked (2)

3. Construction of a two-storey rear extension with partial flat and partial lean-to roof, to consist of a kitchen/dining area on the ground floor & a bedroom on the first floor.
4. General remodel & upgrade of the existing dwelling at ground & first floors to suit the proposed layouts including removal of the existing kitchen for the provision of a new home office, utility and WC.
5. All drainage, structural & associated site works to be implemented.

10.0 Reasons and Considerations

Reasons and Considerations (1)

Having regard to the Z2 Residential Neighbourhoods (Conservation Areas) (to protect and/ or improve the amenities of residential conservation areas) and the policies and objectives as set out in the Dublin City Council Development Plan 2022-2028 and the pattern of development in the area, it is considered that the proposed

development, subject to compliance with the conditions set out below, would not significantly detract from the residential or visual amenities of the area and would be acceptable on planning grounds. The proposed development would be in accordance with the proper planning and sustainable development of the area.

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 interests of clarity.

2. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

Reasons and Considerations (2)

1. Having regard to the Z2 zoning of the subject site, the zoning objective for which is *'to protect and/ or improve the amenities of residential conservation areas'*, Section 15.9.18 Overlooking and Overbearance, Section 1.0 of Appendix 18 of the Dublin City Development Plan, 2022 to 2028, which relates to Residential Extensions and also having regard to the scale, height, design and location of the first floor rear extension, the proximity and relationship of same to the adjacent dwelling to the north, it is considered that the development would appear overbearing and would result in an undue negative impact on the established residential amenity of the adjacent property to the north in terms of overlooking and overshadowing of the rear amenity space and an excessive loss of daylight to the upper rear first floor bedroom window. The proposed development would, therefore, by itself and

by reason of the undesirable precedent it would set for similar development in the area, be contrary to the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

13th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319901-24		
Proposed Development Summary	Demolition of extension and boundary wall, construction of extension and all associated works.		
Development Address	22 Saint Aidan's Park Avenue, Marino, Dublin 3, D03 FK80		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Class 10 b) (iv) Urban Development	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Part 2, Class 10 b) (iv) Urban Development.	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.)	Preliminary examination required (Form 2)

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

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319901-24
Proposed Development Summary	Demolition of extension and boundary wall, construction of extension and all associated works.
Development Address	22 Saint Aidan's Park Avenue, Marino, Dublin 3, D03 FK80
<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>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed demolition relates to a modest domestic rear extension (15.5 sqm) and a rear wall (1.5 metres in height). The proposed works comprise a rear part two storey/ part single storey domestic extension of modest scale (37 sqm). The works do not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is a brownfield site situated in a suburban area.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>	
<p>Conclusion</p>		
<p>Likelihood of Significant Effects</p>		<p>No</p>
<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)