

Inspector's Report

321041-24

Development One, two bedroomed, three storey

dormer style house (attic store and

plant area).

Location Site between 50-52 Jamestown Road,

Finglas, Dublin.

Planning Authority Dublin City Council

Planning Authority Reg. Ref. 3021/24

Applicant(s) Linda Olin

Type of Application Permission

Planning Authority Decision Refuse Permission

Type of Appeal First Party v Refusal

Appellant(s) Linda Olin

Observer(s) (1) Residents of Jamestown Road -

Nos. 56, 52, 58 and 35B

(2) Residents of Jamestown Road -

Nos. 50, 60, 54, 48, 48A and 46

(3) Richard Lidwell (No. 50

Jamestown Road)

Date of Site Inspection 4th March 2025

Inspector Leah Kenny

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1.0 Site Location and Description

The subject site is located on a vacant 'L' shaped plot between Nos. 50 and 52 Jamestown Road, Finglas. The immediate context is residential.

The front the 'L' shaped site is bounded to the north and south by Nos. 50 and 52 Jamestown Road (and is 7.2m at its widest). No. 50 comprises a single storey semi-detached cottage with single storey free standing annex immediately adjacent to the shared boundary wall with the subject site. No. 52 also presents to the front as a single storey semi-detached cottage, but it has a two-storey extension to the rear.

The back part of the 'L' shape extends to the boundary of the Johnston Mooney and O'Brien factory behind the rear gardens of Nos. 50 and 52 (and is 11.99m at its widest). To the west, the site is bounded by residential properties in the Gofton Hall development.

The immediate low scale residential context gives way to mature two storey housing. The commercial centre of Finglas Village is located approximately 250m to the south, while the Johnston Mooney and O'Brien factory is located on the western side of Jamestown Road, to the north.

The site has a stated area of 524sqm and is currently vacant and overgrown.

2.0 **Proposed Development**

The development as originally proposed, comprises a three-storey dormer style house (with attic store and plant area) measuring 8.857m to ridge height. The proposed roof design comprises a combination of hipped gables to the side and dormers to the front and rear.

The ground floor includes a family room to the front, bathroom and a kitchen/dining area to the rear. The first floor has two bedrooms and a bathroom. The accessible 2nd floor attic store level (c. 13sqm) includes a small window to the rear.

The main entrance is located on the southern (side) elevation of the dwelling.

The proposal also includes an ancillary works including widened vehicular access, parking for 1 car and SUDS.

Modifications were proposed during the currency of the application which involved reducing the overall height of the proposal to 8.355m; these are dealt with in more detail in Section 3.2.1.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification to Refuse Planning permission on the 18th of September 2024, for the following reason:

1. The design of the proposed infill development fails to have sufficient regard to the character and scale of the existing dwellings on either side due to its scale, height, and roof profile, which would seriously injure the visual amenity of the streetscape. The proposed dwelling would appear incongruous in the immediate streetscape and does not comply with Section 15.13.3 Infill/Side Garden Housing Developments of the Dublin City Development Plan 2022-2028 in terms of compatibility of design and scale with the neighbouring dwellings, and level of visual harmony. This proposed infill development does not harmonise with the existing cottages which abut the site on both sides. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity, be contrary to the Z1 zoning objective to protect the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Dublin City Council Planning Reports form the basis of requests for Further Information and ultimately the decision to refuse planning permission.

The first Further Information Request, dated 4th March 2024, sought information on 4 items as follows:

 Submit a revised proposal to reduce the visual impact of the proposed development by inter alia reducing the height of the proposed development by omitting the attic level, and a change in roof profile, to a pitched roof in keeping with the neighbouring houses.

- Address discrepancies in the site plan drawing and the shadow study.
- Address lack of sufficient information regarding drainage details.
- Vehicular access details to be revised.

The Applicant submitted a response, including revised designs on 5th April 2004, omitting the accessible 2nd floor attic store level (but still retaining an attic) including a reduction in the overall height of the proposal by 0.3m (to 8.590m); however, the Planning Authority did not consider that the revised design overcame its concerns.

A Clarification of Further Information Request, issued on the 30^{th of} April 2024, requested the Applicant to give further consideration of a revised design to address the visual impact concerns. A change in roof profile was requested again, to omit the attic and consider a flat roof profile which would allow for a reduced height and bulk of the house, or a pitched room in keeping with the neighbouring houses. Further information relating to drainage was also requested.

The Applicant submitted a further response, including revised designs on 20th August 2024, maintaining an attic space, and the same roof design but including a further reduction in the overall height of the proposal by 0.2m (to 8.355m).

In the updated Planner's Report (dated 11th September 2024) it was considered that the Applicant had failed to adequately address its concerns relating to visual amenity and the proposed development would appear incongruous in the immediate streetscape and would not comply with Section 15.13.3 of the City Development Plan 2022-2028 and would not be in keeping with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Following the receipt of further information both the Water Services Department and the Transportation Planning Section had no objection to the proposed development subject to planning conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two third party observations were submitted on the application. The first was from several residents on Jamestown Road and the second from the neighbouring property of No. 50 Jamestown Road. The issues raised included *inter alia*: height, scale and design; incongruous appearance relative to context; and encroachment.

4.0 **Planning History**

There is an extensive planning history on the subject appeal site, which is summarised below:

- Reg. Ref 3150/23A and ABP 316465-23: Planning permission was
 REFUSED for one residential block containing 4no. apartments with off street
 parking for two cars and ancillary works. The grounds for refusal related to
 impact on the amenity of adjoining properties by virtue of overlooking and
 overbearing visual impact; and that the proposed development would not
 provide an adequate level of daylight and sunlight penetration to the ground
 floor units. The decision was upheld by An Bord Pleanála following a First
 Party Appeal.
- Reg. Ref. 3036/22: Planning permission was REFUSED for a four bedroom, (2 – 3 storey) detached house with off street parking. The grounds for refusal related to insufficient regard to the character and scale of existing houses on either side, potential to impact on daylight and sunlight of No. 52 Jamestown Road and treatment of the wayleave vis-a-vis amenity and privacy for future residents.
- 4123/10 and PL.29N.238543: Permission was REFUSED for a dormer bungalow and ancillary works. The grounds for refusal related to the scale and form of the proposed development and its proximity to the Gofton Hall residential development and that it would conflict with the established pattern and character of the area.

- Reg. Ref 4108/09: Planning permission was REFUSED for a two-storey apartment block (with 2no. apartments) with off street parking for two cars and ancillary works. The grounds for refusal related to the proximity to the Gofton Hall residential development and it's negative impact on the amenity of established residential properties by virtue of overlooking and overbearing visual impact. Design of the proposed development in relation to balcony size and inadequate usable private space was also a reason for refusal.
- Reg. Ref 4869/08: Planning permission was REFUSED for a three-storey
 apartment block (with 3no. apartments) with off street parking for two cars and
 ancillary works. The grounds for refusal related to over development of the
 site, overlooking and visual obtrusion of adjoining sites and the design and
 internal layout of the first and second floor apartments.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 was adopted on the 2nd of November 2022 and came into effect on the 14th of December 2022.

It is a Policy of Dublin City Council to accord with the provisions of the National Planning Framework 2018, the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 (including the Metropolitan Area Strategic Plan) and the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines; Housing Supply Target Methodology for Development Planning (2020) and to make provision for the scale of population growth and housing supply targets outlined in these plans and guidelines.

It is also policy to have regard for DEHLG Guidelines including 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009),

the Design Manual for Quality Housing (2022), and the Urban Development and Building Height Guidelines for Planning Authorities (2018).

The zoning objective for the site is 'Z1 – Sustainable Residential Neighbourhoods' with the objective to 'protect, provide and improve residential amenities'.

Chapter 5 of the Development Plan addresses Quality Housing and Sustainable Neighbourhoods, and includes the following policy objectives:

- Policy QHSN6 (Urban Consolidation) supports residential consolidation and sustainable intensification thorough the consideration of applications for *inter alia* infill development, subject to the provision of good quality accommodation.
- Policy QHSN10 (Urban Density) promotes residential development at sustainable densities throughout the city, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Other Policies of note include QHSN22 (Adaptable and Flexible Housing) and QHSN37 (Houses and Apartments) to ensure that new houses are designed to be adaptable and flexible to the needs of the homeowner and provide a satisfactory level of residential amenity in accordance with the standards of residential accommodation.

Chapter 15 (Development Standards) promotes the use of performance-based criteria in the assessment of developments to achieve well designed and high-quality outcomes.

Section 15.4 examines the key design principles for developments including Healthy Placemaking, Architectural Design Quality, Sustainability and Climate Action and Safe and Secure Design.

Section 15.5.2 sets out the requirements for Infill Development stating that such development 'should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape'.

Section 15.13.3 looks at Infill/Side Garden Housing Developments and states that 'The planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure'. Key assessment criteria being:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

Section 15.13.4 relates to Backland Development and states that "Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists".

Other criteria for assessment include Transport and Mobility (Appendix 5) and Guidelines for daylight and sunlight (Appendix 16).

It is a specific planning policy requirement that new houses meet minimum private open space requirements which, in this instance for a two-bedroom development, is 30 sq. m. and the maximum rate for car parking provision shall be one space per dwelling.

5.2. Natural Heritage Designations

None in the immediate vicinity.

6.0 **EIA Screening**

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

7.0 **The Appeal**

7.1. Grounds of Appeal

The following summarises the key grounds of appeal of the Applicant / Appellant:

- Every effort has been made to provide accommodation suitable to the needs of the vicinity while maintaining the overall character of the area.
- There is precedent for planning permission being granted in the area for a house which is taller than the subject proposal (i.e., 2096/05).
- The character of the road is highly variable with several single storey, two storey and taller industrial units, and instances where single storey houses have been extended upwards to become two storey houses.
- Planning permission is being sought for an apartment development on the opposite side of the road consisting of two blocks of apartments with the road

frontage being three storey (4160/24). [note: subsequently granted on 11th February 2025].

- The current application aimed to bridge the gap between that existing urban fabric, providing for higher density while complying insofar as possible with the comments made by the council on previous applications.
- The current application matches the eaves height of adjoining buildings with a single dormer window to the front, which is in keeping with both the scale and character of the area.
- The proposal has been changed to a two-storey development therefore minimising overshadowing.

7.2. Planning Authority Response

The Planning Authority requested the Board to uphold their decision to refuse permission in a letter dated 1st November 2024. No further reasons were given. If permission is to be granted it is requested that conditions relating to a Section 48 development contribution and a numbering and naming condition be attached.

7.3. Observations

Three observations were made on the First Party Appeal. Two submissions were signed by various residents along Jamestown Road, and raised the same issues i.e., that the proposed 3 storey development, by reason of its overall height and scale, is totally out of character and proportion and breaks the contiguous line of the existing single storey cottages. The residents requested that the decision of Dublin City Council to Refuse Planning Permission be upheld.

One observation, from the resident of 50 Jamestown Road, raises similar concerns but also raises issues in relation to his property including potential to impact the light to his kitchen and bathroom and result in significant overshadowing, loss of sunlight and daylight, and encroachment on a right of way.

7.4. Further Responses

No further responses.

8.0 Assessment

- 8.1.1. Having examined the application details and all other documentation on file, including the reports of the Planning Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to relate to visual impact and amenity.
- 8.1.2. Having regard to the 'Z1' zoning objective of the area where the appeal site is located, Development Plan policy to support higher residential densities in serviced urban areas including Policy QHSN6 (Urban Consolidation) and Policy QHSN10 (Urban Density), I conclude that the proposed development is acceptable in principle subject to meeting the prescribed standards and safeguards of Section 15.5.2 of the Development Plan and the requirements of Section 15.13.3 of the Development Plan (addressing the requirements for Infill Development).
- 8.1.3. In terms of accommodation standards for two-bedroom house, I note and agree with the Planning Authority that the proposed dwelling would provide adequate accommodation standards for future occupiers in terms of the development standards for size of rooms and rear garden area.
- 8.1.4. I also note the concern that the proposed development will result in significantly impacting the privacy of neighbouring properties by affecting light and result in significant overshadowing and loss of sunlight and daylight to Nos. 50 and 52 Jamestown Road. However, having reviewed the documentation submitted with the application (in particular the Shadow Study submitted as part of the Response to the Request for Further Information) I am satisfied that no undue overshadowing will occur.
- 8.1.5. The rest of this report focuses on the key issues i.e., visual amenity and impact.

8.2. Visual Impact & Amenity

8.2.1. The reason for refusal, as included in the Notification of Decision to Refuse Permission, issued by the Planning Authority, relates to the design of the proposed development failing to have sufficient regard to the character and scale of the

- existing dwellings and being incongruous in the immediate streetscape and seriously injuring the amenities of properties in the vicinity.
- 8.2.2. In terms of design, I have reviewed the drawings submitted as part of the application, and I agree with the Case Planner's significant concerns relating to the design and height of the development, as originally proposed.
- 8.2.3. The dwellings located along this part of Jamestown Road are primarily residential nature and traditional in form, i.e., comprising single storey cottages or two storey houses with pitched roof to front/rear and a gable to the side. The houses on either side of the subject site present to the front as traditional single storey cottages, albeit that No. 52 has an extension to the rear with a shed style roof profile (which slopes up from the single storey original dwelling).
- 8.2.4. I have concerns with the combined effect of the height of the building and its design; and specifically, how everything above ground floor presents both to the front and back, but in particular to Jamestown Road. The proposed house design, its roof profile (including dormer accommodation), proportions and fenestration arrangement are all at variance with neighbouring and nearby properties. As such, I consider that it fails to meet several of the criteria of Section 15.13.3 of the Development Plan.
- 8.2.5. The Applicant / Appellant cites No. 48a Jamestown Road as a precedent for a higher building (at 9.61m), as permitted under Reg Ref 2096 / 05. However, the contiguous drawings fail to show the adjoining two storey houses to the south which provides some justification for height in this location. I further note that both the pitched roof and fenestration have regard to the character of adjoining properties.
- 8.2.6. The Applicant / Appellant also refers to the proposed (now permitted) apartment development on the opposite side of the road which consists of two blocks of apartments (Reg Ref. 4160/24). The Applicant / Appellant refers to the road frontage as being three storeys, however, that is not the case, the block to the front (Block A) was originally proposed and as permitted, is two storeys (7.4m high), while the block to the back of the site is three storey. In this regard, it is noted that the Planning Authority did have concerns relating to this 3-storey element and its impact on the adjoining single storey No, 31 Jamestown Road, however, this has been addressed through the omission of one of the apartments in this 3-storey block.

- 8.2.7. Looking at Block A, I do not consider it comparable to the proposed development having regard to a) the much wider site frontage which has enabled setbacks, and b) the flat roof nature of the building which is less than the ridge height of the adjoining two-storey Babtist Church building to the south both of which have the design effect of the development appropriately stepping down towards No. 31 without being overbearing.
- 8.2.8. I consider that the Planning Authority was proactive in terms of both its Request for Further Information, and its Clarification of Further Information, in trying to address various matters relating to the design as submitted, but the modifications submitted by the Applicant / Appellant made no meaningful attempt to address its concerns.
- 8.2.9. This is a challenging infill site because of its context, configuration, and narrow nature and this is clear from its extensive planning history. To date fundamental issues such as the quantum of development and/or the presented design solution have failed to satisfactorily address the concerns of both the Planning Authority and/or An Bord Pleanála.
- 8.2.10. I do consider there is a solution for a similar scale dwelling as is proposed in this instance; however, I consider that this would require a fresh design approach at the outset. I do not consider it a matter that could appropriately be addressed by way of planning condition. Consistent with the suggestions of the Planning Authority I consider that a revised design including change in roof profile, to either a more traditional pitched roof (which would be more in keeping with the neighbouring houses) or a flat roof profile which would allow for a reduced height and bulk of the house, should be explored.
- 8.2.11. In conclusion, Section 15.5.2 of the Development Plan sets out the requirements for Infill Development stating that such development should 'should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.' I consider the proposed development fails to achieve this, would be an incongruous element in the streetscape and character of the area, would seriously injure the visual amenity of the area and accordingly would not comply with Policy

QHSN6 (Urban Consolidation), Policy QHSN10 (Urban Density) or the requirements of Section 15.13.3 of the Development Plan.

9.0 **AA Screening**

- 9.1.1. I have considered the proposed light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The subject site is not located within or directly adjacent to any European Site, furthermore the proposed development comprises urban infill development. In addition, no nature conservation concerns were raised in the planning appeal.
- 9.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
 - Nature of works e.g. small scale and nature of the development (i.e., infill urban development);
 - The distance from the nearest European site and lack of connections; and
 - Taking into account screening report/determination by Dublin City Council.
- 9.1.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1.1. Having regard to the above it is recommended that permission be refused based on the following reasons and considerations.

11.0 Reasons and Considerations

 The design of the proposed infill development fails to have sufficient regard to the character and scale of the existing dwellings on either side due to its scale, height, and roof profile, which would seriously injure the visual amenity of the streetscape. The proposed dwelling would appear incongruous in the immediate streetscape and does not comply with Section 15.13.3 Infill/Side Garden Housing Developments of the Dublin City Development Plan 2022-2028 in terms of compatibility of design and scale with the neighbouring dwellings, and level of visual harmony. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity, be contrary to the Z1 zoning objective to protect the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

Leah Kenny Planning Inspector

13th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Boro	d Pleaná	la	ABP-321041-24			
Case Reference						
Proposed Development Summary			One, two bedroomed, three storey (attic store and plant area) dormer style house.			
Development Address			Site between 50-52 Jamestown Road, Finglas, Dublin			
		posed deve	elopment come within the definition of a	Yes	✓	
			n works, demolition, or interventions in the			
		-	oment of a CLASS specified in Part 1 or Pa ent Regulations 2001 (as amended)?	art 2, S	chedule 5,	
Yes	✓	The development is of a Class (Class 10(b)(i)) – Schedule 2			Proceed to Q3.	
No					Tick if relevant. No further action required	
	•	posed deve nt Class?	elopment equal or exceed any relevant TH	RESH	OLD set out	
Yes					landatory required	
No	✓		evant threshold for Class 10(b)(i) is the uction of more than 500 dwelling units".	Proce	eed to Q4	
		-	oment below the relevant threshold for the hold development]?	Class	of	
Yes	√		nit the proposed development is significantly threshold of the "Construction of more than ing units".	exam	ninary ination red (Form 2)	

5. Has Schedule 7A information been submitted?			
No	✓	Screening determination remains as above (Q1 to Q4)	
Yes	Tick/or leave blank	Screening Determination required	

nspector:	Date:
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Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321041-24
Proposed Development Summary	One, two bedroomed, three storey (attic store and plant area) dormer style house.
Development Address	Site between 50-52 Jamestown Road, Finglas, Dublin

The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.

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

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).

A single residential unit development is not out of context in this busy suburban area of Dublin near Finglas Village and will not result in any significant waste or pollutants.

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 reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).

The application site is currently vacant, is removed from sensitive natural habitats and designated sites, and there are no Protected Structures in the vicinity.

I do not consider that there is potential for the proposed development to negatively affect environmental sensitivities in the area.

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).

The site is in an urban location within surrounding residential uses. A single residential unit development is not likely to give rise to any significant impacts locally. Construction impacts will be short term and temporary and can be adequately mitigated and managed.

Conclusion				
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No		
There is no real likelihood of significant effects on the environment.	EIA is not required.	No		
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:		