



An  
Bord  
Pleanála

## Inspector's Report ABP-321170-24

<b>Development</b>	<i>The development will consist of the demolition of the existing garage &amp; construction of 1 two storey building consisting of one 1 bed house along the west side of 9 Kilbarrack, Road, Dublin 5, D05 VX00, 1 on-site carparking space accessed from the existing entrance on Kilbarrack Road. The materials proposed are in keeping with the materials of the adjacent properties. The house will be provided with a private rear garden.</i>		
<b>Location</b>	<i>9 Kilbarrack, Road, Dublin 5, D05 VX00</i>		
<b>Planning Authority Ref.</b>	<i>WEB2024/24.</i>		
<b>Applicant(s)</b>	<i>Stephanie Regan.</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>To refuse.</i>
<b>Type of Appeal</b>	<i>First</i>	<b>Appellant</b>	<i>Stephanie Regan</i>
<b>Observer(s)</b>	<i>Three Observers</i> <ul style="list-style-type: none"><li><i>John &amp; Anna Richardson</i></li><li><i>John Kenny</i></li><li><i>Ann Higgins</i></li></ul>		
<b>Date of Site Inspection</b>	<i>13/03/2025</i>	<b>Inspector</b>	<i>Ian Doyle</i>

**1. Site Location/ and Description.** The development site consists of the side garden, along the western boundary of No. 9 Kilbarrack Road located on the eastern end of Kilbarrack Road near its junction with Howth Road. The existing dwelling on site is a substantial dormer bungalow with an extension to the rear. There are 3 no. three storey dwellings to the immediate east of the site forward of the established building line and a bungalow to the West. The area is characterised by single story, two storey and three storey suburban type development with a strong variation of house types.

**2. Proposed development.** The proposal seeks to subdivide an existing residential plot by demolishing a detached garage and utilising the space between the dwelling and property boundary to form a new development site which is long, narrow and triangular in shape. The front elevation is 3.35m in width while the rear elevation is 5.86m in width. The proposed dwelling consists of two separate blocks joined by an internal access corridor and a small outdoor courtyard. The front block is single storey and includes a small living room and the front door. The rear block is two storey and includes the main kitchen/living space on the ground floor and a single double bedroom and WC on the first floor.

**3. PA's Decision** *The planning authority refused the application on the 14th of October 2024 for the following reason:*

1. Having regard to the Z1 zoning objective, which seeks to protect provide and improved residential amenities, the proposed infill development would, due to its height, length, scale and siting, have undue negative impacts on the residential amenity of No. 11 Kilbarrack Rd in terms of visual amenity and overbearance, and undue negative impact in terms of overshadowing, visual amenity and overbearance of No. 9 Kilbarrack Rd, the proposed development is considered to be overdevelopment of this restricted site, out of character with the pattern of development in the area, and by the precedent it would establish, it would seriously injure the residential amenities of the area. The proposed development would be contrary to Section 15.13.3 Infill/Side Garden Housing Developments of the Dublin City Development Plan 2022 - 2028 and would not be in the interest of the proper planning and sustainable development of the area.

**4. Planning History.** Similar application refused by ABP (ABP-319097-24) on the 29/08/2024 for the following reasons:

- 1 The proposed development of an infill dwelling, which would sit substantially forward of the front building line of No.11 Kilbarrack Rd, due to its proximity, scale, and appearance would have a substantial and negative impact on the residential amenity of No. 11 in terms of visual amenity overbearance and overshadowing, the proposed development would be contrary to the proper planning and sustainable development of the area.*
- 2 The proposed development would, in its design, form and materials be a visually discordant, obtrusive, and incongruous structure on the streetscape, would be out of character with the pattern of development in the area, would be contrary to the policies of the Dublin City Development Plan 2022 to 2028 relating to infill developments and by the precedent established would seriously injure the residential amenities of the area. Therefore, the proposed development would be contrary to the property and sustainable development of the area.*

*In deciding not to accept the inspector's recommendation to grant permission, the board agreed with the planning authority that the proposed development would have a significant negative effect on the residential amenity of the adjoining property and would not accord with the pattern of development in the area.*

#### **5.1. National/Regional/Local Planning Policy**

##### ***Dublin City Development Plan 2022-2028***

- The site is governed by the landuse zoning "Sustainable Residential Neighbourhoods" under the Dublin City Development Plan 2022-2028– Zone Z1 with objective 'To protect, provide and improve residential amenities'.
- Policy QHSN6 Urban Consolidation To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

- Policy QHSN10 Urban Density To promote residential development at sustainable densities throughout the city in accordance with the core strategy, 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.
- Objective QHSNO4 Densification of Suburbs To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.
- Policy QHSN22 Adaptable and Flexible Housing To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.
- Section 15.5.2 Infill Development. The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands.
- The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:
  - 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.
- *Appendix 16 Daylight & Sunlight – Guidelines for daylight & sunlight.*

## **5.2 Natural Heritage Designations**

The following Natura sites are located to the east of the site:

- *North Dublin Bay SAC.* (000206) 126 metres
- *Howth Head SPA* (000202) 5.3km
- *North Bull Island SPA* (004006) 126 metres

## **6. The Appeal**

### **6.1 First Party Appeal. Grounds:**

- *The previous design on site consisted of 2no. two storey sections joined by a lowered midsection and internal courtyard to avoid interfering with light to no.11. The revised proposal reduces the roadside block to single storey.*
- *The previous decision by both DCC planner and the ABP inspector assessed the impact of each section separately.*
- *The DCC planners report for WEB2033/23 identified the front section as “the substantive” issue not the rear section.*
- *As the rear section of the subject application is the same as that previously proposed, the applicant contends that there must be a reasonable expectation that there will be consistency across planning assessments and that having addressed issues raised by planners over previous applications that fresh concerns would not be raised by subsequent assessments of additional planning applications.*
- *The rear of No.9 Kilbarrack Rd faces 210 degrees southwest while the front faces 30° NE. During the summer the sun rises north of east and sets north of West. The proposed infill house therefore could not cast a shadow on the rear of no.9 until late evening.*
- *Overshadowing could not be caused by the rear of the proposed infill house as the setting sun is first intercepted by the significant existing kitchen extension to the rear of no. 11.*
- *Overbearing on no.9: the DCC planner for WEB 203323 addressed the issue of overbearing by stating that the impact of the two Storey rear element would be approximately in line with the rear elevation of the kitchen extension to the rear of no.11 and would not adversely impact on the amenities of the adjacent dwelling.*
- *The applicant points to conflict across the decisions made over the previous application and current application in addition to the previous ABP inspectors report. While both DCC planners reports state that the proposed development would be contrary to section 15.13.3 of the DCC development plan. The ABP inspectors report concludes that the proposed development is in accordance with these policies.*

- *In relation to ownership and boundaries the total site on which no.9 is situated including the portion over which a right of way exists for the owners of numbers 5 and 7 is owned freehold by the applicant. Details to this effect are confirmed by a letter from the applicants solicitor submitted as part of the appeal.*

## **6.2 P.A. Response**

- *A condition requiring payment of section 48 development contribution*
- *A naming and numbering condition.*

## **6.3 Observations**

### John & Anna Richardson

Observation on behalf of John & Anna Richardson prepared by Peter P. Gillett & Associates:

- Supports the planning authority's decision to refuse the subject application.
- The boundary with the observer's property no.9 is in dispute with the applicant.
- Refers to the following statement associated with the planner's report WEB20 33/23. *"The applicant does not have sufficient legal interest to carry out the proposed development given that the design requires utilisation of the entire sites to accommodate the new dwelling the ability of the applicant to build on this portion of the disputed site is critical to the success of the scheme and is questionable".*
- The applicant claims to have a legal agreement with the observer in relation to the disputed boundary. This is strenuously denied.
- *The absence of front contextual elevation drawings in the application is a serious flaw and should not have been validated in the first instance.*
- The rear rooms and garden of the existing house no. 9 would be negatively impacted by the proposal by way of some anticipated overshadowing in the evening, visual intrusion and overbearance.
- This will reduce the level of residential amenity currently enjoyed and affect its future attractiveness if placed on the open market .

### Observation by John Kenny

- Disputes the findings of the submitted ground truth survey
- Claims ownership of the access lane running along the southern boundary of the subject property which provides access to the observers property located to the rear of the subject property.
- Questions the validity of the images submitted as part of the application
- Notes that said access lane is taken in charge by the council for maintenance issues.
- The observer wrongly states that the applicant is proposing an access gate to the rear of the subject property from the disputed laneway. This is not the case.

#### Observation by Ann Higgins

- Agrees with the planning authorities decision to refuse permission
- Submitted computer images give a misleading view of the proposed building
- No details of finishing materials submitted
- The proposal would automatically make the observers house an end of terrace house instead of the semi-detached house is built in 1947
- The proposal would be detrimental to the character of the observers house.
- No discussions have taken place between the applicant and the observer.
- Consistent lack of clarity with regards to the details submitted to properly asses the application.

## **7. EIA Screening**

*See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.*



## **8. AA Screening**

I have considered the proposed dwelling and associated subdivision of an existing residential plot in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located circa 126 metres west of the *North Dublin Bay SAC and North Bull Island SPA and approximately 5.3km from Howth Head SPA*.

The proposed development comprises the demolition of a detached garage, subdivision of an existing residential plot and the construction of a new dwelling.

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:

- Location-distance from nearest European site and lack of connections
- Taking into account screening report/determination by LPA

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.

## **1.2. Assessment**

- 1.2.1. The proposed development consists of a long narrow house on a restricted site that sits in the gap between two modified bungalows currently occupied by a small garage. Despite the restricted nature of the site, the proposal achieves the minimum design criteria required by the Quality Housing for Sustainable Communities best practice guidelines.
- 1.2.2. I have examined the application details, the planning history and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

1.2.3. I am satisfied the substantive issues arising from the grounds of this first party appeal relate to the following matters-

- Principle of development/compliance with policy
- Lack of consistency in planning assessment
- Overcoming previous refusal reason
- Land ownership issues
- Overshadowing, overbearance and visual impact

### 1.3. **Principle of development/compliance with policy**

- 1.3.1. The site is zoned Sustainable Residential Neighbourhoods under the Dublin City Development Plan 2022-2028– Zone Z1 with the stated objective *‘to protect, provide and improve residential amenities’*.
- 1.3.2. The policy framework of the Dublin City Development Plan 2022-2028 supports infill development of brownfield, vacant and underutilised sites. Policy QHSN6 Urban Consolidation seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.
- 1.3.3. Policy QHSN10 Urban Density seeks to promote residential development at sustainable densities throughout the city in accordance with the core strategy, 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.
- 1.3.4. Objective QHSNO4 Densification of Suburbs seeks to support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

- 1.3.5. In light of the above the principle of the development is deemed to be acceptable and in accordance with the zoning provisions of the site.
- 1.3.6. Section 15.5.2 of the plan outlines the requirements for infill development with specific reference to provision of a dwelling in the side garden of an existing house and states: *the planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:*
- *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.*
- 1.3.7. With reference to the above criteria the subject proposal has been altered from that previously refused to match the existing established building line. The proposal achieves minimum accommodation and open space standards, provides a safe means of access and egress via the established entrance, and consists of a modern design response.
- 1.3.8. However the level of visual harmony and compatibility with adjoining existing development in terms of scale, form and finishing materials is questionable. These issues are discussed later in this report under section 1.7 “overshadowing, overbearance and visual impact”.

#### 1.4. **Lack of consistency in planning assessments**

- 1.4.1. The grounds for appeal state that the rear section of the subject application is the same as that previously proposed and given that it was not directly cited as being

problematic over previous planning assessments, should be considered acceptable. The applicant states that the DCC Planners Report associated with WEB2033/23 found the front section of the building to be “the substantive issue” and not the back. While the Inspectors Report associated with ABP319097-24 also found the two-storey rear block to be acceptable.

- 1.4.2. The applicant contests that on the basis that there should be a reasonable expectation for consistency across planning assessments, and that having addressed issues raised by planners over previous applications, that fresh concerns would not be raised by subsequent assessments, and accordingly the rear block should be deemed acceptable.
- 1.4.3. I do not agree with the applicants reasoning in this regard. In making a decision to refuse permission under ABP319097-24 the Board chose not to accept the Inspectors recommendation to grant permission and instead refused the application on the basis that its design, form and materials would result in a visually discordant, obtrusive and incongruous structure on the streetscape and would be out of character with pattern of development in the area.
- 1.4.4. The decision by the Board is consistent with the decision of DCC under WEB2033/23 which also cited the proposed design, form and materials to be a visually discordant, obtrusive and incongruous structure on the streetscape, out of keeping with the scale and character of the existing dwellings in the vicinity.
- 1.4.5. With respect to the subject application the Planners Report states: *“It is considered that given the proposed siting and scale and massing of the house, which includes a large first floor, albeit it is set back from the front building line, it will be visible from the public street”*.
- 1.4.6. Notwithstanding the fact that the alterations to the previous design proposed by the subject application represent an entirely new development proposal, the removal of the first floor of the front block exposes the rear block to view from the streetscape and can in itself constitute a visually discordant, obtrusive and incongruous structure on the streetscape.
- 1.4.7. It is my opinion that planning assessments with respect to the subject site over WEB2033/23, ABP319097-24 and the DCC assessment of the subject application

have been consistent in their conclusion that the proposal impacts negatively on the streetscape.

- 1.4.8. With reference to overdevelopment of the site, the DCC Planners Report associated with WEB 203323 states that *“the proposed dwelling would not be considered in itself to be over development of the allocated site area and, despite occupying a highly constrained plot, the level of internal amenity an outdoor private open space is generally satisfactory”*.
- 1.4.9. The refusal reason by the Board under ABP319097-24 did not include overdevelopment of the site and given that the footprint of the building has not changed, and the overall scale of the building has been reduced, I do not consider that overdevelopment constitutes a valid reason for refusal in this instance.

#### **1.5. Overcoming previous refusal reason**

- 1.5.1. Refusal reason number 1 associated with ABP319097-24 included reference to the impact of the proposal on the residential amenity of No.11 Kilbarrack Rd as a result of its scale and appearance, sitting forward of the building line, overbearance and over shadowing.
- 1.5.2. The second reason for refusal states that the proposed development as a result of its design, would result in a visually discordant, obtrusive and incongruous structure on the streetscape, contrary to the policies of the Dublin City Development Plan 2022 to 2028 relating to infill developments.
- 1.5.3. The revised proposal addresses the building line issue by setting the building back to match the existing building line of No.11 Kilbarrack Rd. However, the reduction in height of the front block exposes the rear block to view from the streetscape.
- 1.5.4. No front elevation or contiguous front elevation drawings were submitted with the planning application and the only visual representation of the potential impact is a massing model included in the Design Access Statement which focuses on the rear elevation only and from a single viewpoint.
- 1.5.5. With the exception of a section drawing and the massing model, there is very little information submitted to address previously raised issues of overbearance, overshadowing and visual impact, particularly when viewed from the street.

- 1.5.6. The previous reasons for refusal included reference to Section 15.5.2 of the Plan which provides details of the criteria against which Infill/Garden developments will be assessed by the planning authority. No commentary is offered by the applicant in this regard.

#### **1.6. Landownership issues**

- 1.6.1. Two of the observations on file state that aspects of the red line boundary of the site are in dispute. The access lane to no. 7 Kilbarrack Rd. which runs along the eastern boundary of no. 9 Kilbarrack Rd. and the western boundary between the subject site and no.11 Kilbarrack Rd.
- 1.6.2. With reference to the access lane to no. 7 Kilbarrack Rd, it is noted that no development is proposed at this location and no alterations are proposed to existing boundaries.
- 1.6.3. With reference to the shared boundary between the subject site and no. 11 Kilbarrack Rd. the extent to which alterations are proposed is unclear based on the information submitted however, it is assumed that sections of the existing boundary wall would form part of the side wall of the proposed dwelling. The cover letter associated with the planning application states that the development site is within parameters established by a recent Ground Truth Survey while the Observers question the validity of the survey.
- 1.6.4. The Development Management Guidelines for Planning Authorities state that the planning system is not designed as a mechanism for resolving disputes regarding title to land or premises, or rights over land and that these issues are ultimately matters for resolution by the Courts. Disputes with respect to land ownership are addressed under the Land and Conveyancing Law Reform Act 2009 and not the Planning and Development Act 2000, as amended. It is my opinion that it is not reasonable to withhold permission in this instance on the basis of insufficient legal interest.

## 1.7. Overshadowing, overbearance and visual impact

- 1.7.1. Overshadowing, overbearance and visual impact formed part of the previous reasons for refusal associated with ABP319097-24 and while the proposed design has been modified, the submitted information is lacking in detail to demonstrate that the proposed modified design clearly addresses these issues.
- 1.7.2. As previously stated, no contiguous front elevation was submitted as part of the initial planning application or the subject appeal to demonstrate the extent to which the revised design impacts on the streetscape.
- 1.7.3. With reference to overshadowing, a previous refusal on this basis would usually prompt the need for a Shadow Analysis to accompany a subsequent planning application.
- 1.7.4. With reference to overbearance, particularly with respect to no.11 Kilbarrack Rd, the massing model included in the Design and Access Statement presents images from one viewpoint only at an angle which does not facilitate an informed decision in this regard.
- 1.7.5. Regarding the impact on the residential amenity of no.11 Kilbarrack Rd, the planners report notes the following: *“Whilst no floor plans of the adjoining dwelling ( No. 11) have been submitted the Design and Access Statement contains 3D renders of the proposed development and indicates the presence of windows on the side elevation of this dwelling facing the boundary with a setback of approximately 2.3m. Whilst the proposed courtyard would relieve some of the impact on this window (it is unknown if it is habitable or non-habitable) it is likely that the two storey element to the rear would, in some form, adversely impact on the daylight/sunlight available to this window due to the orientation of the site.”*
- 1.7.6. With reference to no. 9 Kilbarrack Rd, the planners report expresses serious concern with regard to undue overshadowing and overbearing impacts from the proposed two storey element. On the basis of the information submitted, it is not possible to rule out or quantify such impacts, in order to make a reasoned and informed decision.
- 1.7.7. The proposed rear two storey block is 6m in height and 7.6m in length, while the single story block facing Kilbarrack Rd is 3.5m in height for a length of 6.2m along the boundary shared with no.11 Kilbarrack Rd. Both blocks are joined by an internal

corridor of 3m in height and 3.9m in length resulting in a side elevation of a total length of 17.8m directly abutting and forming the shared boundary with no.11 Kilbarrack Rd.

- 1.7.8. While the internal corridor is lowered to 2.6m and set back approximately 2m from the boundary wall, it is unclear if this is sufficient to facilitate a reasonable amount of light to the side elevation windows of no.11 Kilbarrack Rd. It is more likely that the purpose of this design feature is to maximise light to the living room and internal corridor of the proposed development.
- 1.7.9. Regarding no.9 Kilbarrack Rd, the proposed development would extend approximately 7.5m beyond the existing single storey extension to the rear of no. 9 and present as a 6m high blank gable which constitutes a significant visual and physical impact and would result in overshadowing of the rear patio area associated with no. 9 from late afternoon onwards.
- 1.7.10. The Compact Settlement Guidelines state that it is the obligation of the project proposer *‘to demonstrate that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties’*. I am not satisfied that this has been demonstrated adequately in relation to the proposed development.
- 1.7.11. I am not satisfied, therefore, that the proposed development would not have an unduly negative impact on the privacy and amenity of occupiers of the existing residential properties at no.11 and no. 9 Kilbarrack Rd.
- 1.7.12. I agree with the assessment of the planning authority in this instance and the associated conclusion that the proposed development would have undue negative impacts on the residential amenities of the immediate neighbouring houses (no. 11 & no. 9) with particular reference to overbearance, over shadowing and potential loss of daylight/sunlight. It is my opinion that a refusal of permission is warranted on this basis.

## 1.8. Recommendation

*I recommend that permission for the development be refused in accordance with the reasons and considerations set out below.*



## Reasons & Considerations

- 1. On the basis of the information provided with the application and having regard to the documents submitted with the appeal submission, the Board cannot be satisfied that the proposed development due to its proximity, scale, and appearance would not have a substantial and negative impact on the residential amenities of number 11 and number 9 Kilbarrack Road in terms of visual amenity overbearance and overshadowing. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would, in its design, form and materials be a visually discordant, obtrusive and incongruous structure on the streetscape, would be out of character with the pattern of development in the area, would be contrary to the policies of the Dublin City Development Plan 2022 to 2028 relating to infill developments and by the precedent established would seriously injure the residential amenities of the area. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.*

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

---

*Name*

*Planning Inspector/Senior Planning Inspector*

*Date: 09/05/2025*

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321170-24		
<b>Proposed Development Summary</b>	<i>The development will consist of the demolition of the existing garage &amp; construction of 1 two storey building consisting of one 1 bed house along the west side of 9 Kilbarrack, Road, Dublin 5, D05 VX00, 1 on-site carparking space accessed from the existing entrance on Kilbarrack Road. The materials proposed are in keeping with the materials of the adjacent properties. The house will be provided with a private rear garden.</i>		
<b>Development Address</b>	9 Kilbarrack, Road, Dublin 5, D05 VX00		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	x	Class 10	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	x		Preliminary examination required (Form 2)

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

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

Date: \_\_22/03/2025\_\_

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321170-24
---	---------------

<b>Proposed Development Summary</b>	<i>The development will consist of the demolition of the existing garage &amp; construction of 1 two storey building consisting of one 1 bed house along the west side of 9 Kilbarrack, Road, Dublin 5, D05 VX00, 1 on-site carparking space accessed from the existing entrance on Kilbarrack Road. The materials proposed are in keeping with the materials of the adjacent properties. The house will be provided with a private rear garden.</i>
<b>Development Address</b>	<i>The development will consist of the demolition of the existing garage &amp; construction of 1 two storey building consisting of one 1 bed house along the west side of 9 Kilbarrack, Road, Dublin 5, D05 VX00, 1 on-site carparking space accessed from the existing entrance on Kilbarrack Road. The materials proposed are in keeping with the materials of the adjacent properties. The house will be provided with a private rear garden.</i>
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (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).	<i>The development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is</i>

	<i>vulnerable to climate change. It presents no risks to human health.</i>	
<b>Location of development</b>  (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).	<i>The development site is an urban infill site. The development is removed from sensitive natural habitats and landscapes of identified significance in the County Development Plan.</i>	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)