



An  
Bord  
Pleanála

## Inspector's Report ABP-320653-24

### Development

PROTECTED STRUCTURE (RPS Ref. No. 6454): Construction of a three-storey, two bedroom house, roof terrace and associated boundary walls and site works to the rear.

### Location

10 Pearse Square, Dublin 2, D02  
YE09

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

4974/23

### Applicant(s)

O Duinn Management and Property  
Ltd.

### Type of Application

Planning permission

### Planning Authority Decision

Grant permission subject to conditions

### Type of Appeal

Third Party

### Appellant(s)

Ivan Robertson and Catherine Murphy  
Bernadette Murphy  
Brendan Flavin and Marguerite Ward

**Date of Site Inspection**

15<sup>th</sup> January 2025

**Inspector**

Sarah O'Mahony

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## **1.0 Site Location and Description**

- 1.1. The 0.02ha site is situated east of Dublin city centre, 300m west of Grand Canal Dock and 300m south of the River Liffey. It comprises the rear open space of a terraced three-storey dwelling situated at the western side of Pearse Square while the rear open space is accessed via a vehicular entrance from Byrne's Lane further west. The parent dwelling, no. 10 Pearse Square, is a protected structure together with all of the dwellings facing Pearse Square.
- 1.2. More than half of the dwellings on this western side of Pearse Square have subdivided their rear gardens to provide mews dwellings facing and accessed from Byrne's Lane. The opposing western side of Byrne's Lane comprises three and four storey apartment blocks.
- 1.3. The lane is a narrow single carriageway thoroughfare with double yellow lines on both sides to prevent car parking. The site, together with some of the remaining undeveloped rear gardens to Pearse Square, has tall gates providing vehicular access to the rear of the property and in some cases a second pedestrian gate also.
- 1.4. The existing mews dwellings open directly onto the lane. Some have an undercroft parking space and some have first floor balconies facing the lane. They are all pitched roof structures with the gable forming the front elevation in the majority of cases. The main exception to this is the adjacent no. 9 which has the gable to the side, adjacent the site and a 2<sup>nd</sup> floor roof terrace to the front giving the impression of a flat roof.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development which comprises the following:
  - Subdivision of the rear open space serving dwelling no. 10 Pearse Square including removal of an existing vehicular access to the rear of no. 10 Pearse Square,
  - Construction of a detached, flat roof, 100m<sup>2</sup>, 3-storey, 2-bed mews dwelling facing Byrne's Lane.

- The flat roof dwelling will have an integrated roof terrace at the rear of the second floor, a courtyard at ground floor to the rear and integrated bin and cycle storage at grade from the front elevation, and
- New boundary walls to the rear.

2.1.1. The application includes the following supporting documentation:

- Design and Conservation Report and
- Civil Engineering Planning Report including a Flood Risk Assessment.

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

3.1.1. Further information (FI) was sought to:

- Revise the Flood Risk Assessment to include raising the finished floor level and submit a Basement Impact Assessment (BIA) as the original design sought to lower ground levels providing a slightly sunken ground floor,
- Provide cycle parking,
- Revised dwelling design including an alternative roof shape to align with the existing dwellings, and
- Clarification of the in-situ layout of No. 10 Pearse Street including the occupancy and open space provision.

3.1.2. The response provided the above items including raising floor levels and thereby negating the requirement for the BIA. The roof shape was revised from a gable fronting pitched roof to a flat roof with the second-floor front elevation to be finished with opaque curtain glazing.

#### **3.2. Decision**

3.2.1. A notification of decision to GRANT planning permission was issued by Dublin City Council (the Planning Authority) on 14<sup>th</sup> August 2024 subject to 11 conditions including the following:

6 a), b)...

*c) The same brick shall be used on both the front façade and rear façade. The materials used shall be in accordance with the samples provided as part of the further information request.*

*d) In advance of work commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Officer:*

*i. Samples of the brick, brick coursing and pointing to be used on the proposed wall along the eastern boundary of the site with the main house at No. 10 Pearse Square, taking note of the existing historic brick on the site and neighbouring plots so that an appropriate brick may be used. A detailed landscape plan identifying all existing boundaries and proposed materials to be used shall be submitted.'*

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report notes that the proposed development is acceptable in principle but that the internal layout does not meet all the recommended standards and further information was required regarding the dwelling's design, bicycle storage and flooding. Following receipt of these items, the report concludes that the proposed development would comprise high quality materials allowing it to sit comfortably within the conservation area and that provision of an additional dwelling unit complies with local policy.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

#### **3.3.2. Other Technical Reports**

- Drainage Division – further information recommended regarding flooding and, following receipt of same, the final report recommended conditions with no objection to the proposal.

- Transportation Planning Division – Further information sought to provide in-curtilage bicycle parking. Following receipt of a revised design incorporating bicycle parking, a revised report set out no objections and recommended conditions.
- Conservation Officer – Further information sought to alter the roof profile in order to provide more consistency along the laneway. Following receipt of the revised proposal, a second report notes no objection subject to conditions.

### **3.4. Prescribed Bodies**

- Transport Infrastructure Ireland – report received recommendation a condition imposing a Section 49 supplementary financial contribution in the event of a grant of planning permission as the site is situated within the Luas Red Line Docklands Extension area.

### **3.5. Third Party Observations**

4 no. third party observations were received objecting to the development on the grounds of impacts to residential amenity for occupants of the Wintergarden apartment complex which is situated opposite the site at the eastern side of Byrnes Lane. The following issues are raised:

- Loss of light as well as potential new light spillage,
- Overlooking,
- Overshadowing,
- Emergency access,
- Flooding,
- Overdevelopment – inadequate private open space to serve existing and proposed dwellings,
- Noise and smoke pollution from the roof terrace,
- Construction nuisance,
- Site notice and drawing inaccuracies, and
- Contravention of the Dublin City Development Plan 2022-2028.



## 4.0 Planning History

4.1. The following relates to the subject site:

- 1765/98: Planning permission granted to demolish existing single storey workshop and to erect a two storey/two bedroom mews dwelling.
- 2056/15: Permission granted to retain a single storey rear extension.
- 3231/15: Planning permission refused for reinstatement of previously existing single storey commercial building to be used as offices at 10 Byrne's Lane (the rear of 10 Pearse Square - a protected structure), Dublin 2.

4.2. The following relates to adjoining sites on Byrnes Lane, to the rear of Pearse Square:

- 3598/20: Planning permission granted to the rear of no. 11 Pearse Square for demolition of wall along lane and the construction of a three-storey, three-bedroom mews house, roof terrace and associated boundary walls and siteworks to the rear.
- 2305/18: Planning permission granted to the rear of no. 9 Pearse Square for construction of a two storey, two bedroom mews house with roof garden and associated boundary walls and site works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned Z2 which refers to 'Residential Neighbourhoods (Conservation Areas)' and the associated land use objective is to protect and/or improve the amenities of residential conservation areas. It goes on to state that *'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.'* The principal land use encouraged in these areas is housing.
- 5.1.2. Conservation areas are separate and distinct to Architectural Conservation Areas (ACAs). The Plan states that they do not have a statutory basis in the same manner

as ACAs but are recognised as areas with conservation merit which warrant protection. Policy BHA9 therefore applies which seeks to protect the special interest and character of conservation areas. The full text of BHA9 is attached. It states:

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

5.1.3. Section 15.5.2 of the CDP provides development management guidance for infill developments and requires them to comply with the following:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

## **5.2. Sustainable Residential Development and Compact Settlement Guidelines.**

5.2.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between opposing windows in habitable rooms above ground floor to the rear and side of dwellings.

### **5.3. Quality Housing for Sustainable Communities, DoEHLG 2007**

- 5.3.1. The guidelines are a best practice handbook for identifying good quality residential amenity in order to deliver homes and sustainable communities. The guidelines were not published under Section 28 of the Planning and Development Act 2000, as amended, but are intended to provide guidance and recommendations to achieve a minimum standard of residential amenity. They do not purport to be comprehensive nor seek to prescribe design solutions. They are intended to assist designers but proper design input on each project remains essential.

### **5.4. Natural Heritage Designations**

The site is situated 2.2km northwest of South Dublin Bay Special Area of Conservation and proposed Natural Heritage Area (pNHA) as well as 325m northwest of the Grand Canal pNHA and 477m southwest of the Royal Canal pNHA.

### **5.5. EIA Screening**

- 5.5.1. See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required. A formal determination or notification is not required in these cases.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- Overlooking. Concern raised that the decision did not specify the degree of opacity required for second floor glazing.
- Overshadowing.
- Visual impact,
- Flooding / drainage,

- Impact to vehicular access, particularly emergency access,
- Procedural matters relating to inadequate display of the site notice and that the further information response was not made significant to allow opportunities for observations.
- Specific requests made to:
  - Revise the height, scale and design of the overall dwelling,
  - Provide a setback in line with adjacent permitted and in situ dwellings,
  - increase separation distance to the Wintergarden apartments,
  - reduce the height of the proposed development,
  - Replace 2<sup>nd</sup> floor front elevation windows with smaller opaque windows and
  - Require regular inspections to ensure compliance.

## 6.2. **Applicant Response**

- Highlighting that the rationale for design changes arose out of the Local Authority's further information request,
- The adjacent permitted mews dwelling does not have any setback at second floor,
- The layout of the proposed second floor with the roof terrace to the rear prevents any overlooking to Byrnes Lane,
- Glazing on the front elevation of the second floor would not be floor to ceiling, would be obscure and much of it would serve the stairwell. In this regard the proposed dwelling has much less glazing facing Byrnes Lane at ground and first floors than the existing no. 9 and permitted no. 11.
- The proposed second floor glazing would reflect light more towards Byrne Lane than reduce daylight due to its westerly orientation.

### **6.3. Planning Authority Response**

- Request made to uphold the decision and in the event of a grant of permission, to attach specified conditions regarding financial contributions and a naming and numbering scheme.

### **6.4. Oral Hearing**

- 6.4.1. I note the Appellants request for an oral hearing. The Board considered the request and in accordance with Section 134(3) of the Planning and Development Act 2000 (as amended), it has decided to determine the appeal without an oral hearing. The Board has concluded that the appeal can be dealt with adequately through written procedures.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The site is zoned Z2 which primarily permits residential developments, subject to upholding the character and integrity of the built heritage of the area which is a designated conservation area.
- 7.1.2. In the case of the proposed development, I consider that design and scale of the proposed dwelling, which would be subsidiary in scale to the protected structure to the rear, which would consolidate part of the Byrne's Lane streetscape by infilling a gap between existing and permitted mews dwellings and which would be finished with high quality materials, would not detract from the character or built heritage of the conservation area. I also note reports from the Local Authority's Conservation Officer which, following receipt of further information, sets out no objection to the proposal subject to conditions such as agreeing the final brick details.
- 7.1.3. Section 15.5.2 of the CDP sets out criteria which infill developments must meet including responding to the existing context, providing a unified design within terraces or groups of existing buildings and sensitively designing servicing and parking etc to minimise their visual impact. I consider that the design meets each of these criteria.

- 7.1.4. I note requests in the appeal to reconsider the design, height and scale of the proposed development, however in my opinion this is in the context of how the design of the proposed development impacts the residential amenity of the existing Wintergarden apartments such as overlooking and overshadowing. I consider that the design, height and scale of the dwelling is acceptable, subject to further assessment of residential amenity impacts later in this report.
- 7.1.5. I therefore consider that the principle of development is established and acceptable.

## **7.2. Residential Standards**

- 7.2.1. In terms of residential standards, some aspects of the layout do not meet the recommended standards set out in Quality Housing for Sustainable Communities. As noted previously however, these standards are guidelines and not mandatory requirements. The main deviations are in bedroom sizes which are both proposed to accommodate two bed spaces and would be 12m<sup>2</sup> each whereas the guidelines require a main double bedroom to be 13m<sup>2</sup> and subsequent doubles to be 11.4m<sup>2</sup>. Both room widths would be 2.7m which is below the required 2.8m. The overall 100m<sup>2</sup> floorspace however greatly exceeds the minimum of 80m<sup>2</sup> with these exceedances provided in the living room, kitchen/dining and subsequent aggregate living area.
- 7.2.2. 24m<sup>2</sup> of private open space is proposed between the ground floor courtyard and second floor roof terrace. SPPR 2 of the Compact Settlement Guidelines requires a minimum of 30m<sup>2</sup> to be provided for a 2-bed dwelling but states this may be relaxed for urban infill schemes on smaller sites such as this.
- 7.2.3. In my opinion, the overall standard of residential amenity would be high in the three-storey dwelling. I consider that the derogations and deviations from the standards are acceptable in the context of efficiencies gained in land use by contributing to more compact settlements. I consider that the dwelling would provide a good quality of internal and external residential amenity particularly having regard to its generous living spaces and two outdoor areas.
- 7.2.4. Table 2 of Appendix 5 of the CDP sets out a maximum allowed car parking rate of 0.5 spaces per dwelling while I also note that SPP3 of the Compact Settlement Guidelines recommends car-parking provision should be minimised, substantially

reduced or wholly eliminated in city centre locations. No car parking is proposed with this development which in my opinion is acceptable having regard to the city centre location, accessibility to services and public transport and compliance with the outlined policy. Bicycle parking is provided within the curtilage of the dwelling upon foot of the further information request and would be at a rate consistent with Table 1 of Appendix 5 of the CDP and SPPR 4 of the Compact Settlement Guidelines.

### **7.3. Procedural Matters**

- 7.3.1. The appellants allege inconsistencies in dates relating to erection of the site notice. I note this matter was raised in third party submissions to the planning application and considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned parties from making representations. Similarly, the appellants note that the further information response was not made significant and therefore they had no opportunity to comment on the revised design. That decision is a matter for the Planning Authority and outside the scope of this appeal. This assessment represents my de novo consideration of all planning issues material to the proposed development.
- 7.3.2. Therefore, having established the principle of development and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:
- Overlooking.
  - Overshadowing.
  - Visual impact,
  - Flooding,
  - Emergency access,

### **7.4. Overlooking**

- 7.4.1. The east elevation of the proposed development would position a pair of bedroom windows at first floor and a roof terrace at second floor level with a resulting

separation of 12m to the opposing first and second floor windows of habitable rooms in No. 10 Pearse Square. I note a rear projection at No.10 which has a first-floor window situated 8m from the rear of the proposed dwelling however that window is opaque and therefore overlooking is not a concern.

- 7.4.2. The 12m separation is below the 16m recommended separation set out in SPPR 1 of the Compact Settlement Guidelines however I note there is a precedent set with the existing and permitted mews dwellings in the rear of the Pearse Square dwellings. The layout of the proposed dwelling would be consistent with the building line of the existing mews dwellings and would provide a degree of unity and consolidation. Having regard to the existing mews dwellings to the rear of Pearse Square, and the degree of overlooking already afforded in the urban environment, I consider that the proposed development would not introduce any significant additional overlooking and is acceptable.
- 7.4.3. The appellants raise concerns regarding the separation distance to the front of the proposed dwelling on Byrne's Lane, between the new structure and the apartments in the opposite Wintergarden complex. There would be a separation of 10m to the boundary wall of the open space serving the ground floor apartments and 11-11.5m to the eastern elevation of Wintergarden. I note the provisions of SPPR 1 which specifically omits any separation distances at the front of dwellings but recommends they are dealt with on a case-by-case basis. It states: 'In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.'
- 7.4.4. The proposed western front elevation has no windows situated on the ground floor. At first floor, one modest window is proposed to serve a bathroom. The architects' drawings suggest this window would be screened with a perforated brick wall and therefore overlooking is unlikely to occur. At second floor, glazing is proposed to span the full width of the building at the upper half to two thirds of that elevation. I note the appeals refer to it as full height glazing however the architect disputes this and I consider it is clear from the elevation drawings that the glazing does not extend fully to the ground level of the second floor. I also note that half of that glazing would serve the stairwell which is a transitory location and not a habitable room. The



remaining (western) half would serve a dining area which is a habitable room, however the architectural drawings state that all that second-floor glazing would be opaque.

- 7.4.5. The appellants question the veracity of this proposal and its implementation, implying that glazing may be opaque externally to prevent the occupants privacy but still allow views out which would impact the appellants privacy. A request is made to ensure the glazing is entirely opaque which is reasonable in my opinion and in the event of a grant of planning permission, I recommend the attachment of a suitable condition to address this issue.
- 7.4.6. In conclusion, I consider that the design of the western elevation is such that there would be no overlooking achievable from the proposed development to any property to the west including the Wintergarden apartments.

## **7.5. Overshadowing**

- 7.5.1. The appeals consider that the proposed dwelling would overshadow apartments in the Wintergarden complex. I note that the new structure would be situated within 90 degrees of due south of Wintergarden windows. However, I also note that much of the units on Pearse Square have mews dwellings facing onto Byrnes Lane and, like the matter of overlooking, there is an established degree of overshadowing which has already been set. The proposed dwelling would match those already in place and permitted in terms of height and building line. The characteristics of Byrnes Lane with three to four storey buildings flanking a narrow carriageway situated on a north-south axis means that many of the windows are already unlikely to receive sustained periods of direct sunshine.
- 7.5.2. The position of the proposed three storey building would be insufficient in my opinion to significantly overshadow windows in the Wintergarden apartment complex and in fact the apartment block is more likely to overshadow the dwelling for extended periods of time. I have had regard to the provisions of the BRE Guidelines 'Site layout planning for daylight and sunlight' and particularly section 3.2 which deals with the impact of new development to existing buildings. I conclude that the benefits in terms of efficient land use and increasing the density of a city centre location outweighs any overshadowing impacts which may occur. However, in my opinion,

that degree of overshadowing is not likely to be significant in the first instance having regard to the location of the new dwelling situated on a gap site, its scale which would match the existing dwellings and its orientation to the east of the Wintergarden apartments.

## **7.6. Visual Impact**

- 7.6.1. The proposed development would consolidate the streetscape by filling the gap site between the existing and permitted dwellings. It would maintain the established building and ridge lines along Byrnes Lane and is, in my opinion, a high-quality design with high quality materials appropriate to the character of the area. The further information response included a detailed drawing of external finishes and I note the Local Authority's Conservation Officer recommended an additional condition to further agree materials prior to the commencement of development which I agree with and recommend would be attached to any grant of permission.
- 7.6.2. I consider that the proposed development would not result in any negative visual impact to Byrnes Lane, the conservation area or to residences in the Wintergarden complex.

## **7.7. Flooding**

- 7.7.1. One appeal refers to a potential flood risk and states that existing drains are already subject to blockages. I note however a Flood Risk Assessment (FRA) was received with the application as well as the reports from the Local Authority's Drainage Division which outline no objection subject to conditions, following a further information update to the FRA. In this context I consider it is unlikely that the proposed development would impact flooding in the area.
- 7.7.2. Any connections to the Irish Water combined sewer should be subject to a pre-connection agreement and I recommend a condition is attached in that regard.

## **7.8. Emergency Access**

- 7.8.1. The layout of the proposed dwelling is behind the established building line and would not impinge on existing vehicular access to the lane. In my opinion the proposed development, to be situated fully within an existing and a permitted residential

property, and which would not affect the public road or manoeuvrability, has no potential to impact on vehicular access to Byrnes Lane.

## **7.9. Other Matters**

- 7.9.1. I note a request from the Planning Authority in their response to the appeal, to include a naming and numbering scheme in a condition in the event of a grant of permission. I also note however that such a condition is not included in the schedule of conditions attached to the notification of decision to grant. I have no objection to its inclusion however and therefore have it included below.

## **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 site is situated 2.2km northwest of South Dublin Bay Special Area of Conservation.
- 8.3. The proposed development comprises subdivision of a site, construction of a flat roof 100m<sup>2</sup> three storey dwelling with roof terrace and connection to public water services.
- 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:
- 8.6. The small scale and residential nature of the works in a serviced urban area and on zoned residential lands,
- 8.7. The distance from the nearest European site and lack of connections, and
- 8.8. Taking into account the screening reports/determinations by Dublin City Council,
- 8.9. 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.

- 8.10. 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 that planning permission be granted, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the location and character of the site and surrounding area in a serviced urban area together with the provisions of the Dublin City Development Plan 2022-2028 including the Z2 zoning objective for the area, Policy BHA9 and Section 15.5.2 as well as the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities and Quality Housing for Sustainable Communities Best Practice Guidelines, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would comply with local design guidance and would not seriously injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out 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 17 <sup>th</sup> day of July 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>All glazing on the western elevation shall be fixed permanently with opaque glazing preventing outward views.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The Developer shall comply with the following conservation requirements of the Planning Authority as follows:</p> <p>a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.</p> <p>b) The proposed development shall be carried out in accordance with the following:</p> <p>i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.</p> <p>iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.</p>

	<p>iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.</p> <p>c) The same brick shall be used on the both the front façade and rear façade. The materials used shall be in accordance with the samples provided as part of the further information request.</p> <p>d) In advance of work commencing on site, the applicant shall submit the following information for the written agreement of the Conservation Officer:</p> <p>i. Samples of the brick, brick coursing and pointing to be used on the proposed wall along the eastern boundary of the site with the main house at No. 10 Pearse Square, taking note of the existing historic brick on the site and neighbouring plots so that an appropriate brick may be used. A detailed landscape plan identifying all existing boundaries and proposed materials to be used shall be submitted.</p> <p>Reason: In order to protect the original fabric, character and integrity of the Protected Structure at No. 10 Pearse Square, its setting and curtilage, including its architectural detail, fixtures and fittings and materials, and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>Prior to the commencement of development, the developer shall submit a naming and numbering proposal for the new dwelling to the planning authority for their written agreement.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p>

	Reason: In the interest of public health and to ensure adequate water/wastewater facilities.
6.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
7.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for traffic management, dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, complaints management procedures, public liaison and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
8.	<p>Site development and building works shall be carried out between the hours of 08:00 to 16:00 Mondays to Fridays inclusive, between 08:00 to 14:00 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.</p> <p>Reason: In the interest of clarity.</p>
9.	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

	<p>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.</p> <p>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.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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</p>



	Scheme made under section 49 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Sarah O'Mahony  
Planning Inspector

22<sup>nd</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	320653-24		
<b>Proposed Development</b> <b>Summary</b>	PROTECTED STRUCTURE (RPS Ref. No. 6454): Construction of a three-storey, two bedroom house, roof terrace and associated boundary walls and site works to the rear.		
<b>Development Address</b>	10 Pearse Square, Dublin 2, D02 YE09		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b> <b>X</b>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>X</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.  Class 10 (b)(iv) 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.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

No	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	X	Class 10(b)(i) Threshold = 500 units Proposal = 1 unit  Class 10(b)(iv) Threshold = 10ha Proposal = 0.02ha	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

## Form 2

### EIA Preliminary Examination

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.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources,	The urban site is serviced and forms part of the curtilage of an adjacent dwelling which is not exceptional in the context of the surrounding area and development.
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production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area on an infill site to the rear of an existing dwelling and the scale of the single unit proposal is not considered exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. It is situated within the curtilage of a protected structure however the development would not significantly impact the character or architectural integrity of that building.</p>
<b>Types and characteristics of potential impacts</b>	Having regard to the modest nature of the proposed development and the nature of the

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	works constituting a single dwelling unit on serviced land, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_