



An
Bord
Pleanála

Inspector's Report

ABP-320695-24

Development

Demolition of 169 sq. m. of commercial buildings, erection of 6 two-storey (plus attic) townhouses (as previously approved), 6 car parking spaces and associated site works (including drainage).

Location

79 Sandford Road, Dublin 6, D06
CK83

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3011/24

Applicant(s)

William Gilbert Treacy

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Maura McMahon

Observer(s)

1. Peter & Taryn Casey and others
2. Lily Buckley

Date of Site Inspection

11th April 2025

Inspector

Frank O'Donnell

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1.0 Site Location and Description

- 1.1. The subject appeal site is located at no. 79 Sandford Road, Dublin 6, to the southeast of the centre of Ranelagh Village. The site has an estimated area of 0.12 hectares (increased in size from initial stated 0.0996 hectares site area), has a general L shape and is in use as a commercial garage/ vehicle repair business. There is 1 no. commercial garage building at the rear of the site which is proposed to be demolished.
- 1.2. The site is a brownfield, part side garden/ part backland infill site which is surrounded on all sides by established residential development. Vehicular and pedestrian access to the site is proposed from Sandford Road to the north via an adjacent right of way.
- 1.3. The subject appeal site and surrounding area is zoned Z2 Residential Neighbourhoods (Conservation Areas). Sandford Road, within proximity to the subject appeal site, is characterised by a mix of late nineteenth century/ early to mid-twentieth century red bricked/ part red bricked two and three storey dwellings. There are 2 no. Protected Structures located to the east of the appeal site on the opposite side (east) of the eastern laneway, no's 87 and 89 Sandford Road (Ref's. 7456 and 7457).

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of existing commercial buildings (stated floor area of 169 sqm)
 - Construction of 6 no. two-storey (plus attic) 2 Bedroom terraced townhouses provided in 1 no. block, with a stated combined floor area of 528 sqm (each unit is estimated to measure c. 88 sqm (GFA).
 - The provision of 6 no. car parking spaces and associated site works, including drainage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A Request for Further Information was issued on 26th February 2024, as follows:

1. *The proposed development relies on a vehicular and pedestrian access which does not appear to have the benefit of planning permission and is located outside the boundary of the application site. The applicant is advised that these works as carried out are also not considered to have been implemented to an acceptable standard. The applicant is requested to demonstrate how they propose to regularise the situation on site and how an acceptable access can be provided for the proposed development.*
2. *The Applicant is requested to contact the Dublin City Transportation Planning Division prior to the submission of Further Information to ensure the relevant issues/ challenges highlighted within the Planners Report have been taken into account.*

3.1.2. A Request for Clarification of Further Information was issued on 24th May 2024, as follows:

1. *The applicant is relying on access via 3rd party lands to serve the proposed development. An access has been constructed on these 3rd party lands without the benefit of planning permission. The access is not included in the current application boundary and the works which have been carried out are unacceptable and constitute a traffic hazard. The applicant is requested to submit clarification of further information which includes the site access, with the required agreement of the 3rd party, to allow the Planning Authority to assess same and to attach appropriate conditions as may be required to any forthcoming grant of permission. It should be noted that any changes to the red line boundary and the design of the scheme, including the access arrangements, may require re-advertisement under Article 35 of the Planning & Development*

Regulations 2001 (as amended), to ensure the proposal is regularised in a way which is acceptable to the Planning Authority.

The applicant is advised to consult with the Planning Department and the Transportation Planning Division prior to lodging a response to this request.

3.1.3. The Local Authority issued a Notification of Decision to GRANT permission on 1st August 2024 subject to 13 no. conditions. Condition no's 3 & 7 read as follows:

3. *The developer shall comply with the following requirements of the Transportation Planning Division:*
 - a) *Prior to commencement of the development, the layout, details and materials of the proposed vehicular access and internal road and footpaths shall be submitted to the Planning Authority for written agreement.*
 - b) *Prior to commencement of development and on appointment of the main contractor, a detailed Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, construction phasing and programme, a detailed traffic management plan, hours of working, noise and dust management measures, and off-site disposal of construction waste.*
 - c) *The access to no. Unit 1 shall be a minimum of 2m width, revised layout plans shall be submitted to the planning authority for written agreement prior to commencement of the development.*
 - d) *No access from the lane located to the east of the development and which provides access to no. 14 Sandford Road is hereby permitted. Prior to commencement of development, details of a boundary wall along the lane and to the rear of nos. 81 to 85 Sandford Road shall be submitted for written agreement with the Planning Authority. Any subsequent approval of details shall be implemented in accordance with the approved plans prior to the occupation of any of the residential units proposed.*

- e) *A minimum of 12 no. cycle parking spaces inclusive of 2 no. non-standard bike spaces for adapted and/or cargo bikes shall be provided. Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to the proposed bicycle compound. Cycle parking design shall allow both wheel and frame to be locked. The cycle parking proposed shall be fully completed and operational prior to the occupation of any of the residential units.*
- f) *One car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.*
- g) *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
- h) *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

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

7. The developer shall comply with the following requirements of the Drainage Planning, Policy and Development Control Section:

- a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.6.0.*
- b) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.*
- c) All surface water discharge from this development shall be attenuated in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide (2021), to 2 l/s.*
- d) The development shall incorporate Sustainable Drainage Systems in the management of surface water. Full details of these shall be agreed in writing with DPPDC Section prior to commencement of construction.*

e) The developer shall ensure that an appropriate Flood Risk Assessment (FRA), in accordance with the OPW Guidelines and the Dublin City Development Plan 2022- 2028 Strategic Flood Risk Assessment, is carried out for the proposed development.

f) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

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

Reason: To ensure a satisfactory standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the zoning provisions of the current Development Plan, the proposed development would not injure the amenity of property in the vicinity and therefore accords with both the Development Plan and the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- The **Transportation Planning Division** raise no objection to the proposed development subject to 8 no. conditions.
- The **Environmental Health Officer** raises no objection to the proposed development subject to 2 no. conditions.
- The **Drainage Division** raise no objection to the proposed development subject to 7 no. conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. 2 no. Third Party Submissions were received by the Local Authority from the following:

- Lily Buckley
- Maura McMahon

3.4.2. The main issues raised in the above Third Party Submissions are covered in the Appeal and Observations but also include issues relating to

- Construction Impacts (Dust, Noise and Disturbance, Quality of Life, Mental Health)

4.0 Planning History

4.1. Planning History:

- **3593/20:** Planning permission for Demolition of 350sqm of existing commercial buildings and erection of a three storey over basement apartment building, with 4x one bed 60sqm units at both basement and ground levels and 4 x two bed 92sqm duplex units above. (Total 12 units). Permission was REFUSED on 9th December 2020 for 3 no. reasons, as follows:

1. *Having regard to its infill/backland nature, layout, scale, form and architectural treatment, it is considered that the proposed development would appear overly dominant and incongruent within the existing context and would be harmful to the character of the Conservation Area. The proposed development would, therefore, seriously injure the amenities of the local area, contrary to the zoning objective and other policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
2. *Having regard to its siting, scale, massing and the position and design of balconies and terraces, it is considered that the proposed building would result in an unacceptable impact on the amenity of neighbouring occupiers by reason of overbearance, loss of privacy and potential overshadowing of private amenity spaces. The proposed development*

would, therefore, seriously injure the amenities of neighbouring occupiers, would be contrary to the zoning objective, to the policies of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3. *Having regard to the underprovision and compromised quality of the proposed communal amenity space, as well as the limited ceiling heights of the basement units, it is considered that the proposed apartments would fail to provide adequate residential accommodation, contrary to the provisions of the Guidelines on Sustainable Urban Housing: Design Standards for New Apartments (2018), the policies of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

- **2272/21:** Permission for demolition of 350 sq.m. of existing commercial buildings and erection of a three storey apartment building, with 4 x one bed 57 sq.m. units at ground level, 2 x three bed 98 sq.m. units at first floor level, and 2 x two bed 76 sq.m. units at second floor level (Total 8 units). Enclosed private terraces at first and second floor levels, 226 sq.m. of shared open space and 60 sq.m. of semi-private open space, 6 car parking spaces, 10 bicycle spaces and associated site works. Permission was REFUSED on 19th April 2021 for the following 3 no. reasons:

1. *Having regard to its infill/backland nature, layout, scale, form and architectural treatment, it is considered that the proposed development would appear overly dominant and incongruent within the existing context, would be harmful to the character of the Conservation Area and to the amenity of neighbouring occupiers. The proposed development would, therefore, seriously injure the amenities of the local area, contrary to the zoning objective and other policies of the City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
2. *Having regard to the siting, scale and massing of the proposed building and to the lack of an adequate assessment of daylight, sunlight and overshadowing effects, it has not been demonstrated that the proposed development would not have an unacceptable impact on the amenity of*

neighbouring occupiers in respect of daylight and sunlight. The proposed development would, therefore, seriously injure the amenities of neighbouring occupiers, would be contrary to the zoning objective, to the policies of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3. *Having regard to the extent and height of solid balustrading to private amenity spaces, and the consequent impact on outlook and daylight to habitable rooms of the proposed units, it is considered that the proposed apartments would fail to provide adequate residential amenity and accommodation, contrary to the provisions of the Guidelines on Sustainable Urban Housing: Design Standards for New Apartments (2020), the policies of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

- **3930/21:** Planning permission for the following development:-Demolition of 283 sq.m of existing commercial buildings,-Erection of six, two-storey (plus attic) townhouses,-8 car parking spaces, and all associated site works (including drainage). Permission was GRANTED on 14th June 2022 subject to 15 no. conditions.

Comment: The above permitted development (planning reg. ref. no. 3930/21) for 6 no. two storey townhouses is almost identical to the current proposal save for the extent of the redline boundary as initial presented under the subject application/ appeal which did not include an area of ground to the front (north) of the subject appeal site. A revised site layout drawing (Drg. No. WGT20.P5. CFI/ 04) was submitted by the Applicant as part of the Response to Clarification of Further Information under the current application, reg. ref. no. 3011/24. This said drawing, in terms of the proposed/ extended red line boundary, is effectively the same as that permitted under planning reg. ref. no. 3930/21 save for a minor deviation at the north-west corner of the site adjacent to the public road and a revised building line for unit no. 1 in line with unit no.2 in accordance with the terms of condition no. 4 of planning reg. ref. no. 3920/21.

- **3654/23:** Permission for Demolition of 225 sq.m. of existing commercial buildings, erection of 6 two storey (plus attic) townhouses, 6 car parking spaces and associated site works (including drainage). Permission was REFUSED on 21st June 2023 for the following reason:

1. The development is reliant on works to provide safe access arrangements which are outside the application site (red line) boundary. The development would endanger public safety by reason of traffic hazard as it has not been demonstrated that safe means of access to and egress from the development for pedestrians, cyclists and vehicles will be provided. The development is considered contrary to Dublin City Development Plan 2022-2028, in particular Sections 15.13.3 and 15.13.4. The development would therefore be contrary to the proper planning and sustainable development of the area.

4.2. Planning Enforcement:

- **EO734/23:** Enforcement file in relation to demolition works taking place 30/8/2023. File closed on 11/1/2024, exempted development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject appeal site is zoned Z2 Residential Neighbourhoods (Conservation Areas) in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective for Z2 lands is: *‘to protect and/ or improve the amenities of residential conservation areas.’* Residential is a use which is Permitted in Principle on lands zoned Z2 – Residential Neighbourhoods (Conservation Areas).
- 5.1.2. Chapter 4 relates to the Shape and Structure of the City. Relevant Policies from this chapter include:
- SC8: Development of Inner Suburbs, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC19: High Quality Architecture, SC20: Urban Design & SC21: Architectural Design.

5.1.3. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods and includes the following relevant Policies and Objectives:

Policies:

- QHSN2: National Guidelines, QHSN6: Urban Consolidation, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN22: Adaptable and Flexible Housing, QHSN36: High Quality Apartment Development, QHSN37: Houses and Apartments.

Objectives:

- QHSN04: Densification of the Suburbs, QHSN010: Intergenerational Models of Housing & QHSN011: Universal Design.

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

Policies:

- BHA9: Conservation Areas, BHA10: Demolition in a Conservation Area, BHA26: Archaeological Heritage.

5.1.5. Chapter 14 of the Plan relates to Land Use Zoning. Section 14.7.2 relates to Residential Neighbourhoods (Conservation Areas) – Zone Z2 where the general objective for conservation areas is stated to be *‘to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.’*

5.1.6. Chapter 15 relates to Development Standards.

5.1.7. The following Appendices are of relevance:

- Appendix 1 - Housing Strategy (Annex 1 - Housing Needs Assessment (HNDA), Annex 2 - Dublin City Housing Supply Target Methodology & Annex 3 - Dublin City Sub-City HNDA), Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 - Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 6 - Conservation, Appendix 7 -

Guidelines for Waste Storage Facilities, Appendix 10 - Infrastructure Capacity Assessment, Appendix 12 - Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 - Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation.

5.2. Guidelines

- Sustainable Compact Settlement Guidelines, 2024
- Site Layout Planning for Daylight and Sunlight, A good Practice Guide, BR 209, 2022, 3rd Edition

5.3. Natural Heritage Designations

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

- South Dublin Bay SAC (Site Code 000210), c. 2.6 km to the East;
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c. 2.6 km to the East;
- North Dublin Bay SAC (Site Code 000206), c. 6.2 km to the Northeast;

5.4. EIA Screening

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The proposed development is the subject of 1 no. third party appeal, as follows:

- Maura McMahon

6.1.2. The main Grounds of Appeal can be summarised as follows:

- Approval required for major amendments to previously approved planning
 - Reference is made in the application to a previous permission, reg. ref. no. 3930/21. The Appellant submits that, as per the Planning and Development Regulations, only minor and non-material amendments can be made to previously approved permissions. The site has been the subject of some modifications as well as a part change in ownership between the Applicant and a stated Third Party since c. 2022. The Appellant submits that the Regulations require/ state a new planning application is required where there are any major/ significant amendments made to the material considerations since the previous application.
 - The Appellant sets out a series of stated Material Amendments for which they consider a fresh planning application should be made. These are stated to include a significant increase in site size, modifications to windows or other openings which impact on neighbouring properties, alterations to the development description, significant alterations to the siting or design of the proposals and alterations which would affect objections to the original proposals.
 - The Applicant was granted planning approval in 2023 to remove the storm damaged storefront and petrol pumps to the front of the site. Additional modifications were carried out which include removal of old lockups on the site, resurfacing of the entrance to the lot, the installation of substandard hard landscaping including raised footpaths on either side of the new entrance. Flower beds and a new boundary wall to the rear of no. 81 Sandford Road. A Third Party carried out the

repairs to the public pathway which benefitted the access to the proposed development. The Appellant has provided 15 no. photographs as evidence of said works.

- The Appellant considers the examples presented represent major material amendments since the previous planning application.
- The paving upgrades, although stated by the Applicant to have been carried out for the adjacent owner, were not the subject of any application to the Local Authority, nor is there any supporting documentation.
- The Appellant refers to the letter of Clarification of Further Information issued by the Local Authority on 24th May 2024, which followed an Objection made in February 2024. The Appellant highlights certain elements of the Request for Clarification of Further Information, including
 - the planning status of the access constructed on third party lands without the benefit of planning permission;
 - the unacceptable standard of the works and the creation of a traffic hazard, as set out by the Local Authority;
- The Appellant refers to the Applicants Response to the Request for Clarification of Further Information issued by the Local Authority on 24th May 2024. The Appellant considers the consent provided does not constitute permission to carry out the works to the entrance at this time and that as the Applicant has made changes to the boundary in response to the Clarification Request, this should have been readvertised. The Appellant considers the stance of the Applicant to be that the work is completed and that it is an improvement to its previous condition. The Appellant contends this does not accord with the Planning Regulations.
- The Appellant quotes

- Sections 170A 7) & 8) of the Planning and Development Act, 2000, as amended, which is concerned with Amendment to a Planning Scheme.
 - and
 - The majority of Article 35 1) of the Planning and Development Regulations, 2001, as amended.
- Consideration of residents and Communications
 - No channel of communication is set up or maintained to facilitate queries or complaints from the Appellants. The Applicant is therefore in breach of his own Demolition, Construction and Traffic Management Plan for the proposed works dated November 2023. No meaningful engagement with the Appellant by the Applicant, his representatives or the Developer.
- Boundaries
 - There is a boundary wall to the rear of the Appellants property which is parallel to the existing wall to the rear of the garage which is proposed to be demolished.
 - The submitted maps/ drawings only show one wall. The Applicant has not indicated how the existing wall is to be protected/ supported during the demolition/ construction phases.
 - The Appellant raises the question as to the issues of damage liability and financial responsibility for any works necessary should the wall be damaged. The Appellant wishes to also establish who is responsible for damages which may occur to existing mature trees and planting along said boundary wall.
 - No channel of communication is set up or maintained to facilitate queries or complaints from the Appellants.
- Devaluation of Property
 - The proposed development will serve to devalue the Appellants property owing to:

- A loss of privacy to rear and rear garden of appellants property by reason of Overlooking.
- The proximity of the proposed development to the rear of the Appellants dwelling and the resultant impact this will have in terms of the ability of the Appellant or indeed, any prospective future purchaser, to construct an extension to the rear of the Appellants property.
- The Appellant quotes from the Sustainable Compact Settlement Guidelines, 2024 in relation to a minimum separation distance of 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, with provision for further reductions in certain circumstances.
- Inaccuracies/ Lack of Transparency and Clarity:
 - An inaccurate address for one of the Applicants is quoted in the supporting documents. Access to this property is from the front via Norwood Park with a shared access with adjacent houses to the lane to the rear. The rear lane is not the sole access as referenced in the documents. A stated address and Eircode on Sandford Road is a registered business.
- Overhead Powerlines:
 - There is a lack of clarity as to how existing overhead powerlines traversing the subject appeal site from the rear of the Appellants property will be treated. No information is provided as to how these electrical services are proposed to be used during the construction and operational phases and whether or not access to the rear of the Appellants property will be required.

6.2. Applicant Response

- A First Party Response (Applicant) to the Third Party Appeal was received, dated 23rd September 2024. The main issues raised in the Applicants' Response to the Third Party Appeal can be summarised, as follows:

- Requirement for Approval to be obtained for major amendments to previously approved planning:
 - There appears to be some confusion by the Appellant in relation to planning requirements where there are amendments to previously approved planning. The subject proposal is not an application for such amendments but is instead a standalone application.
 - Reference is however made in the Cover Letter to previous similar applications in order to set out the planning context.
- Consideration of Residents and Communications:
 - Obligations of the Applicant/ Developer set down in a previous Construction Management Plan are only applicable during the Construction Phase. The Applicant appears to be confused on this matter as the project has yet to advance to the Construction Phase and is still at the Planning stage. The Applicant intends to comply with such commitments during construction.
 - Despite the concerns of the Appellant that there is no opportunity to engage/ communicate during the planning phase, the planning appeal process serves this very purpose.
- Boundaries:
 - The Appellant raises concerns in relation to party boundary wall in terms of liability, damage, structural integrity. The Applicant considers such concerns to be reasonable and confirms this is something they would be willing to engage with the Appellant on in due course.
 - The Applicant considers such issues to be Civil Matters, beyond the scope of the Appeal which can be addressed under separate Civil Legal Acts relating to party wall concerns.
- Devaluation of Adjacent Properties:
 - The Appellant is concerned that the proposed new development will result in a Devaluation of their property yet accepts that the separation

distance between the first floor windows complies with the Sustainable Compact Settlement Guidelines, 2024.

- The Applicant considers the proposed development, which will result in a new and modern development, is significantly preferable to the existing site condition which includes old cars and an old garage.
- Lack of transparency and clarity:
 - The Site Location Map and Site Layout Plan both indicate the correct context of the site. The Applicant is unable to find the alleged mislabelling of 14 Norwood Park in place of 14 Sandford Road.
- Powerlines:
 - As part of the site development works, the pole referred to by the Appellant will become obsolete as a new electricity feed will be obtained from Sandford Road via a new duct (subject to the agreement/ satisfaction of ESB Networks).

6.3. Planning Authority Response

6.3.1. A Response from the Local Authority dated 20th September 2024 states the following

- *The Planning Department would request that if permission is granted that the following condition(s) be applied:*
 - *A condition requiring the payment of a Section 48 development contribution.*
 - *A condition requiring the payment of a bond.*
 - *A condition requiring the payment of a contribution in lieu of the open space requirement not being met (if applicable).*
 - *A social housing condition.*
 - *A naming & numbering condition.*
 - *A management company condition.*

6.4. Observations

6.4.1. 2 no. Observations were received from the following in respect of the Appeal:

- Peter & Taryn Casey & Others
- Lily Buckley

6.4.2. The issues raised in the Observations can be summarised as follows:

Peter & Taryn Casey & Others

- Approval is required for major amendments to previously approved planning.
 - The Observers confirm they fully support and endorse the details set out in the Third Party Appeal relating to the lack of communication and the unauthorised works undertaken since August 2023. The works are considered to represent Material Amendments and should have been readvertised as per Article 35 of the Planning & Development Regulations.
- Consideration of residents and communications
 - There has been a lack of meaningful communication, engagement with or consideration of established residents. The Observer agrees with the Appellants in this regard.
- Use of Laneway during construction
 - The Observer is concerned that the laneway immediately adjacent to their property will be used as a means of access during the construction phase. This public lane is used by various properties as a means of access and must always be kept clear. No construction plan has been submitted.
 - A concern is also raised as to the potential structural impact of the proposed development upon the foundations of the Observers Property.
- Setback of Unit no. 1 from laneway
 - Unit no. appears to be directly behind the side boundary wall of the laneway. The building is effectively 3 stories in height. Having regard to

the proposed separation distance of 3.3 metres, this will serve to result in a significant impact on afternoon sunlight into the rear garden of Observers' property.

- Unit no. 1 is only set back 2 metres from a garage facing it and is conditioned to be set back in line with unit no. 2. This means the living room will have no natural light.
 - The distances are actually less than the above stated 2 and 3 metres as the proposed porches are not shown on the site layout plan but are shown on the proposed drainage plan.
- Boundary Treatments & Contextual Elevations
 - There is no clarity provided in respect of the proposed boundary treatments and finishes.
 - Additional Points
 - The Observer supports the principle of the proposed development but has significant concerns in respect of the current proposals including a lack of detail and transparency, the scale of the proposed development and the impacts on their established residential amenities.

Lily Buckley

- Overview
 - Observer is not opposed to the appropriate development of the site such as a small number of good quality two storey houses with generous rear gardens.
 - Three storey design is inconsistent with the established housing in the area.
 - The proposed building set back is such that it will have a maximum impact on surrounding properties. The Observer is concerned in terms of impacts upon their neighbours property in particular.

- The concerns raised and reasons for refusal issued under previous decisions remain the same. The current proposals have not been sufficiently revised to address such concerns.
- There is a lack of regard for neighbouring properties and there is a nuisance factor arising from the repeated minor applications. The proposed development will impact negatively upon the established residential amenities of this Z2 residential conservation area.
- Right of way along the proposed development site
 - The Observer is concerned that the proposed development will interfere with their right of way and that of other nearby residents along the laneway. There is an existing rear access to the Observer's property from said laneway and a safe means of access must be maintained at all times, particularly during construction works.
 - The planning status of an existing rear access to same said laneway from the rear of the Applicants' property is questioned.
 - Subsidence has occurred to the subject site due to the parking of a boat by the Applicant on the laneway. Remedial works are required.
 - The existing boundary wall along the laneway and the laneway itself should be protected during construction works.
 - A clear boundary wall should be constructed between the proposed development and the laneway in order to ensure the laneway is not used for either vehicular or pedestrian traffic.
- Light and View from Observers Property
 - As a result of a rear extension to the Applicants' property, a reduction in light to the back garden of the Observers property has already occurred. The gutter of the said extension also encroach onto the Observers property and a prominent metal chimney protrudes. The Observer is concerned that the proposed development will serve to impact negatively the extent of light entering their rear garden and the existing pleasant view therefrom. Reference is made to attached

photos no's 2 to 5 in support of the Observers concerns in relation to a loss of light and impact on existing outlook.

- Overlooking/ Loss of Privacy
 - The proposed development will overlook parts of Norwood Park in particular. This will result in a loss of privacy.
- Safety
 - It is unclear how the site boundary walls, particularly along the laneway and the rear of properties in Norwood Park are to be preserved and protected.
 - Details as to the de-commissioning of disused fuel tanks are unclear. There have been previous fires at the site.
- Additional Points
 - The Observer has also attached the following:
 - 6 no. photos in support of their concerns.
 - An extract from a site location map attached to planning reg. ref. no. 2272/21. The Observer has indicated their stated right of way in yellow along the laneway.
 - A copy of an extract from a 2003 newspaper article concerning the site.

6.5. Further Responses

- None

7.0 Assessment

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

- Zoning
- Nature of the Proposed Development
- Residential Amenities
- Site Access
- Design, Layout, Laneway and Site Boundaries
- Other Matters
 - *Devaluation of Property*
 - *Communications/ Lack of Transparency/ Clarity*
 - *Overhead Powerlines*
 - *Decommissioning of Underground Fuel Tanks*

7.2. Zoning

- 7.2.1. The subject appeal site is zoned Z2 Residential Neighbourhoods (Conservation Areas) in the Dublin City Development Plan, 2022 to 2028 the relevant zoning objective for which is *'to protect and/or improve the amenities of residential conservation areas'*. Residential is a use which is identified as being 'Permitted in Principle' on lands zoned Z2 Residential Neighbourhoods (Conservation Areas). I am satisfied that the principle for residential development on the subject appeal site is acceptable subject to compliance with normal planning and environmental considerations.

7.3. Nature of the Proposed Development

- *Standalone Application*

- 7.3.1. The proposed development, as set out in the public notices, seeks permission for the demolition of the existing commercial buildings, the erection of 6 no. two storey (plus attic) townhouses (as previously approved) and the installation of 6 no. car parking spaces and associated site works (including drainage). There is no reference in the proposed development description to any specific former planning permission. Furthermore, there is no mention of amendments or modifications to any previously approved permission.

- 7.3.2. The Board will note that a Final Grant of permission was issued on 14th June 2022 under planning reg. ref. no. 3930/21 and that this said permission relates to an almost identical proposal for 6 no. townhouses. This is the only recent permitted development pertaining to the subject appeal site.
- 7.3.3. Although the Applicant refers to townhouses (as previously approved), I am satisfied that this reference is for information purposes only and that it cannot be construed as an amendment or modification to planning reg. ref. no. 3930/21. The proposed development, as presented, should therefore, in my opinion, be considered as a standalone application as opposed to an amendment or modification application.
- *Works to Front of Site*
- 7.3.4. The Appellant refers to certain works which were carried out to the front of the site including the removal of the storm damaged storefront and petrol pumps, the removal of old lock ups, the resurfacing of the entrance to the lot and the installation of hard landscaping, a new flowerbed and raised footpaths at the same location. The Appellant considers such works represent major material amendments since the previous planning application. I note however that a previously approved development, as planning reg. ref. no. 3930/21 refers, allowed for the removal/ demolition of all buildings on site and for the installation of paved areas, 6 no. parking spaces and hard and soft landscaping within the defined redline boundary which included the area to the front of the site.
- 7.3.5. As noted in the Local Authority Planners Report, the site was the subject of a previous planning enforcement file, ref. no. EO734/23, which related to demolition works taking place at the site. A date of 30th August 2023 is indicated. I further note that the file status is stated as '*File closed, 11th January 2024, exempted development.*' This decision to close the Enforcement case post-dates the decision of the Local Authority to issue a Final Grant of permission on planning reg. ref. no. 3930/21 on 14th June 2022. In my opinion, the decision to close the Enforcement file, on the basis of the works being deemed 'exempted development', is likely to have been informed, in some part, by the fact that permission had already been granted for said site clearance works and associated installations, as planning reg. ref. no. 3930/21 refers albeit subject to conditions. In short, the opinion of the Local Authority in relation to the issue of unauthorised development at the subject appeal site, as

raised under planning enforcement case ref. no. EO734/23, was that the works carried out constituted exempted development and were therefore authorised.

- 7.3.6. The initial proposed site layout drawing (Drg. Ref. No. WGT20.P5/04) received by the Local Authority on 4th January 2024, excluded the area of ground to the front of the site from within the proposed red line boundary and referred to said area as Right of Way Access. On the same drawing this area is also distinguished from the remainder of the site by means of light yellow shading.
- 7.3.7. The sole point of the Request for Further Information issued by the Local Authority on 29th February 2024 specifically relates to this area. The Planning status of this element of the site is raised as well as its position outside the defined redline boundary and its apparent substandard layout in terms of access. Following receipt of the Applicants' Response to the Request for Further Information, the Local Authority issued a Request for Clarification of Further Information on 24th May 2024. The Applicant's Response to the said Clarification Request included a revised site layout drawing which included the site access as part of an extended red line boundary in addition to a third party agreement letter. The inclusion of the site access as part of the proposed development works was at the Request of the Local Authority, in order to allow the assessment of *'same and to attach appropriate conditions as may be required in any forthcoming grant of permission.'*
- 7.3.8. The Applicant points out in the Cover letter dated 2nd July 2024 which formed part of the Response to Clarification of Further Information that *'there has been a vehicular entrance there for a century – all that was done was a pavement upgrade to greatly improve the existing entrance.'*
- 7.3.9. The Local Authority, following receipt of the Response to Clarification of Further Information, decided not to request the Applicant to readvertise same. In my opinion, the Appellant and indeed other interested parties have not, been significantly disenfranchised as they have availed of their right to make their views known to the Board. The decision as to whether or not to readvertise a proposed development, following receipt of further information, is entirely a matter for the Local Authority.
- 7.3.10. I note the 2 no. signed letters of consent which accompany the planning application documentation dated 18th December 2023 and 2nd July 2024 respectively. I am

satisfied that the Applicant has suitably demonstrated sufficient legal interest to make the subject planning application.

- 7.3.11. In summary, I am satisfied that the general principle for the works carried out to the front of the site was previously established under planning reg. ref. no. 3930/21 and that the Local Authority has determined such works to represent exempted development.

7.4. Residential Amenities

- 7.4.1. Various concerns are raised regarding the impact of the proposed development upon the established residential amenity of neighbouring residential properties. Such issues are addressed under the main headings below. It should be noted that the principle for 6 no. townhouses on the subject appeal site is established under planning reg. ref. no. 3930/21. As noted the development permitted under planning reg. ref. no. 3930/21 is almost identical to the subject proposal.

- *Overlooking and Loss of Privacy/ Separation Distances*

- 7.4.2. Units 1 to 6 are stepped and observe a consistent set back from the rear boundary wall of the site, which itself is positioned at an angle to the remainder of the site. The rear garden depths range between 5.8 and 8.0 metres. It is proposed to provide 1 no. rear first floor, 1.8 metre wide bedroom window to each unit. The first floor, in all cases, is set back from the ground floor by 1.8 metres which means the rear first floor windows range between 7.6 and 9.8 metres from the rear boundary.
- 7.4.3. I estimate the rear first floor of the Appellants property is set back between c. 8.7 and 9.3 metres from the shared party boundary wall. I also estimate the rear first floor windows of the closest units (2, 3 & 4) to be in excess of between c. 17.5 and 19 metres from the rear first floor windows of the Appellants dwelling.
- 7.4.4. In the case of the relationship between proposed unit no. 1 and the Applicant's dwelling at no. 14 Norwood Park, I estimate a separation distance in excess of 16 metres is proposed to be observed between opposing first floor windows of habitable rooms.
- 7.4.5. I note guidance set out in Section 15.13.4 of the Development Plan in respect of Backland Housing where it is stated that '*a proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling...*' The

proposed development, as presented, exceeds the above stated 15 metre separation distance.

- 7.4.6. I note guidance set out in Section 5.3.1 of the Sustainable Compact Settlement Guidelines, 2024, which includes SPPR1 (Separation Distances) and refers to a minimum separation distance of 16 metres between opposing windows serving habitable rooms at the rear or side of houses. I am satisfied that the proposed development, as presented, exceeds this minimum separation recommendation.

Having regard to the above and to the separation distances proposed to be observed, I am satisfied that the proposed development, as presented, is acceptable in terms of Overlooking, that adequate separation distances are observed between opposing first floor windows in habitable rooms and that the proposals will not result in any undue loss of privacy for the dwellings to the rear.

- *Overshadowing/ Loss of Daylight*

- 7.4.7. The issue of Overshadowing/ Loss of Daylight to the rear garden of the dwelling to the east of the Applicant's dwelling is raised in one of the Observation submissions. The Observer notes that a reduction in light to the rear garden of their property has already occurred as a result of a rear extension to the Applicants' property and considers that the proposed development will serve to exacerbate this issue.

- 7.4.8. I note the maximum ridge height of the proposed 6 Unit residential block at 8.5 metres and the separation distance between the proposed ridge of the closest proposed dwelling (Unit no. 1) and the northern corner and rear access gate of the Observer's Property, which I estimate to be c. 12.5 metres. I also note the orientation of the Observers rear garden, the first floor extension side extension and rear ground floor extension to the Applicants dwelling to the immediate west of the Observers dwelling and the extent and height of existing mature trees to the rear of the adjacent properties to the immediate north, namely no's 87 and 89 Sandford Road (Protected Structures ref. no's. 7456 and 7457).

- 7.4.9. In my opinion, owing to the separation distances proposed to be observed between the proposed development and the Observers rear garden, as well as the established surrounding built form, there is no real likelihood of any significant additional impact arising in terms of Overshadowing or a Loss of Daylight to the Observers rear garden.

7.4.10. I note the issues of Daylight, Sunlight and Overshadowing arose during the assessment of the previously consented and almost identical planning application for 6 no. townhouses on the subject appeal site, as planning reg. ref. no. 3930/21 refers. The Local Authority Planner states in the initial Planning Report attached to planning reg. ref. no. 3930/21, that *'a Daylight, Sunlight and Overshadowing Study to BRE standards has been submitted that shows the proposed development is unlikely to result in significant harm to surrounding residential properties.'* I have reviewed this report and I note the findings of same which I consider concur with my conclusion above regarding the likelihood of any significant additional impacts arising in terms of Overshadowing or a Loss of Daylight to the Observers rear garden.

7.4.11. An issue as to the extent of natural light serving the proposed ground floor front living room windows of units 1 and 2 is raised in one of the Observations. I note from the submitted plans that the front room is in fact shown as a study and is not a living room. Notwithstanding, I note the proposed relationship between the front of the said units and the rear of an existing single storey shed on the adjacent property to the immediate north, no's 81 to 83. Any future boundary treatment along this boundary is likely, in my opinion, to be to a maximum height of 2 metres and could potentially comprise of a block wall. I note the relationship between unit no. 1 and the aforementioned boundary as shown on proposed side (north-west) elevation drawing no. WGT20.P5/ 07. Owing to the separation distances proposed to be observed as well as the proposed full height design of the windows on the front elevation, I am satisfied that sufficient daylight penetration can be achieved for the respective front study rooms of units 1 & 2.

- *View from Observers Property (Outlook)*

7.4.12. As discussed further above, I note the relationship between the Observers property, the subject appeal site, the proposed development and the established surrounding built form. The Observers rear garden is located on the opposite eastern side of the laneway which runs along the western boundary of the appeal site. The primary outlook of the Observers Property looks south onto Norwood Park. I note the Applicants' Appeal Response considers the proposed development, which will result in a new and modern development, is significantly preferable to the existing site condition which includes old cars and an old garage.

7.4.13. The existing Appeal site is an underutilised urban infill/ backland site. In my view, ample separation distances are proposed to be observed between the proposed development and the Observers dwelling and rear garden located immediately adjacent to the Applicants dwelling. I am satisfied that the proposed development, as presented, is appropriate and will not serve to impact negatively upon the existing outlook from the Observers property.

7.5. Site Access

7.5.1. The site is proposed to be accessed via an existing site entrance off Sandford Road to the north. There is an area of ground located to the front of the overall site which is understood to be in third party ownership and did not form part of the defined site boundary as initially submitted.

- *Legal Consent*

7.5.2. I note, as per the revised site layout plan submitted to the Local Authority on 5th July 2024 as part of the Applicants' Response to the Request for Clarification of Further Information, see Drawing no. WGT20.P5.CFI/04, that the proposed redline site boundary has been extended to include this previously omitted area of ground. The Clarification Response also included a revised Letter of Consent pertaining to this said area of ground. The Appellant is concerned that the consent provided does not constitute permission to carry out the works to the entrance at this time. I am satisfied that the applicants have provided sufficient evidence as to their legal interest to make an application. Any further legal dispute is considered a Civil matter, outside the scope of the planning appeal. This is a matter to be resolved between the parties, having regard to the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended.

- *Significant Further Information/ Revised Plans*

7.5.3. The Appellant is also concerned that the Local Authority chose not to readvertise the Response to Clarification of Further Information received. It can, in my opinion, be taken that the Local Authority did not consider the information to be significant or such that it warranted re-advertisement. I note guidance in relation to this matter provided in Section 5.9 of the Development Management Guidelines, 2007, wherein the question of significant additional data '*can only be determined by the planning authority on an individual basis in each case using professional judgement and*

having regard to the particular circumstances, but the impact on the environment and/or the effects on third parties will always be material considerations.'

7.5.4. As noted, the revised information contained a revised site layout map (including an extended red line boundary) and a revised/ updated letter of consent. No additional works were proposed over and above that which had been carried out at the time. The basis for the request for Clarification of Further Information is stated to be *'to allow the Planning Authority to assess same and to attach appropriate conditions as may be required to any forthcoming grant of permission.'* As the planning principle for an almost identical development to the current proposals, which includes this area of ground to the north, is established under planning reg. ref. no. as planning reg. ref. no. 3930/21, the Planning Authority may to have formed the opinion, in the circumstances of this case, that the impact on the environment and third party rights were not material considerations. In any case the Appellant has availed of their right to make their views known to the Board.

7.5.5. I note Condition no. 3 of the Local Authority Notification of Decision to Grant Permission. In the event of a Grant of permission being issued I consider a condition should be attached whereby, prior to the commencement of the development, the Applicant shall submit details of the proposed site access for the written agreement of the planning authority.

7.6. Design, Layout, Laneway and Site Boundaries

7.6.1. The proposed development comprises the demolition of the existing garage structure and construction of 6 no. two storey 2 Bedroom Townhouses located to the rear of the site.

- *Proposed Demolition*

7.6.2. The existing commercial garage/ vehicle repair building, which is proposed to be demolished, has a stated floor area of 169 sqm, comprises a single storey and is of block wall and steel frame design. The building comprises three main elements in the form a flat roofed office element to the east, a higher central low pitched roof element to the centre (4.6 metres in height) and a low flat roof annex to the west. The structure has an overall length of 22.9 metres, a maximum depth of 8.8 metres and a maximum height of 4.6 metres.

- *Proposed 6 no. Townhouses*

7.6.3. The 6 no. townhouses are proposed to the rear of the subject site. The proposed front (north-east) elevation drawing shows the dwellings are proposed to have a consistent maximum height of 8.5 metres and a maximum width of 4.8 metres. The maximum depth at ground floor level (excluding the proposed ground floor porch) is estimated to measure c. 11.0 metres.

7.6.4. Unit no's 1 & 2 are proposed to share the same building line and are stepped forward of Unit no. 3 which is in turn forward of Unit no. 4. The same stepped building line is repeated for Unit no's 5 & 6 and is replicated to rear of the overall block. The 6 no. townhouses are stated to have a combined floor area of 528 sqm (each unit is estimated to measure c. 88 sqm (GFA)). The townhouse units are proposed to have a buff (yellow) coloured brick finish to the front elevation, a light coloured render to the side and rear elevations and a black slate roof. There is a full height window proposed to the front elevation to serve the ground floor study and bedroom no. 2.

- *Laneway and Site Boundaries (Condition no. 3 c))*

7.6.5. I note Condition no. 3 c) of the Local Authority Notification of Decision to Grant permission relates includes measures to control access to the laneway to the side/ east of the subject appeal site and requires details of a boundary wall along the laneway and to the rear of no's 81 to 85 Sandford Road to be agreed. This laneway is currently accessible from the subject appeal site. I recommend that in the event of a Grant of permission being issued, the final boundary treatments for the site be agreed with the Local Authority as part of an overall prior to commencement landscaping condition.

7.6.6. I note the Observers concerns regarding access to the lane during construction works. I note the said laneway is not included as part of the defined redline boundary and that there is an existing entirely direct access off Sandford Road. I further note the restricted width of the laneway. In the event of a Grant of permission being issued, I consider the issue of site access during the construction phase can be agreed with the Local Authority by way of a prior to commencement Construction and Environmental Management Plan (CEMP) condition.

7.6.7. The observer raises concern in relation to the impact of the proposed development on an existing Right of Way on the laneway to the east of the subject appeal site. Subject to the attachment of appropriate conditions in the event of a Grant of permission being issued, particularly with regard to the site boundary treatments and the control of access to the site via the laneway during the construction phase, I have no concern that the proposed development will serve to impede any existing Right of Way along the laneway.

7.6.8. A concern is raised by the Observer as to the potential structural impact of the proposed development upon the foundations of their property. Owing to the separation distances proposed to be observed, I would not have any concerns in relation to this issue. Should this issue arise into the future, I consider this to be a civil matter between the parties.

- *Drainage (Condition no. 7)*

7.6.9. I note Condition no. 3 c) of the Local Authority Notification of Decision to Grant permission relates to Drainage. I recommend that a standard drainage condition is attached in the event of a Grant of permission being issued.

- *Appraisal*

7.6.10. The Board will note that the planning principle for an almost identical proposal is established under planning reg. ref. no. 3930/21. This also included an acceptance as to the principle for the demolition of all structures on the subject site.

7.6.11. The subject appeal site is located within an area zoned Z2 Residential Neighbourhoods (Conservation Areas). I note policy BHA10 of the Development Plan relates to Demolition in a Conservation Area. In my opinion, the existing commercial garage structure/ vehicle repair building does not make a positive contribution to the character of a Conservation Area and is not of any discernible or outstanding architectural merit which would warrant its retention.

7.6.12. The scale of the proposed demolition, together with the scale of the proposed new 6 no. townhouses and associated site development works, does not, in my opinion, represent substantial demolition and construction works.

7.6.13. I note Section 15.7 of the Development Plan which relates to Climate Action. Section 15.7.1 of the Plan relates to Re-use of Existing Buildings. Owing to the relatively

modest scale of the remaining demolition works proposed as well as the nature of the said structure, I do not consider a demolition justification report, as described in Section 15.7.1 is warranted in this instance. I do however note that such a Report was submitted and accepted by the Local Authority under the previous planning permission pertaining to the site, as planning reg. ref. no. 3930/21 refers. I have no objection in principle to the proposed demolition works, as presented.

- 7.6.14. I consider the proposed residential units to be 2 bedroom/ 3 person units. The proposed dwelling units each exceed the recommended minimum floorspace size of 70 sqm and recommended internal floorspace standards for such units as set out in the Quality Housing for Sustainable Communities, 2007.
- 7.6.15. The proposed residential density equates to 60 units per hectare (net). Having regard to the infill/ backland nature of the subject appeal on lands zoned Z2 Residential Neighbourhoods (Conservation Areas) and to recommendations contained in the Sustainable Compact Settlement Guidelines, 2024, I consider the proposed residential density to be acceptable within this Urban City Neighbourhood.
- 7.6.16. The proposed new 6 no. townhouses, as presented, in my opinion, comply with relevant recommendations set out in Sections 15.13.3 (Infill/ side Garden Housing) and 15.13.4 (Backland Housing) of the Dublin City Development Plan, 2022 to 2028.
- 7.6.17. I note the adjacent 2 no. dwellings on the eastern side of the laneway are listed as Protected Structures in the City Development Plan, ref. no's 7456 and 7457 respectively. The side boundary of the westernmost dwelling, no. 87, extends for the entire length of the laneway and comprises a low wall, high hedge and high timber fencing to the front of the said dwelling and an existing single storey rear annex and high timber panel fencing to the rear.
- 7.6.18. I note policies BHA9 (Conservation Areas) as set out in Chapter 11 of the Development Plan. Having regard to the nature, scale, design and height of the proposed development, its proposed relationship to the adjacent laneway and the separation distances proposed to be observed from the adjacent protected structure/s, I am satisfied that the proposed development, as presented, is acceptable and will not serve to impact negatively upon the established character and setting of the said protected structures or indeed that of the wider area zoned Z2 – Residential Neighbourhoods (Conservation Areas).

7.7. Other Matters

○ *Devaluation of Property*

7.7.1. The issue of an anticipated Devaluation of Property is raised in the Appeal. I note however that the Appellant has not provided any evidence in support of this contention. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

○ *Communications/ Lack of Transparency/ Clarity*

7.7.2. I note the concerns of the Appellant in relation to the issues of Communications/ Lack of Transparency/ Clarity. I also note the Applicants Response to this issue. There is no onus upon the Applicant to directly communicate with surrounding neighbours and interested parties as part of the planning process. Such interested Parties are notified as to the proposed development by means of public notices on the site and relevant Newspaper. The Appellant has availed of their right to make their views and concerns known to the Local Authority and now the Board. I consider the Applicant has fully met with his obligations to inform the public as to the development proposed. In the event of a Grant of permission being issued, I recommend that a standard prior to commencement Construction and Environmental Management Plan (CEMP) condition be attached.

7.7.3. The Appellant is further concerned in respect of a lack of transparency in some of the planning application documentation and, in particular, an incorrect reference to the Applicants dwelling and access/ to from the laneway. I note the Applicants' response to this issue. I am satisfied that the submitted site layout plans and site location maps, correctly indicate the relationship of the proposed appeal to its surroundings. The site location map, in particular, clearly distinguishes between Sandford Road and Norwood Park. I do not consider there has been any intentional attempt on behalf of the Applicant to mislead any interested parties.

○ *Overhead Powerlines*

7.7.4. The Appellant is concerned in relation to a lack of clarity as to how existing overhead powerlines traversing the site subject appeal site from the rear of their property will

be treated. The control and management of overhead powerlines are dealt with under a separate legal code and are therefore need not concern the Boad for the purposes of this appeal. By way of background however I note that the Applicant in response to this point confirms that the subject pole will become obsolete as a new electricity feed will be obtained from Sandford Road via a new duct (subject to the agreement/ satisfaction of ESB Networks).

- *Decommissioning of Underground Fuel Tanks*

- 7.7.5. A concern is raised in relation to the decommissioning of existing underground fuel tanks. In the event of a Grant of permission being issued, I recommend that a standard Resource Waste Management Plan be attached which includes proposals for the appropriate decommissioning of said tanks.

8.0 AA Screening

- 8.1. Screening Determination (See Template 2 Standard Appropriate Assessment Screening Determination Template attached as Appendix to this Report)

Finding of no likely significant effects

- 8.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA or North Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.3. This determination is based on:
- The nature and scale of proposed demolition on the site, the relatively minor scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
 - The location/ distance from the nearest European Site and the weak nature of connections to same.

9.0 Water Framework Directive

- 9.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 10.1.1. I recommend that permission be Granted.

11.0 Reasons and Considerations

- 11.1.1. Having regard to the design, character and scale of the proposed development, the policies and objectives of the Dublin City Development Plan, 2022 to 2028, including Policy BHA9 relating to Conservation Areas, and the nature of the established development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of residential accommodation, access and services infrastructure and would, therefore be in accordance with the proper planning and sustainable development of the area.

12.0 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 1st of May 2024 and 5th 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.

Reason: In the interest of clarity.

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

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

3. 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 wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

4. Car and cycle parking shall comply with the requirements of the planning authority for such facilities. The access to Unit no. 1 shall be a minimum of 2 metres in width. No access from the lane located to the east of the development is hereby permitted. Prior to the commencement of development, the developer shall submit details of the proposed site access for the written agreement of the planning authority.

Reason: In the interests of traffic safety and the sustainable development of the area.

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

Reason: In the interest of environmental protection and residential amenities.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition

Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. The RWMP shall include proposals for the decommissioning of all existing underground fuel storage tanks.

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

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –

- (i) Full details of all boundary treatments and proposals for the protection of all relevant boundaries during the construction period, including existing stone walls where relevant.

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species.

- (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

11. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. Public lighting shall be provided in accordance with a scheme, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

13. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended and any statutory provision replacing or amending them, no development falling within Classes 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interests of the amenities of the area.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement is not reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

17. 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.

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

28th May 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-320695-24
Proposed Development Summary	Demolition of 169 sq. m. of commercial buildings, erection of 6 two-storey (plus attic) townhouses (as previously approved), 6 car parking spaces and associated site works (including drainage).
Development Address	79 Sandford Road, Dublin 6
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development	

<p>under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 b) (i)</p> <p>Construction of more than 500 dwelling units.</p> <p>Class 10 b) (iv)</p> <p>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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320695-24
Proposed Development Summary	Demolition of 169 sq. m. of commercial buildings, erection of 6 two-storey (plus attic) townhouses (as previously approved), 6 car parking spaces and associated site works (including drainage).
Development Address	79 Sandford Road, Dublin 6
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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>The subject appeal site has an extended site area of c. 0.12 hectares and comprises the construction of 6 no. two storey (plus attic) 2 bedroom terraced townhouses provided in 1 no. block, (combined floor area of 528 sqm), 6 no. car parking spaces and associated site works, including drainage.</p> <p>The site is a brownfield, part side garden/ part backland infill site and is surrounded by established residential development.</p> <p>The existing commercial garage/ vehicle repair building, which is proposed to be demolished, has a stated floor area of 169 sqm, comprises a single storey and is of block wall and steel frame design.</p> <p>It is anticipated that the proposed development will not result in any significant use of natural resources, will not result in any significant production of waste, will not give rise to significant pollution or nuisance impacts, will not give rise to any significant risk of accident/ disaster or impacts upon human health.</p>
Location of development (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	<p>The development is a brownfield site situated in a suburban area.</p>

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the relatively small scale nature of the proposed development, its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
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.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Template 2:

Standard AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of 169 sq. m. of commercial buildings, erection of 6 two-storey (plus attic) townhouses (as previously approved), 6 car parking spaces and associated site works (including drainage).
Brief description of development site characteristics and potential impact mechanisms	<p>The site is a brownfield, part side garden/ part backland/ infill site, which is surrounded on all sides by established residential development.</p> <p>The site has an estimated area of 0.12 hectare, has a general L shape and is use as a commercial garage/ vehicle repair business. There is 1 no. commercial garage building, positioned to the rear of the site, which is proposed to be demolished.</p> <p>The development includes the construction of 6 no. two-storey townhouses and 6 no. car parking spaces.</p> <p>The proposed Sustainable Urban Drainage System (SUDS) includes the installation of semi-permeable paving and a new attenuation tank with hydro-brake prior to discharge to the public sewer.</p> <p>There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p>
Screening report	No
Natura Impact Statement	No

Relevant submissions		None		
Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
South Dublin Bay SAC (Site Code 000210)	Estuarine and coastal habitats https://www.npws.ie/protected-sites/sac/000210	2.6 km to the East	No direct connection Weak indirect via surface water	Y
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	Wintering Waterbirds (13 no. species) Wetland and Waterbirds https://www.npws.ie/protected-sites/spa/004024	2.6 km to the East	No direct connection Weak indirect via surface water	Y
North Dublin Bay SAC (Site Code 000206)	Tidal Mudflats and Sandflats, Annual Vegetation of Drift Lines, Salicornia Mud, Atlantic Salt Meadows, Mediterranean Salt Meadows, Embryonic Shifting Dunes, Marram Dunes (White Dunes), Fixed Dunes (Grey Dunes)* Humid Dune Slacks, Petalwort https://www.npws.ie/protected-sites/sac/000206	6.2 km to the Northeast	No direct connection Weak indirect via surface water	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: South Dublin Bay SAC (Site Code 000210) Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130]	As Above	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed. Conservation objectives would not be undermined.

<p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

	Impacts	Effects
<p>Site 3:</p> <p>North Dublin Bay SAC (Site Code 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>	As above	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA or North Dublin Bay SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>	

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA or North Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of proposed demolition on the site, the relatively minor scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the weak nature of connections to same.

Template 1: Screening the need for Water Framework Directive Assessment Determination.

The subject appeal site is located at no. 79 Sandford Road, Dublin 6, to the southeast of the centre of Ranelagh Village and approximately 680 metres to the northwest of the Dodder River.

The proposed development comprises

- Demolition of existing commercial buildings (stated floor area of 169 sqm)
- Construction of 6 no. two-storey (plus attic) 2 Bedroom terraced townhouses provided in 1 no. block, with a stated combined floor area of 528 sqm (each unit is estimated to measure c. 88 sqm (GFA).
- The provision of 6 no. car parking spaces and associated site works, including drainage.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed residential development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The small-scale/ infill nature of the proposed development.
- The location of the subject appeal site, distance to the nearest water body and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.